

HB 1263
69th Legislative Assembly
Senate Judiciary Committee
April 2, 2025
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1263.

HB 1263 allows for an appeal of a denial to seal a record and shortens the time in which a petitioner must wait to file a subsequent petition in denied at first. Allowing an appeal of a denial to seal records is essential to ensuring fairness in the legal system. The appeal provides a safeguard against penitential errors in the decision-making process, ensuring individual rights are protected and justice is served. It is likely the standard of review that would be applied would be an abuse of discretion standard, making most appeals unfruitful. However, an appeal would allow another court to review to ensure the petitioned court followed the statute.

Madam Chair, members of the Committee, the Commission supports HB 1263 and its attempt to allow those who have served their sentence, been rehabilitated, and satisfied all conditions and parties to have their record sealed. The ability to appeal strengthens trust in the system. The ability to file a subsequent petition in a shorter period of time incentivizes a petitioner who is denied to satisfy any remaining concerns a court may have. For all the reasons stated herein, the Commission respectfully requests a DO PASS recommendation on HB 1263.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI