



# SENATE BILL 301: Expand Expunction Eligibility.

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

2021-2022 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 23, 2021
<b>Introduced by:</b>	Sens. Britt, Daniel, Lee	<b>Prepared by:</b>	Robert Ryan Jennifer Bedford Staff Attorneys
<b>Analysis of:</b>	First Edition		

### OVERVIEW: *Senate Bill 301 would:*

- *Expand the criminal offenses eligible for expunction.*
- *Allow the expunction of up to two nonviolent felonies.*
- *Allow an attorney to file a petition for expunction on behalf of a person who committed certain crimes under the age of 18.*

### CURRENT LAW AND BILL ANALYSIS:

**G.S. 15A-145.5** allows a person to petition the court for the expunction of *one or more* nonviolent misdemeanors or *one* nonviolent felony. For the purposes of this law, the definition of a *violent* felony includes the following:

- All class A through G felonies, and class A1 misdemeanors.
- Breaking into a building with the intent to steal or commit a felony – a class H felony (G.S. 14-54).
- Breaking into a building with the intent to terrorize or injury the occupants – a class H felony (G.S. 14-54(a1)).
- Breaking into or out of a railroad car, motor vehicle, trailers, aircraft, boats, or other watercraft with the intent to steal or commit a felony – a class I felony (G.S. 14-56).

**Section 1** would amend G.S. 15A-145.5 and make the burglary of transport vehicles (G.S. 14-56) be classified as a nonviolent felony. Section 1 would also allow a person to seek expunction for *up to two* nonviolent felonies if 20 years have passed from either the date of the conviction or from the completion of any sentence, whichever occurs later.

**G.S. 15A-145.8A** only applies to the expunction of certain crimes committed when a person was *under the age of 18*. Currently, only the person or the district attorney may file a petition to expunge these crimes.

**Section 2** would amend G.S. 15A-145.8A to allow not only the person or a district attorney, but also a private or court-appointed attorney, to file a petition for expunction for certain crimes committed when the person was under the age of 18.

**EFFECTIVE DATE:** This act becomes effective December 1, 2021, and applies to petitions filed on or after that date.

**BACKGROUND:** G.S. 15A-145.8A was created last session by Session Law 2020-35 (Senate Bill 562).

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