

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1166
(Representatives Pyle, O'Brien, Vetter, Berg)
(Senators Larson, Myrdal)

AN ACT to create and enact a new section to chapter 12-60.1 of the North Dakota Century Code, relating to closing certain criminal records; and to amend and reenact sections 12-60.1-01 and 12-60.1-02 of the North Dakota Century Code, relating to closed records and grounds to file a petition to seal a criminal record.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60.1-01 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-01. Definitions.

As used in this chapter:

1. "Closed" means subject to examination only by a clerk of court, a judge of the court, the juvenile commission, a criminal justice agency, the defendant, the defendant's counsel, a state's attorney, or any person upon written order of a judge of the court.
2. "Court record" includes:
 - a. Any document or information collected, received, or maintained by court personnel in connection with a judicial proceeding;
 - b. Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by court personnel relating to a judicial proceeding; and
 - c. Information maintained by court personnel pertaining to the administration of the court or clerk of court office and not associated with a particular case.
- 2-3. "Criminal justice agency" has the same meaning as in section 12-60-16.1.
4. "Criminal record" means court and prosecution records subject to sealing under this chapter. A criminal record does not include criminal history record information as defined in subsection 5 of section 12-60-16.1 or criminal justice data information maintained in the criminal justice data information sharing system under section 54-12-34.
- 3-5. "Prosecutor" means the office or agency with jurisdiction over the offense for purposes of postconviction proceedings.
- 4-6. "Nonconviction" means dismissal of all criminal charges in a case or acquittal of all criminal charges in a case.
7. "Seal" means to prohibit the disclosure of the existence or contents of court or prosecution records unless authorized by court order.

SECTION 2. AMENDMENT. Section 12-60.1-02 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-02. Grounds to file petition to seal criminal record.

1. An individual may file a petition to seal a criminal record if:
 - a. The individual pled guilty to or was found guilty of a misdemeanor offense and the individual has not been convicted of a new crime for at least three years before filing the petition; ~~or~~
 - b. The individual pled guilty to or was found guilty of a felony offense and the individual has not been convicted of a new crime for at least five years before filing the petition; or
 - c. The individual was granted an unconditional pardon of the criminal conviction by the governor.
2. ~~This~~Except as provided under section 3 of this Act, this chapter does not apply to:
 - a. A felony offense involving violence or intimidation during the period in which the offender is ineligible to possess a firearm under subdivision a of subsection 1 of section 62.1-02-01; or
 - b. An offense for which an offender has been ordered to register under section 12.1-32-15.

SECTION 3. A new section to chapter 12-60.1 of the North Dakota Century Code is created and enacted as follows:

Closing nonconviction records.

1. If a court enters an order of nonconviction on or after August 1, 2025, the court shall close the court record upon the expiration of sixty-one days.
2. The defendant may file a petition to the court to have the court record closed if the court entered an order of nonconviction for a case disposed of before August 1, 2025. If the defendant meets the requirements of this section, the court shall enter an order closing the court record within ten days of the petition being filed.
3. This section does not apply if:
 - a. The dismissal was the result of a plea agreement involving a conviction on another offense;
 - b. The case was dismissed due to a finding the individual was not fit to proceed under chapter 12.1-04;
 - c. The case resulted in a verdict of not guilty due to a lack of criminal responsibility under chapter 12.1-04.1; or
 - d. The case was appealed.
4. A filing fee may not be charged for a petition filed under this section.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1166.

House Vote: Yeas 92 Nays 1 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State