

**HOUSE BILL NO. 1336**

Introduced by

Representatives D. Johnson, Jones, Karls, Satrom

Senators Larson, Luick, Myrdal

1 A BILL for an Act to amend and reenact section 39-08-01.6 of the North Dakota Century Code,  
2 relating to sealing a criminal record of a driving under the influence offense; and to provide for  
3 retroactive application.

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

5 **SECTION 1. AMENDMENT.** Section 39-08-01.6 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-08-01.6. Criminal record - Seal - Exception.**

8 1. The court shall seal an individual's criminal record ~~under~~in accordance with sections  
9 12.1-32-07.1 and 12.1-32-07.2 which relates to a conviction under section 39-08-01  
10 occurring after December 31, 2004, if the individual:

11 a. Has pled guilty or nolo contendere to, or has been found guilty of a violation  
12 under section 39-08-01; and

13 b. Has not pled guilty or nolo contendere to, or has not been found guilty of a  
14 subsequent violation of section 39-08-01, or any other criminal offense, within  
15 seven years of the first violation under section 39-08-01.

16 2. This section does not apply to an individual licensed as a commercial driver under  
17 section 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of  
18 enhancement under subsection 3 of section 39-08-01.

19 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively.