

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 1023  
Committee Substitute Favorable 6/13/12

Short Title: Expunction/Nonviolent Offenses.

(Public)

Sponsors:

Referred to:

May 22, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR  
3 NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO  
4 HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS  
5 OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED  
6 STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY  
7 THE LEGISLATIVE RESEARCH COMMISSION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Chapter 15A of the General Statutes is amended by adding a new  
10 section to read:

11 "**§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.**

12 (a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent  
13 felony" means any misdemeanor or felony except the following:

14 (1) A Class A through G felony or a Class A1 misdemeanor.

15 (2) An offense that includes assault as an essential element of the offense.

16 (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of  
17 the General Statutes, whether or not the person is currently required to  
18 register.

19 (4) Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b),  
20 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3,  
21 14-277.3A, 14-321.1.

22 (5) Any felony offense in Chapter 90 of the General Statutes where the offense  
23 involves methamphetamines, heroin, or possession with intent to sell or  
24 deliver or sell and deliver cocaine.

25 (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for  
26 which punishment was determined pursuant to G.S. 14-3(c).

27 (7) An offense under G.S. 14-401.16.

28 (8) Any felony offense in which a commercial motor vehicle was used in the  
29 commission of the offense.

30 (b) Notwithstanding any other provision of law, if the person is convicted of more than  
31 one nonviolent felony or nonviolent misdemeanor in the same session of court and none of the  
32 nonviolent felonies or nonviolent misdemeanors are alleged to have occurred after the person  
33 had already been served with criminal process for the commission of a nonviolent felony or  
34 nonviolent misdemeanor, then the multiple nonviolent felony or nonviolent misdemeanor  
35 convictions shall be treated as one nonviolent felony or nonviolent misdemeanor conviction  
36 under this section, and the expunction order issued under this section shall provide that the



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1 multiple nonviolent felony convictions or nonviolent misdemeanor convictions shall be  
2 expunged from the person's record in accordance with this section.

3 (c) A person may file a petition, in the court where the person was convicted, for  
4 expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's  
5 criminal record if the person has no other misdemeanor or felony convictions, other than a  
6 traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is  
7 eligible pursuant to subsection (b) of this section. The petition shall not be filed earlier than 15  
8 years after the date of the conviction or when any active sentence, period of probation, and  
9 post-release supervision has been served, whichever occurs later. The petition shall contain, but  
10 not be limited to, the following:

11 (1) An affidavit by the petitioner that the petitioner has been of good moral  
12 character since the date of conviction for the nonviolent misdemeanor or  
13 nonviolent felony and has not been convicted of any other felony or  
14 misdemeanor, other than a traffic violation, under the laws of the United  
15 States or the laws of this State or any other state.

16 (2) Verified affidavits of two persons who are not related to the petitioner or to  
17 each other by blood or marriage, that they know the character and reputation  
18 of the petitioner in the community in which the petitioner lives and that the  
19 petitioner's character and reputation are good.

20 (3) A statement that the petition is a motion in the cause in the case wherein the  
21 petitioner was convicted.

22 (4) An application on a form approved by the Administrative Office of the  
23 Courts requesting and authorizing a name-based State and national criminal  
24 history record check by the Department of Justice using any information  
25 required by the Administrative Office of the Courts to identify the  
26 individual, a search by the Department of Justice for any outstanding  
27 warrants on pending criminal cases, and a search of the confidential record  
28 of expunctions maintained by the Administrative Office of the Courts. The  
29 application shall be forwarded to the Department of Justice and to the  
30 Administrative Office of the Courts, which shall conduct the searches and  
31 report their findings to the court.

32 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
33 representing amounts ordered for restitution entered against the petitioner  
34 are outstanding.

35 Upon filing of the petition, the petition shall be served upon the district attorney of the court  
36 wherein the case was tried resulting in conviction. The district attorney shall have 30 days  
37 thereafter in which to file any objection thereto and shall be duly notified as to the date of the  
38 hearing of the petition. Upon good cause shown, the court may grant the district attorney an  
39 additional 30 days to file objection to the petition. The district attorney shall make his or her  
40 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior  
41 to the date of the hearing.

