

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 744

Short Title: Expunction of Records.

(Public)

Sponsors: Senator Cooper.

Referred to: Judiciary I.

April 23, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE EXPUNCTION OF THE RECORD OF A DEFENDANT NOT PREVIOUSLY CONVICTED OF A FELONY WHEN CRIMINAL CHARGES AGAINST THE DEFENDANT ARE DISMISSED OR THERE IS A FINDING OF NOT GUILTY.

The General Assembly of North Carolina enacts:

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

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

Sec. 2. This act is effective upon ratification.