



SENATE BILL 561: Expunction - Charges Dismissed/Not Guilty.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 24, 2017
Introduced by:	Sens. J. Jackson, Britt, B. Jackson	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Legislative Analyst

OVERVIEW: *Senate Bill 561 would allow criminal charges that were dismissed or resulted in a not guilty to be expunged by a court, even if the defendant had previously had an expunction.*

CURRENT LAW: In limited circumstances, North Carolina law permits the expunction of certain offenses from a person's criminal record. Expunction is the process by which a record of criminal conviction is removed by order of the court. Provisions for the expunction of criminal records are set out in Article 5, Chapter 15A of the General Statutes.

Charges Dismissed Or Person Found Not Guilty – G.S. 15A-146 provides for the expunction of records when charges are dismissed or there is a finding of not guilty. A person charged with any crime, whether a misdemeanor or a felony, who is not convicted of that offense, can apply to have the charge expunged. Anyone who has previously received an expunction under this or other specified provisions, or anyone who has previously been convicted of a felony would not qualify for an expunction.

BILL ANALYSIS: **Senate Bill 561** would delete the requirement that a defendant acquitted of criminal charges or whose charges were dismissed, could have the charges expunged **only if** they had not already ever been granted any other expunction.

EFFECTIVE DATE: This act would become effective December 1, 2017, and apply to petitions filed for expunction on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578