42 The presiding judge is authorized to call upon a probation officer for any additional  
43 investigation or verification of the petitioner's conduct since the conviction. The court shall  
44 review any other information the court deems relevant, including, but not limited to, affidavits  
45 or other testimony provided by law enforcement officers, district attorneys, and victims of  
46 crimes committed by the petitioner.

47 If the court, after hearing, finds that the petitioner has not previously been granted an  
48 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or  
49 15A-145.4; the petitioner has remained of good moral character; the petitioner has no  
50 outstanding warrants or pending criminal cases; the petitioner has no other felony or  
51 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding

1 restitution orders or civil judgments representing amounts ordered for restitution entered  
2 against the petitioner; and the petitioner was convicted of an offense eligible for expunction  
3 under this section and was convicted of, and completed any sentence received for, the  
4 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,  
5 it may order that such person be restored, in the contemplation of the law, to the status the  
6 person occupied before such arrest or indictment or information. If the court denies the petition,  
7 the order shall include a finding as to the reason for the denial.

8 (d) No person as to whom an order has been entered pursuant to subsection (c) of this  
9 section shall be held thereafter under any provision of any law to be guilty of perjury or  
10 otherwise giving a false statement by reason of that person's failure to recite or acknowledge  
11 the arrest, indictment, information, trial, or conviction. Persons pursuing certification under the  
12 provisions of Chapter 17C or 17E of the General Statutes, however, shall disclose any and all  
13 convictions to the certifying Commission, regardless of whether or not the convictions were  
14 expunged pursuant to the provisions of this section.

15 Persons required by State law to obtain a criminal history record check on a prospective  
16 employee shall not be deemed to have knowledge of any convictions expunged under this  
17 section.

18 (e) The court shall also order that the conviction be expunged from the records of the  
19 court and direct all law enforcement agencies bearing record of the same to expunge their  
20 records of the conviction. The clerk shall notify State and local agencies of the court's order, as  
21 provided in G.S. 15A-150.

22 (f) Any other applicable State or local government agency shall expunge from its  
23 records entries made as a result of the conviction ordered expunged under this section upon  
24 receipt from the petitioner of an order entered pursuant to this section. The agency shall also  
25 reverse any administrative actions taken against a person whose record is expunged under this  
26 section as a result of the charges or convictions expunged. This subsection shall not apply to  
27 the Department of Justice for DNA records and samples stored in the State DNA Database and  
28 the State DNA Databank.

29 (g) A person who files a petition for expunction of a criminal record under this section  
30 must pay the clerk of superior court a fee of one hundred seventy-five dollars (\$175.00) at the  
31 time the petition is filed. Fees collected under this subsection shall be deposited in the General  
32 Fund. This subsection does not apply to petitions filed by an indigent."

33 **SECTION 2.** G.S. 15A-145.4 reads as rewritten:

34 **"§ 15A-145.4. Expunction of records for first offenders who are under 18 years of age at**  
35 **the time of the commission of a nonviolent felony.**

36 (a) For purposes of this section, the term "nonviolent felony" means any felony except  
37 the following:

- 38 (1) A Class A through G felony.
- 39 (2) A felony that includes assault as an essential element of the offense.
- 40 (3) A felony that is an offense ~~for which the convicted offender must register~~  
41 ~~under requiring registration pursuant to Article 27A of Chapter 14 of the~~  
42 ~~General Statutes. Statutes, whether or not the person is currently required to~~  
43 ~~register.~~
- 44 (4) ~~A felony that is an offense that did not require registration under Article 27A~~  
45 ~~of Chapter 14 of the General Statutes at the time of the commission of the~~  
46 ~~offense but does require registration on the date the petition to expunge the~~  
47 ~~offense would be filed.~~
- 48 (5)(4) ~~A felony charged for any of~~ Any felony offense under the following  
49 sex-related or stalking offenses: G.S. 14-27.7A(b), ~~14-190.6, 14-190.7,~~  
50 14-190.8, 14-202, 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1.

