

THE UNDERUSED HUMAN TRAFFICKING EXPUNCTION

**And Other Legal Tools to
Address the Collateral Consequences of
Justice Involvement**

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NC Human Trafficking Commission

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COLLATERAL CONSEQUENCES ARE SIDE EFFECTS

- Of convictions
- And of dismissed charges
 - **All** charges stay on the record unless they are expunged
- Beyond the numbers — real lives
- Stigma & disillusionment might be the most profound collateral consequences

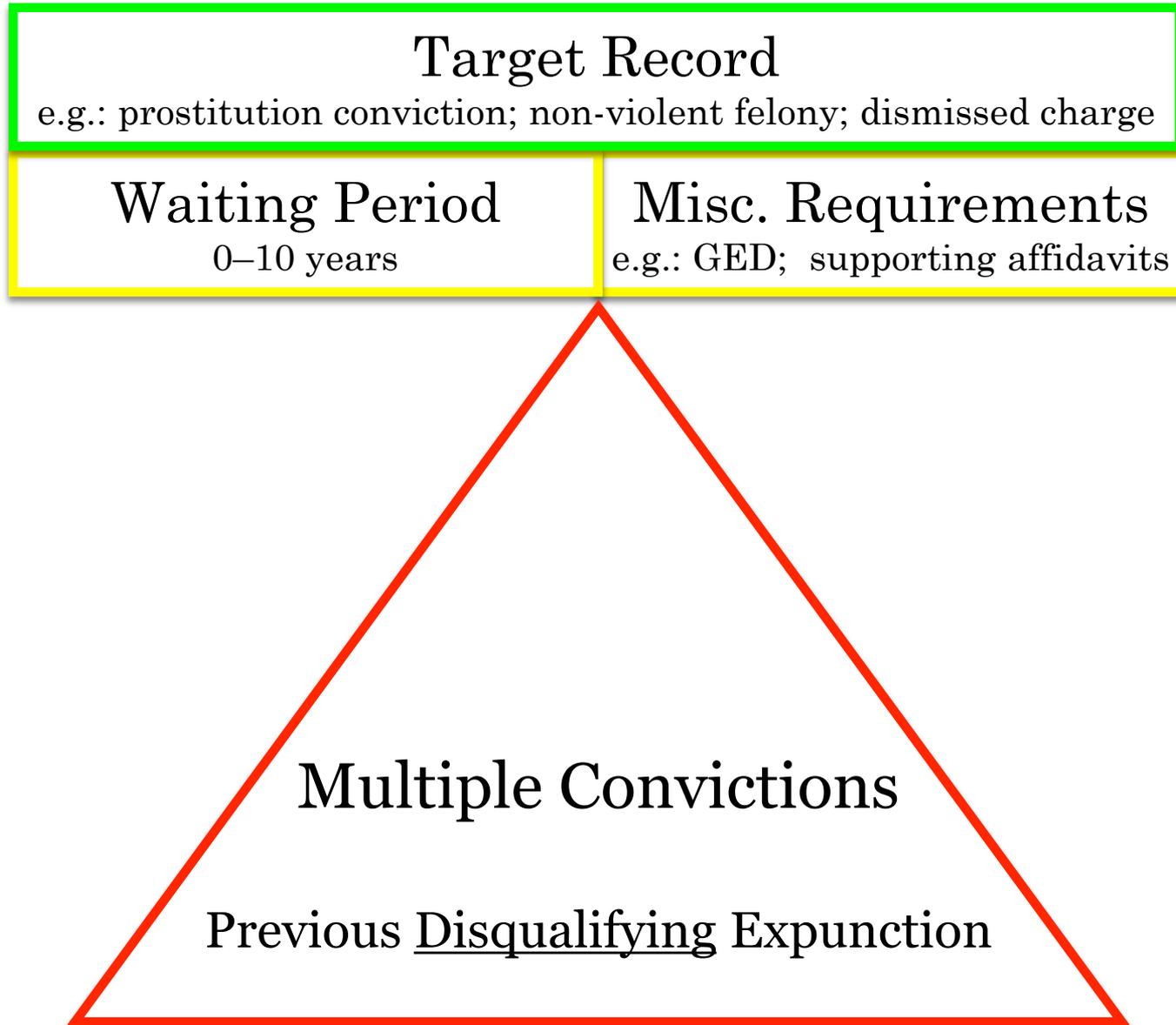


LEGAL RELIEF FROM COLLATERAL CONSEQUENCES

- Expunctions (or expungements) – “forgetting”
- Certificate of Relief – “forgiving”
- Trafficking MAR (“Motion for Appropriate Relief”)

