

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED 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 closing certain criminal records; and to amend and reenact sections
3 12-60.1-01 and 12-60.1-02 of the North Dakota Century Code, relating to closed records and
4 grounds to file a petition to seal a criminal record.

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

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

8 **12-60.1-01. Definitions.**

9 As used in this chapter:

10 1. "Closed" means subject to examination only by a clerk of court, a judge of the court,
11 the juvenile commission, a criminal justice agency, the defendant, the defendant's
12 counsel, a state's attorney, or any person upon written order of a judge of the court.

13 2. "Court record" includes:

- 14 a. Any document or information collected, received, or maintained by court
15 personnel in connection with a judicial proceeding;
- 16 b. Any index, calendar, docket, register of actions, official record of the proceedings,
17 order, decree, judgment, minute, and any information in a case management
18 system created or prepared by court personnel relating to a judicial proceeding;
19 and
- 20 c. Information maintained by court personnel pertaining to the administration of the
21 court or clerk of court office and not associated with a particular case.

22 ~~2-3.~~ "Criminal justice agency" has the same meaning as in section 12-60-16.1.

1 4. "Criminal record" means court and prosecution records subject to sealing under this
2 chapter. A criminal record does not include criminal history record information as
3 defined in subsection 5 of section 12-60-16.1 or criminal justice data information
4 maintained in the criminal justice data information sharing system under section
5 54-12-34.

6 3-5. "Prosecutor" means the office or agency with jurisdiction over the offense for purposes
7 of postconviction proceedings.

8 4-6. "Nonconviction" means dismissal of all criminal charges in a case or acquittal of all
9 criminal charges in a case.

10 7. "Seal" means to prohibit the disclosure of the existence or contents of court or
11 prosecution records unless authorized by court order.

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

14 **12-60.1-02. Grounds to file petition to seal criminal record.**

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

16 a. The individual pled guilty to or was found guilty of a misdemeanor offense and
17 the individual has not been convicted of a new crime for at least three years
18 before filing the petition; ~~or~~

19 b. The individual pled guilty to or was found guilty of a felony offense and the
20 individual has not been convicted of a new crime for at least five years before
21 filing the petition; or

22 c. The individual was granted an unconditional pardon of the criminal conviction by
23 the governor.

24 2. ~~This~~ Except as provided under section 3 of this Act, this chapter does not apply to:

25 a. A felony offense involving violence or intimidation during the period in which the
26 offender is ineligible to possess a firearm under subdivision a of subsection 1 of
27 section 62.1-02-01; or

28 b. An offense for which an offender has been ordered to register under section
29 12.1-32-15.

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

1 **Closing nonconviction records.**

2 1. If a court enters an order of nonconviction on or after August 1, 2025, the court shall
3 close the court record upon the expiration of sixty-one days.

4 2. The defendant may file a petition to the court to have the court record closed if the
5 court entered an order of nonconviction for a case disposed of before August 1, 2025.
6 If the defendant meets the requirements of this section, the court shall enter an order
7 closing the court record within ten days of the petition being filed.

8 3. This section does not apply if:

9 a. The dismissal was the result of a plea agreement involving a conviction on
10 another offense;

11 b. The case was dismissed due to a finding the individual was not fit to proceed
12 under chapter 12.1-04;

13 c. The case resulted in a verdict of not guilty due to a lack of criminal responsibility
14 under chapter 12.1-04.1; or

15 d. The case was appealed.

16 4. A filing fee may not be charged for a petition filed under this section.