1           ~~(6)~~(5) Any felony offense ~~charged pursuant to~~ Chapter 90 of the General Statutes  
2           where the offense involves methamphetamines, heroin, or possession with  
3           intent to sell or deliver or sell and deliver cocaine.

4           ~~(7)~~(6) A felony offense ~~charged pursuant to~~ G.S. 14-12.12(b), 14-12.13, or  
5           14-12.14, or any felony offense charged as a felony for which punishment  
6           was determined pursuant to G.S. 14-3(c).

7           ~~(8)~~(7) A felony offense ~~charged pursuant to~~ G.S. 14-401.16.

8           ~~(9)~~(8) ~~A~~ Any felony offense in which a commercial motor vehicle was used in the  
9           commission of the offense.

10          (b) Notwithstanding any other provision of law, if the person is convicted of more than  
11          one nonviolent felony in the same session of court and none of the nonviolent felonies are  
12          alleged to have occurred after the person had already been ~~charged and arrested~~ served with  
13          criminal process for the commission of a nonviolent felony, then the multiple nonviolent felony  
14          convictions shall be treated as one nonviolent felony conviction under this section, and the  
15          expunction order issued under this section shall provide that the multiple nonviolent felony  
16          convictions shall be expunged from the person's record in accordance with this section.

17          (c) Whenever any person who had not yet attained the age of 18 years at the time of the  
18          commission of the offense and has not previously been convicted of any felony or  
19          misdemeanor other than a traffic violation under the laws of the United States or the laws of  
20          this State or any other state pleads guilty to or is guilty of a nonviolent felony, the person may  
21          file a petition in the court where the person was convicted for expunction of the nonviolent  
22          felony from the person's criminal record. The petition shall not be filed earlier than four years  
23          after the date of the conviction or when any active sentence, period of probation, and  
24          post-release supervision has been served, whichever occurs later. The person shall also perform  
25          at least 100 hours of community service, preferably related to the conviction, before filing a  
26          petition for expunction under this section. The petition shall contain the following:

27               (1) An affidavit by the petitioner that the petitioner has been of good moral  
28               character since the date of conviction of the nonviolent felony in question  
29               and has not been convicted of any other felony or any misdemeanor other  
30               than a traffic violation under the laws of the United States or the laws of this  
31               State or any other state.

32               (2) Verified affidavits of two persons who are not related to the petitioner or to  
33               each other by blood or marriage, that they know the character and reputation  
34               of the petitioner in the community in which the petitioner lives and that the  
35               petitioner's character and reputation are good.

36               (3) A statement that the petition is a motion in the cause in the case wherein the  
37               petitioner was convicted.

38               (4) An application on a form approved by the Administrative Office of the  
39               Courts requesting and authorizing (i) a State and national criminal history  
40               record check by the Department of Justice using any information required by  
41               the Administrative Office of the Courts to identify the individual; (ii) a  
42               search by the Department of Justice for any outstanding warrants or pending  
43               criminal cases; and (iii) a search of the confidential record of expunctions  
44               maintained by the Administrative Office of the Courts. The application shall  
45               be forwarded to the Department of Justice and to the Administrative Office  
46               of the Courts, which shall conduct the searches and report their findings to  
47               the court.

48               (5) An affidavit by the petitioner that no restitution orders or civil judgments  
49               representing amounts ordered for restitution entered against the petitioner  
50               are outstanding.

- 1 (6) An affidavit by the petitioner that the petitioner has performed at least 100  
2 hours of community service since the conviction for the nonviolent felony.  
3 The affidavit shall include a list of the community services performed, a list  
4 of the recipients of the services, and a detailed description of those services.
- 5 (7) An affidavit by the petitioner that the petitioner possesses a high school  
6 diploma, a high school graduation equivalency certificate, or a General  
7 Education Development degree.

8 The petition shall be served upon the district attorney of the court wherein the case was  
9 tried resulting in conviction. The district attorney shall have 30 days thereafter in which to file  
10 any objection thereto and shall be duly notified as to the date of the hearing of the petition. The  
11 district attorney shall make his or her best efforts to contact the victim, if any, to notify the  
12 victim of the request for expunction prior to the date of the hearing.

13 (d) The court in which the petition was filed shall take the following steps and shall  
14 consider the following issues in rendering a decision upon a petition for expunction of records  
15 of a nonviolent felony under this section:

- 16 (1) Call upon a probation officer for additional investigation or verification of  
17 the petitioner's conduct during the four-year period since the date of  
18 conviction of the nonviolent felony in question.
- 19 (2) Review the petitioner's juvenile record, ensuring that the petitioner's juvenile  
20 records remain separate from adult records and files and are withheld from  
21 public inspection as provided under Article 30 of Chapter 7B of the General  
22 Statutes.
- 23 (3) Review the amount of restitution made by the petitioner to the victim of the  
24 nonviolent felony to be expunged and give consideration to whether or not  
25 restitution was paid in full.
- 26 (4) Review any other information the court deems relevant, including, but not  
27 limited to, affidavits or other testimony provided by law enforcement  
28 officers, district attorneys, and victims of nonviolent felonies committed by  
29 the petitioner.

30 (e) The court may order that the person be restored, in the contemplation of the law, to  
31 the status the person occupied before the arrest or indictment or information if the court finds  
32 all of the following after a hearing:

- 33 (1) The petitioner has remained of good moral character and has been free of  
34 conviction of any felony or misdemeanor, other than a traffic violation, for  
35 four years from the date of conviction of the nonviolent felony in question or  
36 any active sentence, period of probation, or post-release supervision has  
37 been served, whichever is later.
- 38 (2) The petitioner has not previously been convicted of any felony or  
39 misdemeanor other than a traffic violation under the laws of the United  
40 States or the laws of this State or any other state.
- 41 (3) The petitioner has no outstanding warrants or pending criminal cases.
- 42 (4) The petitioner has no outstanding restitution orders or civil judgments  
43 representing amounts ordered for restitution entered against the petitioner.
- 44 (5) The petitioner was less than 18 years old at the time of the commission of  
45 the offense in question.
- 46 (6) The petitioner has performed at least 100 hours of community service since  
47 the time of the conviction and possesses a high school diploma, a high  
48 school graduation equivalency certificate, or a General Education  
49 Development degree.

1 (7) The search of the confidential records of expunctions conducted by the  
2 Administrative Office of the Courts shows that the petitioner has not been  
3 previously granted an expunction.

4 (f) No person as to whom an order has been entered pursuant to subsection (e) of this  
5 section shall be held thereafter under any provision of any laws to be guilty of perjury or  
6 otherwise giving a false statement by reason of that person's failure to recite or acknowledge  
7 the arrest, indictment, information, trial, or conviction. Persons pursuing certification under the  
8 provisions of Chapter 17C or 17E of the General Statutes, however, shall disclose any and all  
9 felony convictions to the certifying Commission regardless of whether or not the felony  
10 convictions were expunged pursuant to the provisions of this section.

11 Persons required by State law to obtain a criminal history record check on a prospective  
12 employee shall not be deemed to have knowledge of any convictions expunged under this  
13 section.

14 (g) The court shall also order that the nonviolent felony conviction be expunged from  
15 the records of the court and direct all law enforcement agencies bearing record of the same to  
16 expunge their records of the conviction. The clerk shall notify State and local agencies of the  
17 court's order as provided in G.S. 15A-150.

18 (h) Any other applicable State or local government agency shall expunge from its  
19 records entries made as a result of the conviction ordered expunged under this section. The  
20 agency shall also reverse any administrative actions taken against a person whose record is  
21 expunged under this section as a result of the charges or convictions expunged. This subsection  
22 shall not apply to the Department of Justice for DNA records and samples stored in the State  
23 DNA Database and the State DNA Databank.

24 (i) Any person eligible for expunction of a criminal record under this section shall be  
25 notified about the provisions of this section by the probation officer assigned to that person. If  
26 no probation officer is assigned, notification of the provisions of this section shall be provided  
27 by the court at the time of the conviction of the felony which is to be expunged under this  
28 section."

29 **SECTION 3.** G.S. 15A-145(d1) is repealed.

