



CHAPTER 15A
ARTICLE 5 - EXPUNCTION OF RECORDS

N.C.G.S. § 15A-145.5.

Expunction of certain misdemeanors and felonies; no age limitation.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
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§ 15A-145.5(a)

CLASS A1
MISDEMEANOR

For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:

- (1) A Class A through G felony or a Class A1 misdemeanor.
- (2) An offense that includes assault as an essential element of the offense.
- (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
- (4) Any of the following sex-related or stalking offenses: G.S. 14-27.25(b)-, 14-27.30(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, former 14-277.3, 14-277.3A, and 14-321.1.
- (5) Any felony offense in Chapter 90 of the General Statutes that involves methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine.
- (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for which G.S. 14-3(c) was applied.
- (7) An offense under G.S. 14-401.16.
- (7a) An offense under G.S. 14-54(a1).
- (8) Any felony offense in which a commercial motor vehicle was used in the commission of the offense.

- (8a) Repealed by Session Laws 2021-118, s. 1, effective December 1, 2021, and applicable to petitions filed on or after that date.
- (9) Any offense that is an attempt to commit an offense described in subdivisions (1) through (8) of this subsection.

§ 15A-145.5(a1) An offense involving impaired driving as defined in G.S. 20-4.01(24a) is not eligible for expunction.

§ 15A-145.5(b) Notwithstanding any other provision of law, if the person is convicted of more than one nonviolent felony or nonviolent misdemeanor in the same session of court, then the multiple nonviolent felony or nonviolent misdemeanor convictions shall be treated as one nonviolent felony or nonviolent misdemeanor conviction under this section, and the expunction order issued under this section shall provide that the multiple nonviolent felony convictions or nonviolent misdemeanor convictions shall be expunged from the person's record in accordance with this section.

§ 15A-145.5(c) A person may file a petition in the court of the county where the person was convicted. The following provisions apply:

- (1) For expunction of one or more nonviolent misdemeanor convictions, the petition shall not be filed earlier than the following, as applicable:
 - a. For expunction of one nonviolent misdemeanor, three years after the date of the conviction or when any active sentence, period of probation, or post-release supervision has been served, whichever occurs later.
 - b. For expunction of more than one nonviolent misdemeanor, seven years after the date of the person's last conviction, other than a traffic offense not listed in the petition for expunction, or seven years after any active sentence, period of probation, or post-release supervision has been served, whichever occurs later.
- (2) For expunction of up to three nonviolent felony convictions, the petition shall not be filed earlier than the following, as applicable:
 - a. For expunction of one nonviolent felony not subject to sub-subdivision a1. of this subdivision, 10 years after the date of the conviction or 10 years after any active sentence, period of probation, or post-release supervision related to the conviction has been served, whichever occurs later.

a1. For expunction of one nonviolent felony under G.S. 14-54(a), 15 years after the date of the conviction or 15 years after any active sentence, period of probation, or post-release supervision related to the conviction has been served, whichever occurs later.

b. For expunction of two or three nonviolent felonies, 20 years after the date of the most recent conviction listed in the petition, or 20 years after any active sentence, period of probation, or post-release supervision related to a conviction listed in the petition has been served, whichever occurs later.

A person previously granted an expunction under this section is not eligible for relief under this section for any offense committed after the date of the previous order for expunction. Except as provided in subsections (c4) and (c5) of this section, a person previously granted an expunction under this section for one or more misdemeanors is not eligible for expunction of additional misdemeanors under this section and a person previously granted an expunction under this section for one or more felonies is not eligible for expunction of additional felonies under this section.

§ 15A-145.5(c1)

A petition filed pursuant to this section shall contain, but not be limited to, the following:

(1) An affidavit by the petitioner that the petitioner is of good moral character and one of the following statements, as applicable:

a. If the petition is for the expunction of one or more nonviolent misdemeanors, that the petitioner has not been convicted of any other 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 during the applicable waiting period set forth in subsection (c) of this section.

b. If the petition is for the expunction of one or up to three nonviolent felonies, that the petitioner has not been convicted under the laws of the United States or the laws of this State or any other state of any misdemeanor, other than a traffic violation, in the five years preceding the petition, or any felony during the applicable waiting period set forth in subsection (c) of this section.

(2) 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 the petitioner lives and that the petitioner's character and reputation are good.

(3) A statement that the petition is a motion in the cause in the case in which the petitioner was convicted.

(4) An application on a form approved by the Administrative Office of the Courts requesting and authorizing all of the following:

a. A name-based State and national criminal history record check by the State Bureau of Investigation using any information required by the Administrative Office of the Courts to identify the individual.

b. A search by the State Bureau of Investigation for any outstanding warrants or pending criminal cases.

c. A search of the confidential record of expunctions maintained by the Administrative Office of the Courts.

The application shall be filed with the clerk of superior court, who shall forward it to the State Bureau of Investigation and to the Administrative Office of the Courts to conduct the searches and report their findings to the court.

