

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1263
(Representatives Christianson, Hendrix, Holle, D. Johnston)
(Senator Cory)

AN ACT to amend and reenact section 12-60.1-04 of the North Dakota Century Code, relating to hearings on petitions to seal a criminal record.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60.1-04 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-04. Hearing on petition.

1. The court may grant a petition to seal a criminal record if the court determines by clear and convincing evidence:
 - a. The petitioner has shown good cause for granting the petition;
 - b. The benefit to the petitioner outweighs the presumption of openness of the criminal record;
 - c. The petitioner has completed all terms of imprisonment and probation for the offense;
 - d. The petitioner has paid all restitution ordered by the court for commission of the offense;
 - e. The petitioner has demonstrated reformation warranting relief; and
 - f. The petition complies with the requirements of this chapter.
2. In determining whether to grant a petition, the court shall consider:
 - a. The nature and severity of the underlying crime that would be sealed;
 - b. The risk the petitioner poses to society;
 - c. The length of time since the petitioner committed the offense;
 - d. The petitioner's rehabilitation since the offense;
 - e. Aggravating or mitigating factors relating to the underlying crime, including factors outlined in section 12.1-32-04;
 - f. The petitioner's criminal record, employment history, and community involvement;
 - g. The recommendations of law enforcement, prosecutors, corrections officials, and those familiar with the petitioner and the offense; and
 - h. The recommendations of victims of the offense.
3. A hearing on the petition may not be held earlier than forty-five days following the filing of the petition.
4. To the extent practicable, upon receipt of a petition to seal a criminal record, the prosecutor shall notify and seek input from law enforcement, witnesses, victims, and correctional authorities familiar with the petitioner and the offense.

5. This section does not prohibit a prosecutor from stipulating to seal a criminal record without a hearing or more expeditiously than provided in this section.
6. ~~An individual may not appeal a denial of a petition from a district judge or magistrate.~~
7. An individual aggrieved by denial of a petition in a municipal court may appeal the denial to the district court for de novo review without payment of a filing fee. A petition denied by the district court may ~~not~~ be appealed.
- ~~8-7.~~ Except as provided in this section and if good cause is shown, a district court denying a petition may prohibit a petitioner from filing a subsequent petition to seal a criminal record for up to ~~three years~~one year following the denial. The order denying the petition must provide the reasons establishing good cause for prohibiting the petition.
- ~~9-8.~~ If a court grants a petition to seal a criminal record, the court shall state in the court order that the petitioner is sufficiently rehabilitated but is subject to the provisions of section 12.1-33-02.1, and shall release the information when an entity has a statutory obligation to conduct a criminal history background check.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1263.

House Vote: Yeas 93 Nays 0 Absent 1

Senate Vote: Yeas 45 Nays 1 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State