30 **SECTION 4.** G.S. 15A-146 reads as rewritten:

31 **"§ 15A-146. Expunction of records when charges are dismissed or there are findings of**  
32 **not guilty.**

33 (a) If any person is charged with a crime, either a misdemeanor or a felony, or was  
34 charged with an infraction under G.S. 18B-302(i) prior to December 1, 1999, and the charge is  
35 dismissed, or a finding of not guilty or not responsible is entered, that person may apply to the  
36 court of the county where the charge was brought for an order to expunge from all official  
37 records any entries relating to his apprehension or trial. The court shall hold a hearing on the  
38 application and, upon finding that the person had not previously received an expungement  
39 under this section, G.S. 15A-145, ~~G.S. 15A-145.1~~, 15A-145.2, ~~or 15A-145.3, 15A-145.3,~~  
40 15A-145.4, or 15A-145.5, and that the person had not previously been convicted of any felony  
41 under the laws of the United States, this State, or any other state, the court shall order the  
42 expunction. No person as to whom such an order has been entered shall be held thereafter  
43 under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a  
44 false statement or response to any inquiry made for any purpose, by reason of his failure to  
45 recite or acknowledge any expunged entries concerning apprehension or trial.

46 (a1) Notwithstanding subsection (a) of this section, if a person is charged with multiple  
47 offenses and all the charges are dismissed, or findings of not guilty or not responsible are made,  
48 then a person may apply to have each of those charges expunged if the offenses occurred within  
49 the same 12-month period of time or if the charges are dismissed or findings are made at the  
50 same term of court. Unless circumstances otherwise clearly provide, the phrase "term of court"  
51 shall mean one week for superior court and one day for district court. There is no requirement

1 that the multiple offenses arise out of the same transaction or occurrence or that the multiple  
2 offenses were consolidated for judgment. The court shall hold a hearing on the application. If  
3 the court finds (i) that the person had not previously received an expungement under this  
4 subsection, or that any previous expungement received under this subsection occurred prior to  
5 October 1, 2005 and was for an offense that occurred within the same 12-month period of time,  
6 or was dismissed or findings made at the same term of court, as the offenses that are the subject  
7 of the current application, (ii) that the person had not previously received an expungement  
8 under G.S. 15A-145, 15A-145.1, 15A-145.2, ~~or 15A-145.3, 15A-145.3, 15A-145.4, or~~  
9 15A-145.5, and (iii) that the person had not previously been convicted of any felony under the  
10 laws of the United States, this State, or any other state, the court shall order the expunction. No  
11 person as to whom such an order has been entered shall be held thereafter under any provision  
12 of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or  
13 response to any inquiry made for any purpose, by reason of his failure to recite or acknowledge  
14 any expunged entries concerning apprehension or trial.

15 (b) The court may also order that the said entries, including civil revocations of drivers  
16 licenses as a result of the underlying charge, shall be expunged from the records of the court,  
17 and direct all law-enforcement agencies, the Division of Adult Correction of the Department of  
18 Public Safety, the Division of Motor Vehicles, and any other State or local government  
19 agencies identified by the petitioner as bearing record of the same to expunge their records of  
20 the entries, including civil revocations of drivers licenses as a result of the underlying charge  
21 being expunged. This subsection does not apply to civil or criminal charges based upon the  
22 civil revocation, or to civil revocations under G.S. 20-16.2. The clerk shall notify State and  
23 local agencies of the court's order as provided in G.S. 15A-150. The clerk shall forward a  
24 certified copy of the order to the Division of Motor Vehicles for the expunction of a civil  
25 revocation provided the underlying criminal charge is also expunged. The civil revocation of a  
26 drivers license shall not be expunged prior to a final disposition of any pending civil or criminal  
27 charge based upon the civil revocation. The costs of expunging the records, as required under  
28 G.S. 15A-150, shall not be taxed against the petitioner.