(5) An affidavit by the petitioner that no restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner are outstanding.

(6) An affidavit by the petitioner providing information on any additional petitions the petitioner has submitted, or intends to submit, in other counties pursuant to subsection (c4) of this section seeking expunction of additional convictions.

(7) An acknowledgement by the petitioner that, except as provided in subsection (c5) of this section, the expunction of one nonviolent misdemeanor prior to the seven-year waiting period or one nonviolent felony prior to the 20-year waiting period will preclude the petitioner from expunging additional nonviolent misdemeanors or nonviolent felonies that might otherwise be eligible for expunction pursuant to sub-subdivision b. of subdivision (1) of subsection (c) of this section or sub-subdivision b. of subdivision (2) of subsection (c) of this section.

Upon filing of the petition, the petition shall be served upon the district attorney of the court in which the case was tried resulting in conviction. The district attorney shall then have 30 days to file an objection and shall be notified as to the date of the hearing of the petition. Upon good cause shown, the court may grant the district attorney an additional 30 days to file an objection to the petition. The district attorney shall make his or her best efforts to contact the victim, if any, to notify the victim of the request

for expunction prior to the date of the hearing. Upon request by the victim, the victim has a right to be present at any hearing on the petition for expunction, and the victim's views and concerns shall be considered by the court at the hearing.

The presiding judge may call upon a probation officer for any additional investigation or verification of the petitioner's conduct since the conviction. The court shall review any other information the court deems relevant, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, and victims of crimes committed by the petitioner.

§ 15A-145.5(c2)

The court, after hearing a petition for expunction of one or more nonviolent misdemeanors, shall order that the petitioner be restored, in the contemplation of the law, to the status the petitioner occupied before the arrest, indictment, or information, except as provided in G.S. 15A-151.5, if the court finds all of the following:

If the court denies the petition, the order shall include a finding as to the reason for the denial.

(1) One of the following:

a. The petitioner has not previously been granted an expunction under this section for one or more nonviolent misdemeanors.

b. Any previous expunction granted to the petitioner under this section for one or more nonviolent misdemeanors was granted pursuant to a petition filed prior to December 1, 2021.

(2) The petitioner is of good moral character.

(3) The petitioner has no outstanding warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the petitioner for a felony in any federal court or state court in the United States.

(3a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime that would prohibit the person from having the petition for expunction under this section granted.

(4) The petitioner has no other felony or misdemeanor convictions, other than a traffic violation not listed in the petition for expunction, during the applicable waiting period set forth in subsection (c) of this section.

(5) The petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner.

- (6) The petitioner has no misdemeanor or felony conviction that is listed as an exception to the terms "nonviolent misdemeanor" or "nonviolent felony" in subsection (a) of this section.
- (7) The petitioner was convicted of an offense or offenses eligible for expunction under this section.
- (8) The petitioner has completed the applicable waiting period set forth in subsection (c) of this section.

If the court denies the petition, the order shall include a finding as to the reason for the denial.

§ 15A-145.5(c3)

The court, after hearing a petition for expunction of one or up to three nonviolent felonies, may order that the petitioner be restored, in the contemplation of the law, to the status the petitioner occupied before the arrest, indictment, or information, except as provided in G.S. 15A-151.5, if the court finds all of the following:

If the court denies the petition, the order shall include a finding as to the reason for the denial.

- (1) One of the following:

- a. The petitioner has not previously been granted an expunction under this section for one or more nonviolent felonies.

- b. Any previous expunction granted to the petitioner under this section for a felony was granted pursuant to a petition filed prior to December 1, 2021.

- (2) The petitioner is of good moral character.
- (3) The petitioner has no outstanding warrants or pending criminal cases, is not under indictment, and no finding of probable cause exists against the petitioner for a felony in any federal court or state court in the United States.
- (3a) The petitioner is not free on bond or personal recognizance pending trial, appeal, or sentencing in any federal court or state court in the United States for a crime that would prohibit the person from having his or her petition for expunction under this section granted.

- (4) If the petition is for the expunction of one felony, the petitioner has no misdemeanor convictions, other than a traffic violation not listed in the petition for expunction, in the five years preceding the petition, and no other felony convictions during the applicable waiting period set forth in subsection (c) of this section.
- (4a) If the petition is for the expunction of two or three felonies, or if the petitioner has filed petitions in more than one county pursuant to subsection (c4) of this section, the petitioner has no misdemeanor convictions other than a traffic violation not listed in the petition for expunction in the five years preceding the petition, and no other felony convictions during the applicable waiting period set forth in subsection (c) of this section.
- (4b) If the petition is for the expunction of two or three felonies, if the petitioner has filed petitions in more than one county pursuant to subsection (c4) of this section, or if the petition is filed pursuant to subsection (c5) of this section, the felony offenses were committed within the same 24-month period.
- (5) The petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner.
- (6) The petitioner has no misdemeanor conviction that is listed as an exception to the term "nonviolent misdemeanor" in subsection (a) of this section or any other felony conviction.
- (7) The petitioner was convicted of an offense eligible for expunction under this section.
- (8) The petitioner has completed the applicable waiting period set forth in subsection (c) of this section.

