

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 796

Short Title: Expunctions Related to 50B Orders. (Public)

Sponsors: Representatives Faircloth, McGrady, Reives, and Stevens (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary II

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR MANDATORY EXPUNCTIONS OF 50B ACTIONS WHERE
3 A DISMISSAL IS TAKEN BY THE PLAINTIFF OR WHERE A JUDGE FINDS THAT
4 THE DEFENDANT DID NOT COMMIT ACTS OF DOMESTIC VIOLENCE AND TO
5 PROVIDE FOR PERMISSIVE EXPUNCTIONS OF 50B ACTIONS UNDER SPECIFIC
6 CONDITIONS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 5 of Chapter 15A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 15A-154. Petitioning for expunction of 50B ex parte order/temporary order.**

11 (a) Mandatory Expunction. – A defendant shall be entitled to an expungement of a 50B
12 complaint and all materials associated with the 50B civil action when:

13 (1) After a hearing or other regular court proceeding where evidence is
14 presented by one or both parties, the judge finds that the defendant did not
15 commit acts of domestic violence, as alleged in the complaint pursuant to
16 Chapter 50B of the General Statutes; or

17 (2) A voluntary dismissal is filed or taken in favor of the defendant by the
18 plaintiff in an action pursuant to Chapter 50B of the General Statutes.

19 (b) Permissive Expunction. – A defendant against whom a 50B domestic violence
20 protective order is extended for some period of time by a judge of competent jurisdiction may
21 be allowed an expunction upon a showing by the defendant of all of the following factors:

22 (1) That at least three years have passed since the date that the ex parte order
23 was entered against the defendant.

24 (2) That no other 50B orders have been issued against the defendant and no
25 other violent or domestic related crimes have been charged against the
26 defendant since the date that the last domestic violence order was entered
27 against the defendant.

28 (3) That the defendant has taken a domestic violence intervention program or
29 similar program.

30 (4) That the defendant has not been convicted of any substance abuse or alcohol
31 related offense since the date that the last domestic violence order was
32 entered against the defendant.

33 (5) That the defendant has had no further violent incidents with the victim in the
34 case that the defendant is attempting to expunge.



1 (6) Any and all other factors that the court deems appropriate to consider in this
2 matter, including any evidence of good character."

3 **SECTION 2.** This act becomes effective October 1, 2017, and applies to all actions
4 arising on or after that date.