

Understanding Expunction

What is an expunction?

An expunction is a court order that deletes records of a criminal case. In North Carolina, an expunction typically means that records (both paper and electronic) of a cases are destroyed (with narrow exceptions). There are several benefits to having your record expunged, including improving accessibility to affordable housing, gainful employment, and family unification.

What qualifies for Expunctions?

There are many laws defining what can be expunged. Here are some **common** categories that **may** be eligible for expunction:

- First-time conviction of a nonviolent felony, after a wait period.
- One or more nonviolent misdemeanor convictions, after a wait period.
- First-time convictions of certain drug offenses committed under the age of 22.
- All charges that are dismissed or disposed “not guilty” (**these can always be expunged, no wait period needed**).

What does not qualify for expunction?

Any **conviction** of a misdemeanor or felony that is defined as **violent** will **not** be eligible for expunction. These include:

- Any Class A – G felony or Class A1 misdemeanor.
- Felony Breaking and Entering under 14-54 and 14-56.
- Any offense that includes assault as “an essential element of the offense.”
- Any offense that requires sex offender registration (Art. 27A, Ch. 14).
- Certain stalking offenses (see 15A-145.5(a)(4)).
- Any felony offense in Ch. 90 involving methamphetamines, heroin, or possession with intent to sell/deliver cocaine (except if a PJC was entered for an offense classified as either a Class G, H, or I felony).
- Specific hate crimes (see 15A-145.5(a)(6) and 15A-145.5(a)(7)).
- Any felony where a commercial motor vehicle was used in the commission of the crime.
- Any offense involving DWI (see G.S. 20-4.01(24a)).
- Any **attempt** to commit a violent misdemeanor or felony.

When can I qualify for an expungement?

So long as there have been no **subsequent convictions**, a person may expunge a first-time nonviolent misdemeanor after 5 years; multiple nonviolent misdemeanors after 7 years; and a first-time, nonviolent felony after 10 years. Conviction of a violent misdemeanor or felony will prevent expungement of any other convictions on the person’s record.

Where can I receive more information about the expungement process?

For more information about the expungement process, contact the Orange County Criminal Justice Resource Center Restoration Legal Counsel at (919)245-2313 or EFerriola-Bruckenstein@orangecountync.gov.