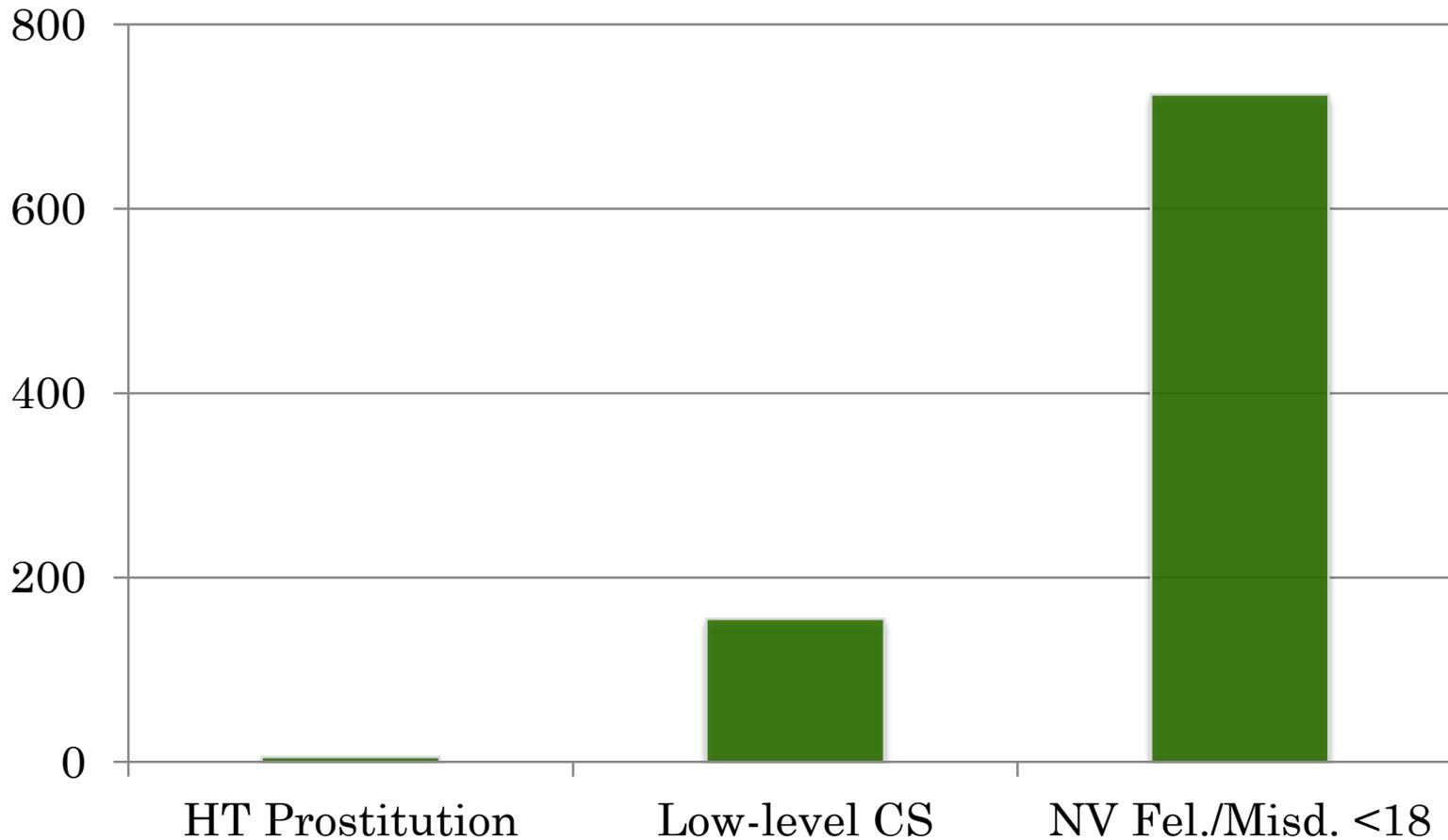


HOW EXPUNCTIONS WORK



TRAFFICKING-SPECIFIC EXPUNCTION

- N.C. General Statute 15A-145.6



NCGS 15A-145.6

...

(b) A person who has been convicted of a prostitution offense may petition if...

