



# HOUSE BILL 193: Administrative Office of the Courts Court Changes/Amend Expunction.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 15, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Kristen L. Harris Staff Attorney
<b>Analysis of:</b>	S.L. 2023-103		

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**OVERVIEW:** *S.L. 2023-103 amends various provisions of the North Carolina General Statutes, as recommended by the Administrative Office of the Courts (AOC), and makes certain changes to the laws related to the expunction of criminal offenses.*

*This act has various effective dates. Please see the full summary for more detail.*

## BILL ANALYSIS:

**SECTION 1** allows parties to pay money judgments with a credit or debit card. This section became effective October 1, 2023.

**SECTIONS 2 AND 3** make technical corrections.

**SECTION 4** repeals the requirement that the AOC report annually to the Joint Legislative Oversight Committee on Justice and Public Safety about the implementation of the notice of waiver of costs to affected governmental entities.

**SECTION 5** repeals the bond requirements for clerks of the Supreme Court, of the Court of Appeals, of superior courts, and for magistrates.

**SECTION 6** does the following:

- Allows the Conference of District Attorneys to employ resource prosecutors eligible to practice across the state and when assisting a district attorney, have the same authority, power, and privileges as an assistant district attorney serving in the requesting district attorney's office.
- Allows the Conference of District Attorneys to designate personnel to lobby for legislative action.

This section became effective July 1, 2023.

**SECTION 7** provides that the training for district court judges specializing in juvenile cases include trauma-informed training on recognizing and mitigating adverse childhood experiences and adverse community environments.

**SECTION 8** allows the clerk of superior court to assign the duty of passing on applications for excuses from jury services to judicial support staff and allows the clerk of superior court to review requests to be excused or exempted from jury service. This section became effective October 1, 2023.

**SECTION 9(a)** requires that bonds taken or renewed by boards of commissioners be filed with the clerk of superior court and endorsed and certified by the chairman of the board of commissioners.

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**SECTION 9(b)** requires the board of county commissioners to register with the register of deeds and file with the clerk of superior court the official bond of the sheriffs. The bond must be taken on or before the first Monday of December next after the election.

**SECTION 10** allows the chief district judge to delegate authority to a chief magistrate to do the following:

- Temporarily assign magistrates to out-of-county duty under exigent circumstances.
- Designate certain magistrates to accept waivers of counsel and appoint counsel in non-capital cases.
- Conduct preliminary investigations into written complaints against magistrates, but not make written findings or take any disciplinary action.

**SECTION 11** does the following:

- Clarifies that the exemption from the prohibition of the collection of Social Security Numbers (SSNs) by state agencies applies to all court records, as opposed to only documents filed in court records.
- Expands the information a register of deeds, clerk of court, or the AOC can remove from publicly accessible official records.
- Clarifies that a register of deeds or clerk of court are not covered under a statute that requires businesses suffering a breach of confidential information to disclose the breach to affected individuals. It also clarifies that they are not liable for claims or damages that might result from the release of confidential information.

**SECTION 12** does the following:

- Adds a new subsection to Rule 5 (Service and filing of pleadings and other papers.) allowing service by the court to be made by a notice that identifies the document filed and directs the recipient to an internet location where the document is available.
- Provides that service is made through the court's electronic filing system or case management system if performed on an attorney at an email address of record with the court or if performed on a party at an email address of record with the court and the party has consented to receive service through the system and a copy of the consent is filed with the court.
- Provides that each member of the State Bar must provide a mailing address, phone number, and email address to the secretary-treasurer of the State Bar to be that member's contact information of record with the court.

This section became effective August 1, 2023.

**SECTION 13** does the following:

- Requires a commitment examiner that is filing a petition and affidavit for an involuntary commitment in a county that has implemented an electronic filing system approved by the Director of AOC to file the affidavit and petition, as well as other supporting documentation and any subsequent documentation and notifications, through the electronic filing system. The original custody order is not required to be mailed to the clerk or magistrate.
- Requires the findings of a physician, eligible psychologist, or commitment examiner or the certificate of a commitment examiner to be sent to the clerk of superior court through the

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electronic filing system, if the county has implemented a system approved by the Director of AOC, or by the most reliable and expeditious means otherwise available.

This section will become effective April 1, 2024.

**SECTION 14** does the following:

- Changes the criteria for an offense to be categorized as a non-violent felony. Specifically, it removes a felony conviction for breaking and entering a building with the intent to commit any felony or larceny inside the building from the list of violent crimes.
- Implements a 15-year waiting period if the crime sought to be expunged is a nonviolent felony involving breaking and entering a building with the intent to commit any felony or larceny inside the building.
- Adds two criteria to the list of criteria which a court must find before granting any petition for expunction:
  - The person is not under indictment, and no finding of probable cause exists against the defendant for a felony in any court.
  - The person is not free on bond or personal recognizance pending trial for a charge that would not be eligible for expunction.
- This section includes conforming changes.

This section becomes effective December 1, 2023, and applies to petitions filed on or after that date.

**SECTION 14.5** amends the effective date of S.L. 2022-47, which suspended the automatic expungement of dismissed charges, not guilty verdicts, and findings of not responsible from August 1, 2022, until August 1, 2023.

**SECTION 15** includes a severability clause.

**EFFECTIVE DATE:** Except as otherwise provided, this act became effective July 21, 2023.

*\*Alex Ramirez, Legislative Analysis Division, contributed to this summary.*