

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1518 (First Edition)

SHORT TITLE: Require Payment of Restitution for Expunction.

SPONSOR(S): Representatives Eddins and Holliman

FISCAL IMPACT					
	Yes (x)	No ()	No Estimate Available ()		
	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>
REVENUES:					
EXPENDITURES:	Exact amount cannot be determined.				
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Administrative Office of the Courts				
EFFECTIVE DATE:	July 1, 2004				

BILL SUMMARY:

Amends GS 15A-145, dealing with expunction of records for specified misdemeanor first offenders under 18 and 21 years of age at the time of conviction, to require the petition for expunction to contain an affidavit that no restitution orders or civil judgments for amounts ordered for restitution entered against petitioner are outstanding. Specifies that court must find that there are no such outstanding orders or judgments as one of the requirements to restore the person's prior legal status. Effective July 1, 2004; applies to petitions for expunction filed on or after that date.

Source: Bill Digest H.B. 1518 (05/19/2004)

ASSUMPTIONS AND METHODOLOGY:

This bill expands current GS 15A-145(a) by requiring that the petition must contain an affidavit by the petitioner that no restitution orders or civil judgments representing amounts ordered for restitution entered against him are outstanding. This bill expands current GS 15A-145(b) by requiring the court to find that the petitioner has no outstanding restitution orders or civil

judgments representing amounts ordered for restitution entered against him before ordering an expungement.

The Administrative Office of the Courts (AOC) data indicates that 5,347 petitions for expunctions were filed in calendar 2003. While a majority of the petitions are heard in district court, some are heard in superior court. AOC would expect some increase in workload as a result of this bill. District attorneys, district court judges, and superior court judges would have to expend time reviewing the additional affidavit contained in the petition and, in some cases, verifying that no outstanding restitution orders exist; the length of the hearings may increase as a result of this provision. Clerks would expend additional time processing the petition. AOC has no data from which to estimate the impact of this bill on the court system for this reason.

SOURCES OF DATA:

Administrative Office of the Courts; Sentencing Commission.

FISCAL RESEARCH DIVISION: (919) 733-4910

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DATE: June 29, 2004

Signed Copy Located in the NCGA Principal Clerk's Offices