

THE SECOND CHANCE ACT

1 in 4 North Carolinians

have criminal records, creating devastating “collateral consequences” that impact housing, employment, and other opportunities.



The Second Chance Act

is a bipartisan clean slate bill that expands expungement eligibility for certain offenses after a waiting period.

This bill provides relief by:

- Allowing District Attorneys to file expungement petitions- creating opportunities for mass relief.
- Making special provisions for Raise the Age expunctions, expunctions for charges not resulting in convictions, modification of expunction of nonviolent misdemeanor and felony convictions.
- Automating some expungements.



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RAISE THE AGE EXPUNCTIONS

- Any Misdemeanor or Class H or I Felony committed before Dec. 1, 2019 by a person between the ages of 16-17 (at the time of the offense) can file a petition for expunction after an active sentence and probation and post release have been completed and there are no outstanding restitution orders. **The forms to file an expungement under these criteria will be made and distributed by Sept. 1, 2020.**
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EXPUNCTIONS FOR CHARGES NOT RESULTING IN CONVICTION

Felony Conviction no longer blocks these expungements. Effective Dec. 1, 2020.

- If you are charged with a misdemeanor or felony and the court makes a finding of not guilty or not responsible, or if charges are dismissed by the court, you are able to file an expungement petition with the court to remove these charges from your record. A felony conviction no longer blocks these expungements. **Effective Dec. 1, 2020. Have to File Petition with the Court.**
 - **Automation (After Dec. 1, 2021):** If you are charged with a crime on or after Dec. 1, 2021 and all charges in the case are dismissed, the court makes a finding of not guilty, or not responsible for all charges, the charges will be automatically expunged. ***Plea Agreements: Charges dismissed pursuant to a plea agreement are not automated, but you can file a petition for expungement of charges that are dismissed through a plea agreement.**
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Modification of Expunction of Nonviolent Misdemeanor and Felony Convictions

If a person is granted an expunction under this section, they are not eligible for any other expunction under this section for offenses committed after the date of the previous expunction. Effective: Dec. 1, 2020 and applies to petitions filed on or after that date.

- **You can file for expunction of one nonviolent misdemeanor: 5 years after the date of conviction, or active sentence, probation or post release has been served; whichever occurs later.** You must have no other felony or misdemeanor convictions other than traffic; and no outstanding restitution or civil judgements.
- **You can file for expunction of more than one nonviolent misdemeanor: 7 years after the last date of conviction, or active sentence, probation or post release has been served; whichever occurs later, and have no other convictions that are excluded from expunction eligibility, felony or misdemeanor.** You cannot have any other conviction during the 7-year waiting period, and must have no outstanding restitution or civil judgements.
- **You can file for expunction of one nonviolent felony conviction: 10 years after the date of conviction, or active sentence, probation or post release has been served; whichever occurs later.** You cannot have any other convictions during the 10-year waiting period and must have no outstanding restitution or civil judgements. No other convictions that are excluded from expunction eligibility.