

THE 7-YEAR RULE

The Myth

You may have heard that after 7 years, things automatically “fall off” your criminal record.

The Truth

In North Carolina, *nothing* comes off your criminal record unless you file a petition with the court.

The Real 7-year Rule: The federal Fair Credit Reporting Act (FCRA)

FCRA makes it illegal for background check companies to report *dismissed charges* on your record after 7 years from the date of arrest or service. Convictions can be reported forever. This means that after 7 years, a dismissed charge will still be on your record, but background checkers can't report it.

YOU HAVE A RIGHT TO YOUR RECORD!

Federal law (FCRA) also requires that when an employer uses your record to not hire you or fire you, they must notify you in writing, give you a chance to explain the record, and **give you a copy of the record they see.**

If you know an employer has run your record, ask for a copy of it! If something's wrong, tell the employer, and get a copy to us so that we can help you make it right.

The Clean Slate Project

Since 2012, the Clean Slate Project has collaborated with community partners to provide direct reentry legal services and support to individuals impacted by the criminal justice system. Having a criminal record impedes an individual's access to driver's and occupational licenses, housing, public benefits, and employment. To combat this problem, the Clean Slate Project provides legal assistance in obtaining expungements and Certificates of Relief to lessen the negative impacts of having a criminal record.

The Clean Slate Project is part of SCSJ's Criminal Justice Initiative to end the mass incarceration and over-criminalization of people of color.

About SCSJ

We partner with communities of color and economically disadvantaged communities in the South to defend and advance political, social and economic rights through the combination of legal advocacy, research, organizing and communications.

Register for Clean Slate help at
www.scsj.org/clean-slate-registration



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CLEAN SLATE FAQs

CRIMINAL RECORD

CERTIFICATES OF RELIEF (CORS)

What is a COR?

A COR is a court order designed to relieve the collateral consequences of convictions that cannot yet (or ever) be expunged.

Does a COR expunge my conviction?

No. A COR does not expunge your conviction.

Does having a COR stop me from expunging my conviction later on?

No. Your conviction can be expunged later if you are eligible. (See “Expunctions” to the right.)

Who can get a COR?

You can get a COR for your conviction if (1) it is the only conviction on your record or you have up to two convictions on the same court date, and (2) the conviction is no higher than a G, H, or I felony.

Does it cost money to get a COR?

No! There is no filing fee for the petition, and SCSJ does not charge for our services.

How do I get a COR?

SCSJ attorneys will file the petition for you. Some counties require a court hearing where SCSJ attorneys will represent you.

How will a COR help me get a job?

Most employers avoid hiring people with criminal records because of liability, but a COR gives an employer a defense to negligent hiring.

For example: You have a conviction for larceny and an employer hires you. Later, a customer accuses you of stealing and sues your employer, arguing they were negligent to hire you because they knew you had a history of stealing. If you have a COR for your larceny conviction, your employer has a defense to the lawsuit.

A COR does not guarantee that an employer will hire you or overlook your conviction, but it might get you a step closer to an interview.

How do I use my COR after I get it?

We will give you an FAQ sheet tailored to employer and landlord concerns. Make copies of your COR, and include it and the FAQ sheet with applications where you know they’re going to see your conviction. Follow this process for state licensing boards, schools, etc.

If you’re filling out an online application and you have to disclose your record, we suggest writing somewhere that you have a COR and uploading a scan of the COR if possible.

EXPUNCTIONS

When can I expunge a conviction?

Generally, you can expunge a conviction so long as (1) it is the only conviction on your record, or if more than one all are on the same court date, (2) it is a nonviolent crime (no class A-G felonies or A1 misdemeanors), and (3) it’s been 15 years since your probation ended.

You might be able to expunge special types of convictions sooner, like under 18 convictions and under 21 drug charges. You must talk with a lawyer to get an answer specific to your record.

When can I expunge a dismissed charge?

It is illegal for background check companies to report dismissed charges older than 7 years old (see the first flap), even though they are not convictions. So long as you have no felony convictions, you can expunge dismissed charges if they were all dismissed on the same court date or if they happened within 12 months of each other.

Do I really only get one expungement in a lifetime?

Generally, you can expunge one conviction in your lifetime. You can also expunge one set of dismissed charges in your lifetime. But there are some rare exceptions to this rule—you must talk with a lawyer to get an answer specific to your record.

OTHER FREQUENTLY ASKED QUESTIONS

Why do different employers see different things on my record?

Background checkers buy criminal record data from the state. When an employer requests your record, the company searches the data and compiles your record. They can both underreport (miss charges that are yours) and overreport (break the 7-year rule; report charges that aren’t yours; report an expunged charge because they have old data).

Employers can consider all convictions against you, no matter how old, and it’s up to them how far back to order your record. Contact us if your record has been overreported.

Will my record stop me from getting a professional license from the state?

Maybe. State Agencies that grant professional licenses (like real estate, barber, nursing licenses, etc.) will look at your criminal history when deciding whether to give you a license. Submitting a COR with your application will give you a better chance at being approved.

SCSJ attorneys will represent you in getting a professional license. If possible, you should consult us before filing your application. Even if you’ve already applied, we can represent you if you are denied or required to have a hearing.