29 (b1) Any person entitled to expungement under this section may also apply to the court  
30 for an order expunging DNA records when the person's case has been dismissed by the trial  
31 court and the person's DNA record or profile has been included in the State DNA Database and  
32 the person's DNA sample is stored in the State DNA Databank. A copy of the application for  
33 expungement of the DNA record or DNA sample shall be served on the district attorney for the  
34 judicial district in which the felony charges were brought not less than 20 days prior to the date  
35 of the hearing on the application. If the application for expungement is granted, a certified copy  
36 of the trial court's order dismissing the charges shall be attached to an order of expungement.  
37 The order of expungement shall include the name and address of the defendant and the  
38 defendant's attorney and shall direct the SBI to send a letter documenting expungement as  
39 required by subsection (b2) of this section.

40 (b2) Upon receiving an order of expungement entered pursuant to subsection (b1) of this  
41 section, the SBI shall purge the DNA record and all other identifying information from the  
42 State DNA Database and the DNA sample stored in the State DNA Databank covered by the  
43 order, except that the order shall not apply to other offenses committed by the individual that  
44 qualify for inclusion in the State DNA Database and the State DNA Databank. A letter  
45 documenting expungement of the DNA record and destruction of the DNA sample shall be sent  
46 by the SBI to the defendant and the defendant's attorney at the address specified by the court in  
47 the order of expungement.

48 (c) The clerk shall notify State and local agencies of the court's order as provided in  
49 G.S. 15A-150."

50 **SECTION 5.** G.S. 15A-151(a) reads as rewritten:

51 **"§ 15A-151. Confidential agency files; exceptions to expunction.**

1 (a) The Administrative Office of the Courts shall maintain a confidential file containing  
2 the names of those people for whom it received a notice under G.S. 15A-150. The information  
3 contained in the file may be disclosed only as follows:

- 4 (1) To a judge of the General Court of Justice of North Carolina for the purpose  
5 of ascertaining whether a person charged with an offense has been  
6 previously granted a discharge or an expunction.
- 7 (2) To a person requesting confirmation of the person's own discharge or  
8 expunction, as provided in G.S. 15A-152.
- 9 (3) To the General Court of Justice of North Carolina in response to a subpoena  
10 or other court order issued pursuant to a civil action under G.S. 15A-152.
- 11 (4) If the criminal record was expunged pursuant to  
12 ~~G.S. 15A-145.4~~, G.S. 15A-145.4 or G.S. 15A-145.5, to State and local law  
13 enforcement agencies for employment purposes only.
- 14 (5) If the criminal record was expunged pursuant to  
15 ~~G.S. 15A-145.4~~, G.S. 15A-145.4 or G.S. 15A-145.5, to the North Carolina  
16 Criminal Justice Education and Training Standards Commission for  
17 certification purposes only.
- 18 (6) If the criminal record was expunged pursuant to  
19 ~~G.S. 15A-145.4~~, G.S. 15A-145.4 or G.S. 15A-145.5, to the North Carolina  
20 Sheriffs' Education and Training Standards Commission for certification  
21 purposes only."

22 **SECTION 6.** G.S. 17C-13(b) reads as rewritten:

23 "(b) Notwithstanding ~~G.S. 15A-145.4~~, G.S. 15A-145.4 or G.S. 15A-145.5, the  
24 Commission may gain access to a person's felony conviction records, including those  
25 maintained by the Administrative Office of the Courts in its confidential files containing the  
26 names of persons granted expunctions. The Commission may deny, suspend, or revoke a  
27 person's certification based solely on that person's felony conviction, whether or not that  
28 conviction was expunged."

29 **SECTION 7.** G.S. 17E-12(b) reads as rewritten:

30 "(b) Notwithstanding ~~G.S. 15A-145.4~~, G.S. 15A-145.4 or G.S. 15A-145.5, the  
31 Commission may gain access to a person's felony conviction records, including those  
32 maintained by the Administrative Office of the Courts in its confidential files containing the  
33 names of persons granted expunctions. The Commission may deny, suspend, or revoke a  
34 person's certification based solely on that person's felony conviction, whether or not that  
35 conviction was expunged."

36 **SECTION 8.** Sections 2, 3, and 4 of this act become effective December 1, 2012,  
37 and apply to petitions filed on or after that date, but petitions filed prior to that date are not  
38 abated by this act. The remainder of this act becomes effective December 1, 2012.