

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1166

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

- 1 b. An offense for which an offender has been ordered to register under section
2 12.1-32-15.

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

5 **Certain criminal records automatically sealed.**

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

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

8 b. ~~The~~All criminal ~~charge was~~charges were dismissed; or

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

10 2. The court shall seal a criminal record under subsection 1 within ~~sixty-one~~ninety days
11 after the judgment of acquittal, order to dismiss, or pardon was filed with the clerk of
12 court. ~~A record of a closed criminal case if there was no conviction may not be~~
13 remotely accessed by a name search.

14 ~~—SECTION 3. RETROACTIVE APPLICATION. This Act applies to the criminal record of any~~
15 ~~criminal case closed before the effective date of this Act, for which there was no conviction or~~
16 ~~for which a pardon was granted.~~

17 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.