

CHAPTER 10-13-11

PURGING AND SEALING OF CRIMINAL HISTORY RECORD INFORMATION

Section

10-13-11-01	Court Order Required
10-13-11-02	Purging Limited
10-13-11-03	Access to Sealed Records
10-13-11-04	Methods of Sealing

10-13-11-01. Court order required.

Criminal history records, or portions thereof, may be purged or sealed only when expressly authorized by state or federal law and pursuant to a court order from a court of competent jurisdiction.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-02. Purging limited.

Purging must be accomplished so as to retain records or portions of records which are not the direct objective of a purge order. Agencies may destroy an entire record, including biometric data, photos, and arrest and disposition data, or they may destroy only specific portions of a record to accomplish the required purge.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-03. Access to sealed records.

Criminal justice agencies may access sealed records for the following purposes:

1. Records management.
2. Review by the record subject.
3. Authorized research and statistical purposes.
4. Upon court order from a court of competent jurisdiction.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-11-04. Methods of sealing.

Records may be sealed by attaching a special marking to sealed files, or by removal from the general record file and storage in a separate, secured file. In automated systems, sealing must be accomplished by limiting access to the sealed records or portions of the records to specific terminals or specifically authorized persons, or to specific terminals and specifically authorized persons.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3