



# HOUSE BILL 607: Suspend Automatic Expunction.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	June 16, 2022
<b>Introduced by:</b>	Reps. McNeill, C. Smith, Greene, Miller	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

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**OVERVIEW:** *House Bill 607 would suspend the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and make other changes to the expunction laws.*

**CURRENT LAW:** G.S. 15A-146(a4) requires the automatic expunction of dismissed charges, not guilty verdicts, or findings of not responsible if certain criteria are met.

## **BILL ANALYSIS:**

**Section 1** would suspend the automatic expunction of dismissed charges, not guilty verdicts, and findings of not responsible from August 1, 2022 until August 1, 2023. This section becomes effective August 1, 2022, and expires August 1, 2023.

**Section 2(a)** would require the Administrative Office of the Courts (AOC) to convene a group of stakeholders to examine and make recommendations to resolve the issues that have arisen with the implementation of G.S. 15A-146(a4), including issues related to notice to all relevant agencies and file retention. AOC shall report their findings and recommendations to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety no later than March 1, 2023.

**Section 2(b)** would allow AOC to make court records impacted by section 1 of this act confidential from the public, while section 1 of the act is in effect, if AOC and the working group finds a way to make the records confidential from the public without destroying the records. AOC is not authorized to expunge these records by this subsection.

**Section 2(c)** states that when this act expires or is repealed, AOC must expunge all dismissed charges, not guilty verdicts, and findings of not responsible impacted by this Act within 60 days.

**Section 3** would amend G.S. 15A-145.5, which allows the expunction of nonviolent misdemeanors and felonies, to make the following changes:

- Clarify the findings on prior convictions necessary for expunction of misdemeanors.
- Increase the period allowed for filing of multiple petitions in multiple counties from 30 days to 120 days.
- Authorize the court to allow an additional petition outside the 120 days for good cause shown.

This section becomes effective July 1, 2022, and applies to petitions filed on or after that date.

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

*\*Susan Sitze, Staff Attorney, substantially contributed to this summary.*

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