



## EXPAND CERTIFICATES OF RELIEF

**(SB 455-McKissick, Britt & Daniel & HB 671-Faircloth)**

*Reduce Recidivism, Strengthen Families, and Preserve State Resources by Restoring Opportunities for Productive Citizenship to North Carolinians with Certain Criminal Records*

Modeled on the Uniform Law Commission's Collateral Consequences of Conviction Act, North Carolina's Certificate of Relief Act (S.L. 2011-265) currently allows an individual convicted of two misdemeanor or low-level felony offenses (Classes G-I) in the same session of court to petition the court of conviction for a Certificate of Relief. We propose the General Assembly expand eligibility for Certificates of Relief to individuals with multiple misdemeanor and low-level felony convictions, increase the waiting period for relief to 36-months for certain individuals, and establish a filing fee of \$50.

**Expanding Certificates of Relief is supported by: Chief Justice Mark Martin and the NC Equal Access to Justice Commission and Deputy Secretary of Department of Public Safety David Guice, who sponsored the original Act.** There is no known opposition. A nearly identical certificate of relief provision passed the House twice last session.

### **Benefits of a Certificate of Relief**

A Certificate of Relief restores opportunities for individuals to be productive, law-abiding citizens in several ways:

1. Transforms certain automatic civil disqualifications into discretionary civil disqualifications (ex. occupational licensing)
2. Provides employers, landlords, and other decision-makers evidence of "due care" that shields them for negligence liability (a 2014 SHRM survey of employers found that more than half cited the fear of negligent hiring liability as a primary reason they do not hire qualified applicants with criminal records)
3. Provides employers, landlords, and other decision-makers additional information and context in determining an applicant's suitability for a specific position or resource

### **A Certificate of Relief DOES NOT:**

- Erase, change, or obscure an individual's criminal record for any purpose
- Allow a certificate holder to deny a criminal conviction(s) occurred
- Force employers, landlords, admissions officials, or licensing agencies to hire, house, admit, or license certificate holders
- Limit the discretion of a presiding judge to deny relief to an eligible individual if the court determines granting relief is not appropriate
- Affect certain automatic civil sanctions exempted from relief (see G.S. 15A-173.3) including:
  - Sex Offense Registration
  - Possession of a firearm by a person with a felony conviction
  - Motor vehicle license revocation or ineligibility
  - Any civil disability imposed by federal law or the North Carolina Constitution

### **Proposed Bill Provisions**

- Expand eligibility for Certificates of Relief to individuals with multiple misdemeanor and low-level felony convictions (Classes G-I)
- Increase waiting period for individuals with several convictions from 12-months to 36-months
- Establish a filing fee of \$50 for a petition for a certificate of relief.

The NC Second Chance Alliance is a statewide alliance of directly-impacted individuals, service providers, and advocacy groups, including the NC Justice Center. For more info, please reach out to Bill Rowe at (919) 856-2177.