

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 91

Short Title: Prohibit Expunction Inquiry. (Public)

Sponsors: Senators Daniel, Goolsby, Kinnaird (Primary Sponsors); Bryant, Clark, D. Davis, and J. Davis.

Referred to: Judiciary II.

February 18, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST INFORMATION FROM AN APPLICANT FOR EMPLOYMENT OR ADMISSION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-153. Prohibited practices by employers, educational institutions, agencies of State and local governments.

(a) Purpose. – The purpose of this section is to clear the public record of any entry of any arrest, criminal charge, or criminal conviction that has been expunged so that (i) the person who is entitled to and obtains the expunction may omit reference to the charges or convictions to potential employers and others and (ii) a records check for prior arrests and convictions will not disclose the expunged entries.

(b) Prohibit Employer or Educational Institution From Requiring Disclosure of Expunged Arrest, Criminal Charge, or Conviction. – An employer or educational institution shall not, in any application, interview, or otherwise, require an applicant for employment or admission to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged. An applicant need not, in answer to any question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning arrests, charges, or convictions that have been expunged.

(c) Prohibit State or Local Government Agencies, Officials, and Employees From Requiring Disclosure of Expunged Arrest, Criminal Charge, or Conviction. – Agencies, officials, and employees of the State and local governments shall not, in any application, interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged. An applicant need not, in answer to any question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning charges or convictions that have been expunged. Such an application shall not be denied solely because of the applicant's refusal or failure to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged.



1 (d) Punishment. – A person who willfully violates this section is guilty of a Class 3
2 misdemeanor for each violation."

3 **SECTION 2.** This act becomes effective December 1, 2013. G.S. 15A-153(d), as
4 enacted by Section 1 of this act, applies only to violations of G.S. 15A-153 that occur on or
5 after December 1, 2013.