

Introduced by

Representatives Pyle, O'Brien, Vetter, Berg

Senators Larson, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 12-60.1 of the North Dakota
2 Century Code, relating to sealing certain criminal records; to amend and reenact section
3 12-60.1-02 of the North Dakota Century Code, relating to grounds to file a petition to seal a
4 criminal record; to provide for retroactive application; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 12-60.1-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12-60.1-02. Grounds to file petition to seal criminal record.**

9 1. An individual may file a petition to seal a criminal record if:

- 10 a. The individual pled guilty to or was found guilty of a misdemeanor offense and
11 the individual has not been convicted of a new crime for at least three years
12 before filing the petition; or
13 b. The individual pled guilty to or was found guilty of a felony offense and the
14 individual has not been convicted of a new crime for at least five years before
15 filing the petition.

16 2. ~~This~~Except as provided under section 2 of this Act, this chapter does not apply to:

- 17 a. A felony offense involving violence or intimidation during the period in which the
18 offender is ineligible to possess a firearm under subdivision a of subsection 1 of
19 section 62.1-02-01; or
20 b. An offense for which an offender has been ordered to register under section
21 12.1-32-15.

22 **SECTION 2.** A new section to chapter 12-60.1 of the North Dakota Century Code is created
23 and enacted as follows:

1 **Certain criminal records automatically sealed.**

2 1. The court shall seal any criminal record wherein:

3 a. An individual was found not guilty by a jury or at the conclusion of a bench trial;

4 b. The criminal charge was dismissed; or

5 c. An individual was granted a pardon by the governor of the criminal conviction.

6 2. The court shall seal a criminal record under subsection 1 within sixty-one days after
7 the judgment of acquittal, order to dismiss, or pardon was filed with the clerk of court.

8 **SECTION 3. RETROACTIVE APPLICATION.** This Act applies to the criminal record of any
9 criminal case closed before the effective date of this Act, for which there was no conviction or
10 for which a pardon was granted.

11 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.