



# SENATE BILL 562: DB and AOC.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2019-2020 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	May 1, 2019
<b>Introduced by:</b>	Sens. Britt, Daniel, McKissick	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	Amendment to First Edition S562-ATT-16		Staff Attorney

**OVERVIEW:** *The amendment for Senate Bill 562 would expand the law regarding expunctions for offenses committed by a 16 or 17-year old, and create a generally automatic expunction for criminal charges ending in acquittal or dismissal.*

**[As introduced, this bill was identical to H874, as introduced by Reps. Morey, Hardister, Clemmons, which is currently in House Rules, Calendar, and Operations of the House.]**

### BILL ANALYSIS:

**Part I of the amendment for Senate Bill 562** creates a process for a person or district attorney to petition the court to have certain convictions expunged if all of the following apply:

- The offense was committed when the person was 16 or 17 years old.
- The offense is a misdemeanor, Class H felony, or Class I felony.
- The offense is not a motor vehicle violation including DWI.
- The offense is not a crime that could result in registration as a sex offender.
- The petition was filed after any sentence is complete.
- No restitution remains outstanding.

Unless indigent, a person would pay a \$175.00 fee to file the petition.

**Part II of the amendment for Senate Bill 562** would expand the records already available electronically to prosecutors to include records of certain expunctions for people under 20 years old.

**Part III of the amendment for Senate Bill 562** would generally, create an automatic expunction for an acquittal or dismissal starting July 1, 2020 by

- Removing the requirement that a person could not receive an expunction in cases of acquittal or dismissal if the person had every received an expunction before.
- Providing an exception to the automatic expunction if the person was convicted of another offense on the day of the dismissal, or a charge is pending.
- Requiring a hearing to determine if the records of a dismissal or acquittal hold some evidentiary value.
- Authorizing the court to expunge the records of dismissal or acquittal if all related charges have reached final disposition.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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**Part IV of the amendment for Senate Bill 562** would:

- Allow the court to expunge more than only one nonviolent misdemeanor after the current 5-year waiting period.
- Allow the court to expunge more than only one nonviolent felony after the current 10-year waiting period.
- Create a 7-year petition filing wait period.

**Part V of the amendment for Senate Bill 562** would provide the effective date.

**EFFECTIVE DATE:** The bill would be effective December 1, 2019 unless otherwise specified. Please see the bill for the specified effective dates for each Part.