

Members of the Senate Judiciary,

My name is Adam Justinger. I am a licensed attorney in the state of North Dakota. In my practice, I assist individuals with sealing their criminal records. Although there are several statutes that allow for people with criminal convictions to seal their criminal records (N.D.C.C. §§ 12-60.1-03 and 39-08-01.6), no statute exists for individuals who have had their charges dismissed, have been acquitted, or have received a governor's pardon.

The only remedy for an individual who has had their case dismissed, who has been acquitted, or who has received a pardon is to try and restrict access to the record under North Dakota Administrative Rule 41 Section 4. This would require an individual to petition the district court. This is a complex process that requires legal knowledge of the laws and rules in North Dakota. Not only does it require legal knowledge, but it is unduly burdensome on individuals and the courts. Lastly, under North Dakota Administrative Rule 41, an individual's record would only be restricted, not sealed. As such, a record still exists, but the details of the record are not available.

An individual is innocent until proven guilty. If a case has been dismissed, a jury has acquitted an individual, or a person's case has been dismissed by a governor's pardon, they should not be plagued with a criminal record. I intend on discussing these issues in further detail when I provide oral testimony at the hearing on March 11, 2025. I would be happy to answer any other questions at that time. Thank you.

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Adam Justinger