

**INSTRUCTIONS FOR PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.3
(TOXIC VAPORS/DRUG PARAPHERNALIA)
FORM AOC-CR-268, Rev. 1/23**

The procedure for completion of the AOC-CR-268, Petition And Order Of Expunction Under G.S. 15A-145.3, and obtaining a hearing is as follows:

1. **Print clearly and legibly, using only black ink.** If you wish to submit a typed petition, the form is available electronically on the NCAOC's website at www.nccourts.gov/documents/forms. In the "Contains" field, enter the number of the petition, AOC-CR-268. Searching by the form number will provide you with a link to a fillable PDF version of the form.
2. For petitions under G.S. 15A-145.3(a) or (c), no order should be entered until this form has been completed by the petitioner, a judge, the State Bureau of Investigation (SBI), and the Administrative Office of the Courts (NCAOC) and has been returned to the clerk of superior court as explained below. For petitions under G.S. 15A-145.3(b), reports from the SBI and NCAOC are not required and should not be requested, so the clerk should schedule a hearing on the petition upon filing and payment of the fee described below.
3. The petitioner or attorney should complete all offense information on Side One of the form from the court file. Please pay special attention to correctly identifying the arresting agency(ies) and any other State or local agency that has a record of the case. Do not list the courts, the State Bureau of Investigation, the Department of Adult Correction, or the Division of Motor Vehicles; if the order is granted, those agencies will be notified automatically. Do not list any private entity, like a company that provides criminal background checks. The clerk will **not** send a copy of the order to any entity that is not an agency of the State of North Carolina or one of its local governments. A private entity required to expunge records will be notified directly by the State or local agencies that distribute criminal justice information to that entity.
4. Complete and sign the petition. If seeking an expunction under G.S. 15A-145.3(a), attach the affidavits required by that subsection. The affidavits are listed in No. 14 below. (**NOTE:** *There are no NCAOC forms specifically for expunction affidavits. You may, but are not required to, use form AOC-CR-158 for these affidavits.*)
5. For expunctions under G.S. 15A-145.3, a fee of \$175.00 must be paid to the clerk at the time the petition is filed.
6. If seeking an expunction under G.S. 15A-145.3(a) or (c), follow the clerk's instructions for obtaining a judge's signature on the "Request By Judge" and for forwarding the petition to the SBI. If seeking an expunction under G.S. 15A-145.3(b), request that the clerk schedule the petition for hearing.
7. For petitions under G.S. 15A-145.3(a) or (c), the SBI will complete the Criminal History Record Information and forward it to the NCAOC.
8. The NCAOC will complete the record and mail it to the clerk in the county where the expunction is pending.
9. The clerk places the sealed envelope in the file, to be opened by the presiding judge when the application is heard.
10. It is the responsibility of the petitioner to determine when the AOC-CR-268 has been returned and to ask the clerk or DA to schedule the petition for hearing.
11. If an order of expunction is entered, the clerk makes copies of the order, completes "Certification By Clerk" on each copy, and sends certified copies to the petitioner, the State Bureau of Investigation, the Department of Adult Correction, the Division of Motor Vehicles, the arresting agency and any other State or local government agency identified on the petition, and the NCAOC.
NOTE: The clerk of superior court will send you a certified copy of the final order. If you move, you must notify the clerk in writing of your change of address in order to receive a certified copy. After the case is expunged, the clerk will have no record of the case and will be unable to provide any documentation of the case. This includes the expunction order; it will be destroyed with the case file.
12. The clerk retains the original order of expunction to be disposed of with the papers in this case.
13. If the petition is denied, the clerk will retain the original of the denied petition, but any information from the SBI or NCAOC shall be destroyed, unless the court orders otherwise.
14. List of required affidavits for an expunction under G.S. 15A-145.3(a):
 - (1) An affidavit by the petitioner that the petitioner has been of good behavior during the period of probation since the decision to defer further proceedings on the misdemeanor in question and has not been convicted of any 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;
 - (2) Verified affidavits by 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 his or her character and reputation are good.

NOTE TO PETITIONER: *The expunction of your case information from the records of the court and of other State and local government agencies does not guarantee that the information will be expunged from all other sources. Private companies routinely acquire copies of criminal records from State and local criminal justice agencies. Certain private entities are required to expunge your case information upon receiving notice of the expunction order, but there may be a delay between entry of the order of expunction and deletion from the entity's records. Further, that duty to expunge does not apply to all private entities. If a private entity distributes information about your expunged case, contact the private entity to determine which government agency was the source of the information, and then contact that government agency to determine whether or not the expunction order was received. If the private entity claims that the NCAOC was the source of the information, contact the NCAOC's Remote Public Access office at rpa@nccourts.org or (919) 890-2220 to investigate the entity's claim.*