



HOUSE BILL 774: Amend Certificates of Relief.

2017-2018 General Assembly

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| Committee: | | Date: | August 13, 2018 |
| Introduced by: | | Prepared by: | Jennifer H. Bedford |
| Analysis of: | S.L. 2018-79 | | Staff Attorney |

OVERVIEW: *S.L. 2018-79 amends the criminal law procedure for an individual to petition a court for a Certificate of Relief in order to alleviate some of the collateral consequences of a criminal conviction.*

This act becomes effective December 1, 2018, and applies to petitions filed on or after that date.

CURRENT LAW:

G.S. 15A-173.2: A Certificate of Relief is a document provided by the court that assists individuals convicted of certain classes of crimes, deal with the collateral sanctions and disqualifications that result from a criminal conviction.

BILL ANALYSIS:

S.L. 2018-79 changes the number of criminal convictions that are eligible for the relief provided under a Certificate for Relief from two Class H, I, and G felonies and misdemeanors to *three Class H and I felonies, and any misdemeanors.*

S.L. 2018-79 also:

- Requires that the criminal history reviewed by the court be a comprehensive criminal history of the petitioner provided by the district attorney.
- Clarifies that the relief provided does not apply if the Certificate is subsequently revoked or modified.
- Automatically revokes any Certificate of Relief for a subsequent felony or misdemeanor conviction in this state.
- Requires the Administrative Office of the Courts to place a disclaimer on criminal judgments regarding the automatic revocation of any Certificate of Relief.
- Creates a one-time \$50.00 fee that goes to the General Fund for filing an initial petition.
- Requires that the individual notify anyone who has relied on the Certificate in the event that that individual is subsequently convicted of another criminal offense.

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Director



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Session Law 2018-79:

- Requires the court to revoke a Certificate of Relief if it finds that the individual has a subsequent out-of-state conviction.
- Authorizes the court to revoke or modify a Certificate of Relief if it finds that the individual made a material misrepresentation in the petition.

Session Law 2018-79 makes a conforming change in the law that protects an individual who has relied on the Certificate of Relief from liability related to negligence.

EFFECTIVE DATE: This act becomes effective December 1, 2018, and applies to any petitions filed on or after that date.

*This chart, created by the UNC School of Government, provides the law **until November 31, 2018:**

Certificates of Relief

| Matters Subject to Certificate of Relief | Principal Restrictions on Issuance of Certificate of Relief | Applicable Statutes and Forms |
|--|---|--|
| <ul style="list-style-type: none">• Any combination of two or fewer Class G, H, or I felony or misdemeanor convictions in one session of court | <ul style="list-style-type: none">• No other convictions for a felony or misdemeanor other than for traffic violation• Person is not in violation of any criminal sentence, or violation is justified, excused, involuntary, or insubstantial• No pending criminal charges• Person is engaged in or seeking a lawful occupation or activity or otherwise has a lawful source of support• Petition may not be filed until 12 months after completion of sentence• Granting of petition would not pose unreasonable risk | <ul style="list-style-type: none">• G.S. 15A-173.2• AOC-CR-273 (June 2012), AOC-CR-273I (May 2013) (instructions) |