

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 402
Committee Substitute Favorable 4/28/97

Short Title: Expunge Infractions.

(Public)

Sponsors:

Referred to:

March 5, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-
2 RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD
3 AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-146(a) reads as rewritten:

7 "(a) If any person is charged with a crime, either a misdemeanor or a felony, or is
8 charged with an infraction under G.S. 18B-302(i), and the charge is dismissed, or a
9 finding of not guilty or not responsible is entered, that person may apply to the court of
10 the county where the charge was brought for an order to expunge from all official records
11 any entries relating to his apprehension or trial. The court shall hold a hearing on the
12 application and, upon finding that the person had not previously received an
13 expungement and that the person had not previously been convicted of any felony under
14 the laws of the United States, this State, or any other state, the court shall order the
15 expunction. No person as to whom such an order has been entered shall be held
16 thereafter under any provision of any law to be guilty of perjury, or to be guilty of
17 otherwise giving a false statement or response to any inquiry made for any purpose, by
18 reason of his failure to recite or acknowledge any expunged entries concerning
19 apprehension or trial."

1 Section 2. This act is effective when it becomes law.