

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 186  
HOUSE BILL 338

AN ACT TO PROVIDE FOR EXPUNCTION OF THE JUVENILE RECORDS IN  
CASES WHERE THE COURT DOES NOT ADJUDICATE THE JUVENILE TO  
BE DELINQUENT OR UNDISCIPLINED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-676 reads as rewritten:

"§ 7A-676. **Expunction of records of juveniles alleged or adjudicated delinquent and undisciplined.**

(a) Any person who has attained the age of 16 years may file a petition in the court where he was adjudicated undisciplined for expunction of all records of that adjudication.

(b) Any person who has attained the age of 16 years may file a petition in the court where he was adjudicated delinquent for expunction of all records of that adjudication provided:

- (1) The offense for which he was adjudicated would have been a crime if committed by an adult.
- (2) The person has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state.

(c) The petition shall contain, but not be limited to, the following:

- (1) An affidavit by the petitioner that he has been of good behavior since the adjudication and, in the case of a petition based on a delinquency adjudication, that he has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States, or the laws of this State or any other state;
- (2) Verified affidavits of two persons, who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which he lives and that his character and reputation are good;
- (3) A statement that the petition is a motion in the cause in the case wherein the petitioner was adjudicated delinquent or undisciplined.

The petition shall be served upon the district attorney in the district wherein adjudication occurred. The district attorney shall have 10 days thereafter in which to file

any objection thereto and shall be duly notified as to the date of the hearing on the petition.

(d) If the judge, after hearing, finds that the petitioner satisfies the conditions set out in subsections (a) or (b), he shall order and direct the clerk of superior court and all law-enforcement agencies to expunge their records of the adjudication including all references to arrests, complaints, referrals, petitions, and orders.

(e) The clerk of superior court shall forward a certified copy of the order to the sheriff, chief of police, or other law-enforcement agency.

(f) Records of a juvenile adjudicated delinquent or undisciplined being maintained by the Chief Court Counselor, an intake counselor or a court counselor shall be retained or disposed of as provided by the Juvenile Services Division.

(g) Records of a juvenile adjudicated delinquent or undisciplined being maintained by personnel at a residential facility operated by the Division of Youth Services, shall be retained or disposed of as provided by the Department of Human Resources.

(h) Any juvenile or any person who has attained the age of 16 years may file a petition in the court in which he was alleged to be delinquent or undisciplined for expunction of all juvenile records of his having been alleged to be delinquent or undisciplined if the court dismissed the juvenile petition without an adjudication that the juvenile was delinquent or undisciplined. The petition shall be served on the chief court counselor in the district where the juvenile petition was filed. The chief court counselor shall have 10 days thereafter in which to file a written objection in the court. If no objection is filed, the judge may grant the petition without a hearing. If an objection is filed or the judge so directs, a hearing shall be scheduled and the chief court counselor shall be notified as to the date of the hearing. If the judge finds at the hearing that the petitioner satisfies the conditions specified herein, the judge shall order the clerk of superior court and the appropriate law enforcement agencies to expunge their records of the allegations of delinquent or undisciplined acts including all references to arrests, complaints, referrals, juvenile petitions, and orders. The clerk of superior court shall forward a certified copy of the order of expunction to the sheriff, chief of police, or other appropriate law enforcement agency, and to the chief court counselor, and these specified officials shall immediately destroy all records relating to the allegation that the juvenile was delinquent or undisciplined."

Sec. 2. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 1st day of June, 1989.