(1) they have not previously been convicted of a violent felony or misdemeanor

(c)(1) The petition shall contain an affidavit that the petitioner:

-has no prior conviction of a violent felony or misdemeanor; and

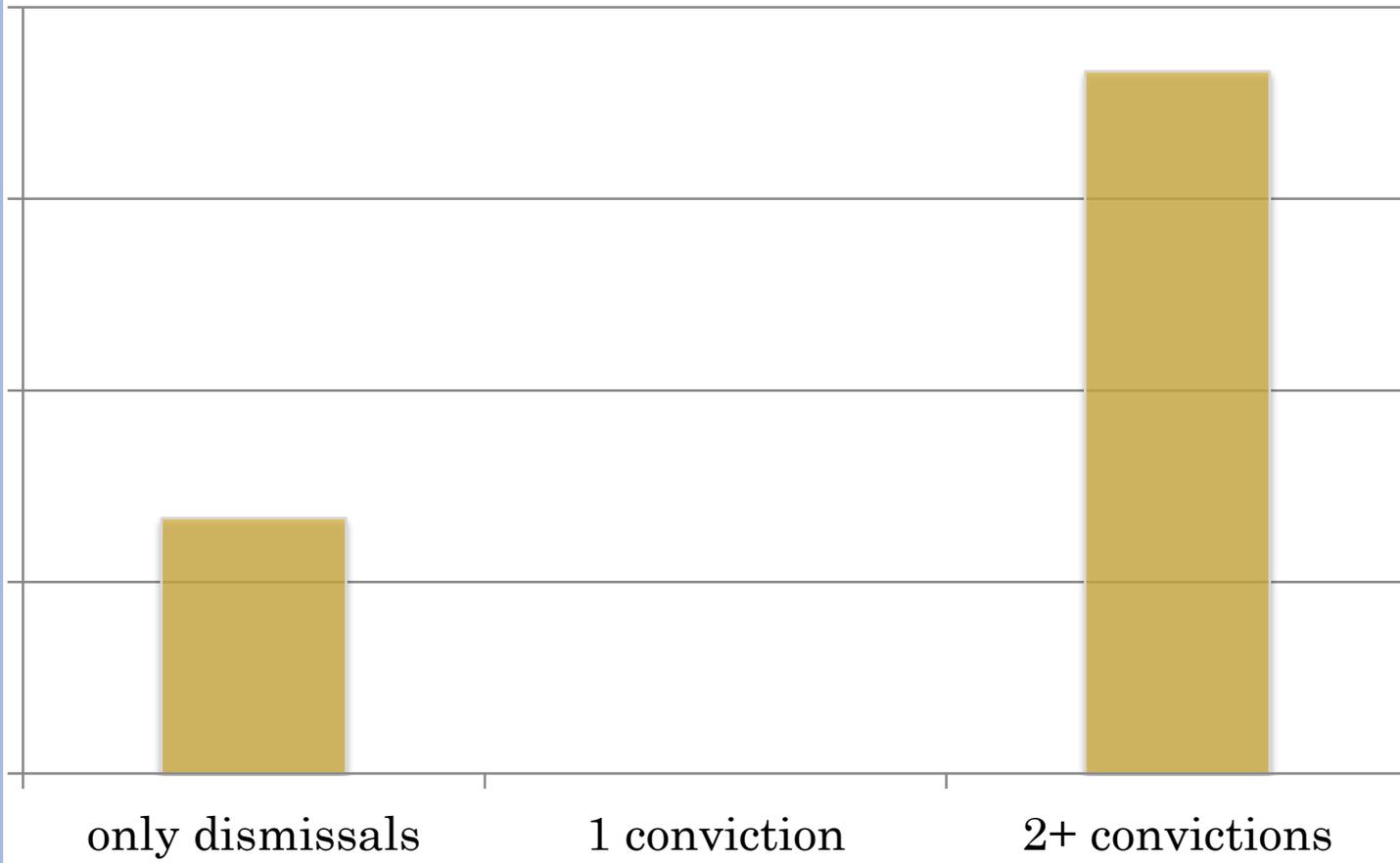
-has not been convicted of any felony or misdemeanor since the prostitution conviction



