

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

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 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; 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.

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

3 **Certain criminal records automatically sealed.**

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

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

6 b. All criminal charges were dismissed; or

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

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

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