



HOUSE BILL 121: Expunction Related to RTA/No Conviction.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 25, 2019
Introduced by:	Reps. Stevens, Hurley, Jarvis, Carter	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	PCS to Second Edition H121-CSTV-8		

OVERVIEW: House Bill 121 provides a process for the expunction of certain offenses committed by juveniles between the ages of 16-18 between the date of enactment and the effective date of the "Raise the Age" legislation and modifies the current law on expunctions when charges are dismissed or there are findings of not guilty.

[The PCS to Second Edition House Bill 121 would permit a petitioner seeking an expunction for certain convictions to file a petition in the trial court, and would permit the court to order the expunction of a dismissed charge, or finding of not guilty, without a formal hearing if there is no objection from the district attorney.

CURRENT LAW:

Section 16D.4 (Juvenile Justice Reinvestment Act) of Session Law 2017-57 is known as the "Raise the Age" legislation. This law raises the age of juvenile jurisdiction to include 16 or 17 year olds, except in the case of A-G felonies and traffic offenses. The legislation was enacted in 2017, but some of the substantive provisions are not effective until December 1, 2019. Juveniles under the age of 18 charged and convicted between the date of enactment and the effective date are treated as adults.

G.S. 15A-146 provides the process for expunctions of records when charges are dismissed or there are findings of not guilty.

BILL ANALYSIS:

Section 1.(a) provides a process for expunctions for misdemeanor and Class H and I felony offenses for which juveniles between the ages of 16-18 are convicted between the enactment date and the effective date of the Raise the Age legislation. This section bars impaired driving offenses and sex offenses that require registration with the sex offender registry from the offenses for which an expunction can be sought under this section. The juvenile must have completed their sentence to request this expunction and there is no fee to file a petition for an expunction under this section.

Section 1.(b) makes the preceding section effective December 1, 2019 and applicable to offenses committed between July 1, 2017 and November 30, 2019.

Section 2.(a) adds the expunction created by Section 1.(a) to the list of expunctions for which the Administrative Office of the Courts (AOC) must make all confidential files electronically available to all prosecutors.

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Section 2.(b) makes Section 2.(a) effective December 1, 2019.

Section 3.(a) Provides that notwithstanding an objection from the district attorney, that a trial court *may* order an expunction pertaining to a dismissed charge, or a finding of not guilty or not responsible, without a formal hearing.

Section 3.(b) Requires AOC to provide forms to establish a uniform standardized process for all clerks of superior court to follow to have petitions signed by judges and forwarded to the State Bureau of Investigation.

Section 3.(c) makes the immediately preceding sections effective December 1, 2019, and applicable to petitions for expunctions filed on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

**Tawanda N. Foster, Staff Attorney for the Legislative Analysis Division, contributed to this summary.*