If the court denies the petition, the order shall include a finding as to the reason for the denial.

§ 15A-145.5(c4)

A person who petitions for expunction of multiple convictions pursuant to sub-subdivision b. of subdivision (1) of subsection (c) of this section or sub-subdivision b. of subdivision (2) of subsection (c) of this section and whose convictions were obtained in more than one county shall file a petition in each county of conviction. All petitions shall be filed within a 120-day period, except that the court may grant a petition for expunction filed outside this period if good cause is shown for the failure to file the petition within this period. The granting of one petition shall not preclude the granting of any other petition filed within the same 120-day period.

- § 15A-145.5(c5)** A person granted an expunction under this section of one or more nonviolent misdemeanors pursuant to a petition filed prior to December 1, 2021, may petition for the expunction of additional nonviolent misdemeanors if the offenses were committed prior to the date of the previous expunction. A person granted an expunction under this section of one nonviolent felony pursuant to a petition filed prior to December 1, 2021, may petition for the expunction of up to two additional nonviolent felonies if the offenses were committed prior to the date of the previous expunction and within the same 24-month period as the previously expunged felony.
- § 15A-145.5(d)** The effect of an expunction under this section is governed by G.S. 15A-153, except that the protected nondisclosure under G.S. 15A-153(b) does not apply to a sentencing hearing when the person has been convicted of a subsequent criminal offense.
- § 15A-145.5(d1)** Persons pursuing certification under Article 1 of Chapter 17C or Article 2 of Chapter 17E of the General Statutes, however, shall disclose any and all convictions to the certifying Commission, regardless of whether the convictions were expunged pursuant to this section.
- § 15A-145.5(d2)** Persons requesting that a disclosure statement be prepared by the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes, however, shall disclose any and all felony convictions to the North Carolina Sheriffs' Education and Training Standards Commission regardless of whether the felony convictions were expunged pursuant to this section.
- § 15A-145.5(d3)** Persons required by State law to obtain a criminal history record check on a prospective employee are not deemed to have knowledge of any convictions expunged under this section.
- § 15A-145.5(e)** If the petition is granted, the court shall order that the conviction be expunged from the records of the court and direct all law enforcement agencies bearing record of the conviction to expunge their records of the conviction. The clerk shall notify State and local agencies of the court's order, as provided in G.S. 15A-150.
- § 15A-145.5(f)** Any other applicable State or local government agency shall expunge from its records entries made as a result of the conviction ordered expunged under this section upon receipt from the petitioner of an order entered pursuant to this section. An agency

shall also vacate any administrative actions taken against a person whose record is expunged under this section as a result of the charges or convictions expunged. A person whose administrative action has been vacated by an occupational licensing board pursuant to an expunction under this section may reapply for licensure and shall satisfy the board's education and preliminary licensing requirements at the time of reapplication in order to obtain licensure. This subsection does not apply to the Department of Justice for DNA records and samples stored in the State DNA Database and the State DNA Databank.

§ 15A-145.5(g)

A person who files a petition for expunction of a criminal record under this section shall pay the clerk of superior court a fee of one hundred seventy-five dollars (\$175.00) at the time the petition is filed. Fees collected under this subsection shall be deposited in the General Fund. This subsection does not apply to petitions filed by an indigent person. (2012-191, s. 1; 2013-53, s. 2; 2013-410, s. 4; 2014-100, s. 17.1(o); 2014-119, ss. 1(a), 11(a); 2015-150, s. 4; 2015-181, s. 43; 2017-195, s. 1; 2020-35, s. 4(a); 2021-107, s. 7(c); 2021-118, s. 1; 2021-167, s. 2.3(a); 2022-47, s. 3(a); 2023-103, s. 14(a); 2023-134, s. 19F.4(oo); 2025-25, s. 31(a); 2025-71, s. 12(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
11 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 14-27.25(b)	(a)(4)	"the following sex-related or stalking offenses:"
G.S. 14-12.12(b)	(a)(6)	"An offense under"
G.S. 14-3(c)	(a)(6)	"14-12.14, or any offense for which"
G.S. 14-401.16	(a)(7)	"An offense under"
G.S. 14-54(a1)	(a)(7a)	"An offense under"
G.S. 20-4.01(24a)	(a1)	"involving impaired driving as defined in"
G.S. 14-54(a)	(c)	"expunction of one nonviolent felony under"
G.S. 15A-151.5	(c2)	"or information, except as provided in"
G.S. 15A-153	(d)	"under this section is governed by"

G.S. 15A-153(b)	(d)	<i>"except that the protected nondisclosure under"</i>
G.S. 15A-150	(e)	<i>"the court's order, as provided in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-145.5 (2026).

PINPOINT

N.C. Gen. Stat. § 15A-145.5(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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