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representative. When this requirement of the statute is complied with, the funds become assets of the estate of the decedent for the purpose of computing and paying the commissions of the legal representative, as well as the costs due the State pursuant to G.S. 7A-307.

Robert Morgan, Attorney General
Russell G. Walker, Jr.
Assistant Attorney General

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29 June 1973

Subject: Criminal Law and Procedure; Drug
Conviction Record Expunction; G.S. 90-96
and 90-113.14

Requested by: Mr. Harvey D. Johnson
Assistant Clerk of Superior Court, Iredell
County

Question: Under G.S. 90-113.14 and G.S. 90-96 is it
legal to expunge a record if the defendant
was arrested before his twenty-second
birthday?

Conclusion: Yes.

G.S. 90-96 and G.S. 90-113.14 both provide record expunction for an individual "if he were not over twenty-one years of age at the time of the offense." The phrase "not over twenty-one years of age" clearly means that so long as the individual has not reached his twenty-second birthday, on the date of the offense, he is eligible for the record expunction. The term "twenty-one years of age" is construed in its usual manner in that the time period is up through the age of twenty-one and to the birth date at which time the individual becomes twenty-two years of age.

Therefore, it is the opinion of this Office that G.S. 90-96 and G.S.

90-113.14 allow record expunction for individuals meeting the qualifications and prerequisites set out in said statutes, so long as the individual has not reached his twenty-second birthday on the date of the offense for which record expunction is sought.

Robert Morgan, Attorney General
Henry E. Poole,
Associate Attorney

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29 June 1973

Subject: General Assembly; Sessions; Board of
Transportation, Report

Requested by: Mr. Billy Rose
State Highway Administrator

Question: Is the Board of Transportation required by
the provisions of G.S. 136-12 to make a
highway construction and maintenance
report to the General Assembly when it
reconvenes in January 1974?

Conclusion: No. The provisions of G.S. 136-12 require
a report on highway construction and
maintenance to be made to the General
Assembly on or before the tenth day after
the convening of each *regular* session. The
session when the General Assembly
reconvenes in January 1974 will be the
same *regular session* that began in January
1973 and was adjourned in May until
January 16, 1974. Therefore, the report
provided by G.S. 136-12 is not required to
be made when the General Assembly
reconvenes in January 1974.

G.S. 136-12 provides that on or before the 10th day after the