CHAPTER 12-60.1
SEALING CRIMINAL RECORDS

12-60.1-01. Definitions.

As used in this chapter:

1. "Closed" means subject to examination only by a clerk of court, a judge of the court, the juvenile commission, a criminal justice agency, the defendant, the defendant's counsel, a state's attorney, or any person upon written order of a judge of the court.
2. "Court record" includes:
   a. Any document or information collected, received, or maintained by court personnel in connection with a judicial proceeding;
   b. Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by court personnel relating to a judicial proceeding; and
   c. Information maintained by court personnel pertaining to the administration of the court or clerk of court office and not associated with a particular case.
3. "Criminal justice agency" has the same meaning as in section 12-60-16.1.
4. "Criminal record" means court and prosecution records subject to sealing under this chapter. A criminal record does not include criminal history record information as defined in subsection 5 of section 12-60-16.1 or criminal justice data information maintained in the criminal justice data information sharing system under section 54-12-34.
5. "Nonconviction" means dismissal of all criminal charges in a case or acquittal of all criminal charges in a case.
6. "Prosecutor" means the office or agency with jurisdiction over the offense for purposes of postconviction proceedings.
7. "Seal" means to prohibit the disclosure of the existence or contents of court or prosecution records unless authorized by court order.

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

1. An individual may file a petition to seal a criminal record if:
   a. The individual pled guilty to or was found guilty of a misdemeanor offense and the individual has not been convicted of a new crime for at least three years before filing the petition;
   b. The individual pled guilty to or was found guilty of a felony offense and the individual has not been convicted of a new crime for at least five years before filing the petition; or
   c. The individual was granted an unconditional pardon of the criminal conviction by the governor.
2. Except as provided under section 12-60.1-05, this chapter does not apply to:
   a. A felony offense involving violence or intimidation during the period in which the offender is ineligible to possess a firearm under subdivision a of subsection 1 of section 62.1-02-01; or
   b. An offense for which an offender has been ordered to register under section 12.1-32-15.

12-60.1-03. Petition to seal criminal record.

1. A petition to seal a criminal record must be filed in the existing criminal case for the offense.
2. Subject to redaction requirements in rule 3.4 of the North Dakota Rules of Court, a petition must include:
   a. The petitioner's full name and all other legal names or aliases the petitioner has used at any time;

b. The petitioner's addresses from the date of the offense until the date of the petition;
c. Reasons why the petition should be granted;
d. The petitioner's criminal history in this state and any other state, federal court, and foreign country, including:
(1) All prior and pending criminal charges;
(2) All prior and pending charges for which an imposition of sentence has been deferred or stayed, or which have been continued for dismissal; and
(3) All prior requests by the petitioner with authorities in this state or another state or federal forum for pardon, return of arrest records, expungement, or sealing of a criminal record, whether granted or not.

3. The petitioner shall file a proposed order when filing a petition to seal a criminal record.
4. A petition filed under this section must be served upon the prosecuting official as provided by rule 49 of the North Dakota Rules of Criminal Procedure.

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 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 be appealed.
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 one year following the denial. The order denying the petition must provide the reasons establishing good cause for prohibiting the petition.
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.

12-60.1-05. Closing nonconviction records.

1. If a court enters an order of nonconviction on or after August 1, 2025, the court shall close the court record upon the expiration of sixty-one days.
2. The defendant may file a petition to the court to have the court record closed if the court entered an order of nonconviction for a case disposed of before August 1, 2025. If the defendant meets the requirements of this section, the court shall enter an order closing the court record within ten days of the petition being filed.
3. This section does not apply if:
   a. The dismissal was the result of a plea agreement involving a conviction on another offense;
   b. The case was dismissed due to a finding the individual was not fit to proceed under chapter 12.1-04;
   c. The case resulted in a verdict of not guilty due to a lack of criminal responsibility under chapter 12.1-04.1; or
   d. The case was appealed.
4. A filing fee may not be charged for a petition filed under this section.