Sixty-sixth Legislative Assembly of North Dakota

HOUSE BILL NO. 1334

Introduced by

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Representatives D. Johnson, P. Anderson, Heinert, Pyle, Schreiber-Beck Senators Bakke, Dwyer, Luick, Myrdal, Wanzek

- 1 A BILL for an Act to create and enact section 39-08-01.6 of the North Dakota Century Code,
- 2 relating to sealing a criminal record of a driving under the influence offense.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** Section 39-08-01.6 of the North Dakota Century Code is created and enacted as follows:
- 6 <u>39-08-01.6. Criminal record Seal Exception.</u>
- 7 <u>1. The court shall seal an individual's criminal record under sections 12.1-32-07.1 and</u> 8 12.1-32-07.2 if the individual:
- 9 a. Has pled guilty or nolo contendere to, or has been found guilty of a violation
 10 under section 39-08-01; and
 - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a
 subsequent violation of section 39-08-01, or any other criminal offense, within
 seven years of the first violation under section 39-08-01.
- 14 <u>2. This section does not apply to an individual licensed as a commercial driver under</u> 15 <u>section 39-06.2-10.</u>