

UNFINISHED BUSINESS FOR NC SECOND CHANCE ACT

S565 Removes Barriers to Jobs and Housing Primary Sponsors: Senators Britt, Lazzara and Sawrey

Imagine leaving a courthouse with absolution from a judge or jury – **the charge is dismissed, or you've been found not guilty** – but the criminal record of the prosecution continues to follow you.

An estimated one million of these criminal records are active and tethered to North Carolinians as they apply for jobs; attempt to pass credit checks for an apartment lease, a home loan or a car; or apply for an occupational license or a college education.

In 2020, both chambers of the NC General Assembly passed S.L. 2020-35 with bipartisan support, providing an automated expunction of dismissed and not guilty charges beginning December 1, 2021. With logistical challenges, the legislation was paused. A 16-member task force, including representatives from AOC, the Conference of District Attorneys, the State Bureau of Investigation, Sheriffs' Association and DMV, offered recommendations which include:

- Lengthening processing of automatic expunctions to 6 months.
- Grants District Attorneys and Clerks of Court access to expunged records.
- Restart automatic expunctions of not guilty and dismissed charges effective Dec 1, 2024.

S565 – Removing Barriers to Jobs and Housing would restart the automated expunction of not guilty and dismissed charges (now extended through July 1, 2024) and implement the task force recommendations.

WHY IT MATTERS

- These automated expungements were already signed into law in 2020. With the passage of S565, we can address the operational issues that emerged during the initial rollout.
- An exception already exists to ensure that no case with a felony charge dismissed pursuant to a plea agreement may be expunged.
- S565 allows law enforcement and prosecutors access to the expunged records, so it does not wipe a person's record clean.
- Individuals found not guilty or whose charges are dismissed by a North Carolina court can reenter the workforce and society without the stigma and burden of an undeserved criminal record.

QUICK POINTS

- A key benefit of the move to electronic records via ECourts is that expunctions will no longer be at risk for residing solely on paper or physically destroyed.
- North Carolina was named America's Top State for Business and supporting the policies of S565 is a conservative approach to fortify North Carolina's economy.
- Without S565 in place, none of the recommendations from the taskforce will be adopted, and all of the issues faced by various agencies will remain, costing the state time and money.