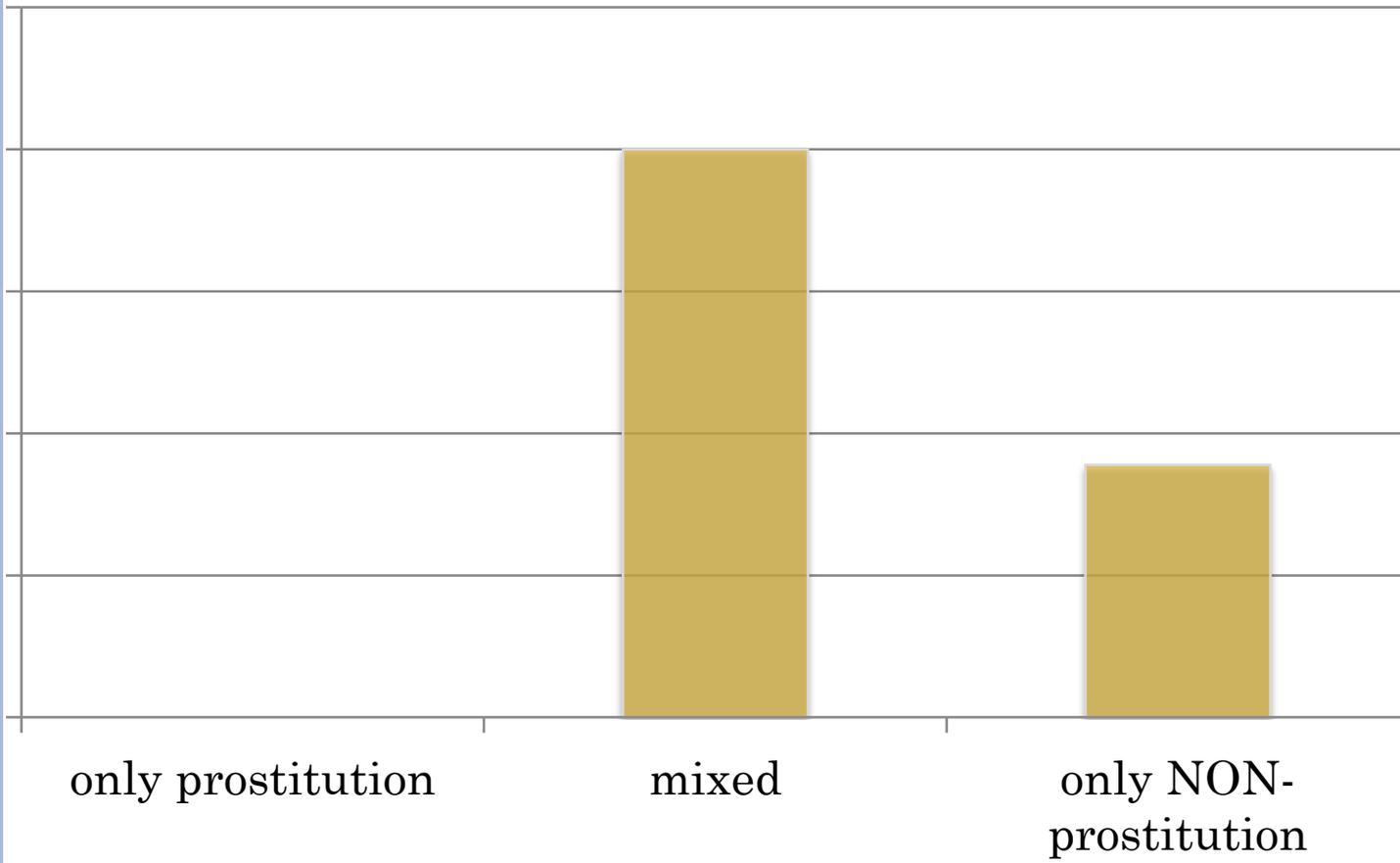
WHY?



