



HOUSE BILL 607: Suspend Automatic Expunction.

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

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 1, 2022
Introduced by:	Reps. McNeill, C. Smith, Greene, Miller	Prepared by:	Susan Sitze
Analysis of:	PCS to Third Edition H607-CSSA-39		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 607 would suspend the automatic expunction of dismissed criminal charges and make other changes to the expunction laws.*

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

BILL ANALYSIS:

Section 1 of the PCS would suspend the automatic expunction of dismissed charges and not guilty verdicts until August 1, 2023.

Section 2 of the PCS would require the Administrative Office of the Courts 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 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 90 days.
- Authorize the court to allow an additional petition outside the 90 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.

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