

§ 15A-151.5. Prosecutor access to expunged files.

(a) Notwithstanding any other provision of this Article, the Administrative Office of the Courts shall make all confidential files maintained under G.S. 15A-151 electronically available to all prosecutors of this State.

(b) For any expungement granted on or after July 1, 2018, the record of a criminal conviction expunged under this Article may be considered a prior conviction and used for any of the following purposes:

- (1) To calculate prior record level and prior conviction level if the named person is convicted of a subsequent criminal offense.
- (2) To serve as a basis for indictment for a habitual offense pursuant to G.S. 14-7.1 or G.S. 14-7.26.
- (3) When a conviction of a prior offense raises the offense level of a subsequent offense.
- (4) To determine eligibility for relief under G.S. 90-96(a).
- (5) When permissible in a criminal case under Rule 404(b) or Rule 609 of the North Carolina Rules of Evidence.

(c) For any expungement granted on or after July 1, 2018, the information maintained by the Administrative Office of the Courts, and made available under subsection (a) of this section, is prima facie evidence of the expunged conviction for the purposes provided in subsection (b) of this section and is admissible into evidence. The expungement of a conviction shall not serve as a basis to challenge a conviction or sentence entered before the expungement of that conviction.

(d) Notwithstanding any other provision of this Article, the Administrative Office of the Courts shall make all records of dismissals pursuant to conditional discharge maintained under G.S. 15A-151 electronically available to all prosecutors of this State. (2017-195, s. 1; 2019-158, s. 4(c); 2020-35, s. 2(a); 2020-69, s. 8(a), (b); 2020-78, s. 10.1(a), (b); 2021-88, s. 3; 2021-118, s. 4; 2024-35, s. 1(c).)