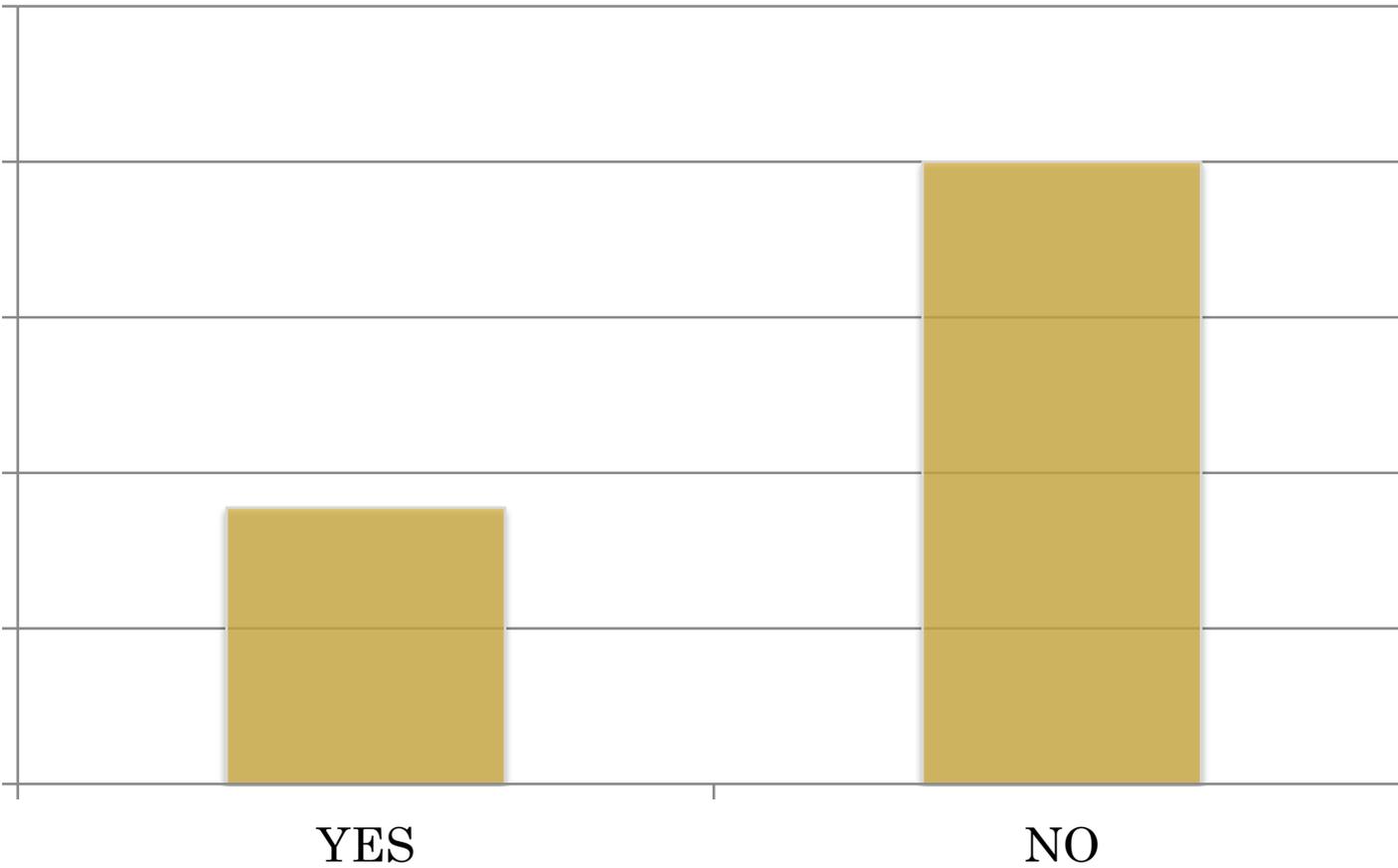
SURVEY RESULTS & STORIES



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WHY IS NCGS 15A-145.6 UNDERUSED?



LIMITS OF EXPUNGEMENTS

- “zombie” records
- the internet
- expungement is not a silver bullet



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QUICK TIPS FOR MAKING SUCCESSFUL REFERRALS

- Tell intake personnel “this is a trafficking case”
 - otherwise, it will seem like there is no legal remedy
- Describe the collateral consequences
- Make sure the victim/survivor knows that we ask about financial eligibility & about the trafficking

Legal Aid Helpline

toll free: 1 (866) 219-LANC (5262)

online: www.legalaidnc.org



RESOURCES

Expunctions and Other Legal Relief

[http://www.ncjustice.org/sites/default/files/Summary of NC Expunctions 2017.pdf](http://www.ncjustice.org/sites/default/files/Summary_of_NC_Expunctions_2017.pdf)

Daniel Bowes, NC Justice Center

<https://www.sog.unc.edu/resources/microsites/relief-criminal-conviction>

Prof. John Rubin, UNC School of Government

Collateral Consequences

<http://ccat.sog.unc.edu/>

An index organized by type of offense and type of consequence

