

2025 HOUSE JUDICIARY

HB 1364

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1364
1/27/2025

A BILL for an Act to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota Century Code, relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

9:02 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Henderson

Discussion Topics:

- Drug court suspension process
- Qualifications for drug court
- Dismissal of third DUI offenses through drug court programs

9:14 Rozanna Larson, Ward County State's Attorney testified in favor and submitted testimony #31822.

9:19 a.m. Travis Finck, Executive Director of the North Dakota Commission on Legal Counsel for Indigents, testified in favor.

9:19 a.m. Jonathan Byers, Lobbyist for the North Dakota State's Attorney, testified in favor.

9:20 a.m. Representative Olson Moved to adopt Amendment LC: 25.0994.01001

9:20 a.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y

Representative Mary Schneider	A
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:21 a.m. Motion Passed 12-0-2

9:22 a.m. Representative Olson moved for a Do Pass as Amended.

9:22 a.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	N

9:27 a.m. Motion passed 10-3-1

9:27 a.m. Representative Hoverson will carry the bill.

Additional written testimony:

Lawrence Klemin, North Dakota Representative for District 47, submitted testimony in favor #31708

9:27 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1364

Introduced by

Representatives Klemin, Karls, Lefor, Louser, Schneider

Senators Dwyer, Larson, Myrdal

JB 1-27-25
[ok]

1 A BILL for an Act to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota
2 Century Code, relating to the partial suspension of sentence for drug court program, mental
3 health court program, or veterans treatment docket completion.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01.5 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to
8 drug court, mental health court, or veterans treatment docket and successfully
9 completes a drug court program, mental health court, or veterans treatment docket,
10 the court shall dismiss the case and seal the file in accordance with section
11 12.1-32-07.2. The court also shall issue an order to the ~~department~~director to remove
12 the conviction and suspension based on the conviction from the driving record of the
13 defendant, unless doing so is prohibited by title 49, Code of Federal Regulations,
14 section 383.51, or other federal or state law.

**REPORT OF STANDING COMMITTEE
HB 1364**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0994.01001](#)) and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1364 was placed on the Sixth order on the calendar.

25.0994.01001
Title.

Prepared by the Legislative Council
staff for Representative Klemin
January 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1364

Introduced by

Representatives Klemin, Karls, Lefor, Louser, Schneider

Senators Dwyer, Larson, Myrdal

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14 section 383.51, or other federal or state law.

Hearing date: January 27, 2025

House Judiciary Committee
2025 ND Legislature

Chairperson Lawrence Klemin
Committee Members

From: Rozanna C Larson
Ward County State's Attorney

RE: House Bill 1364

Chairperson Klemin and Members of the Committee,

This is my written testimony in favor of House Bill 1364 and ask the committee submits a DO PASS vote. I am the State's Attorney for Ward County and have been a prosecutor for 27 years.

The purpose of the requested amended language is to be consistent with other statutory language as it relates to benefits of drug court (treatment court) participants. Currently there is a conflict in the statutes with the policies or practice of DOT.

Specifically, NDCC 39-08-01.5 (3) states "If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes the drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with 12.1-032-07.2.

I am part of the Drug Court team in Ward County. The issue arises with the records at DOT. Administratively the offenders license is suspended often times even before the offender enters a guilty plea. Once they enter a guilty plea, criminal judgment is entered and sent to DOT. This gets recorded onto their driving record. Currently there is no mechanism to have the conviction or suspension removed when they have successfully completed drug court, even though legally the case no longer exists because it has been dismissed and sealed.

Participants have been negatively affected by these convictions and suspensions remaining on their driving record.

There has been a concern of this proposed amendment conflicting with Federal masking prohibitions. (42 CFR 383.51 attached). This amendment specifically addresses that issue, wherein it would not apply in those situations.

Sixty-ninth
Legislative Assembly
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11 12.1-32-07.2. The court also shall issue an order to the department director to remove
12 the conviction and suspension based on the conviction from the driving record of the
13 defendant, unless doing so is prohibited by title 49, Code of Federal Regulations,
14 section 383.51, or other federal or state law.

Code of Federal Regulations

Title 49. Transportation

Subtitle B. Other Regulations Relating to Transportation

Chapter III. Federal Motor Carrier Safety Administration, Department of Transportation (Refs & Annos)

Subchapter B. Federal Motor Carrier Safety Regulations

Part 383. Commercial Driver's License Standards; Requirements and Penalties (Refs & Annos)

Subpart D. Driver Disqualifications and Penalties (Refs & Annos)

49 C.F.R. § 383.51

§ 383.51 Disqualification of drivers.

Currentness

(a) General.

- (1) A person required to have a CLP or CDL who is disqualified must not drive a CMV.
- (2) An employer must not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a CMV.
- (3) A holder of a CLP or CDL is subject to disqualification sanctions designated in paragraphs (b) and (c) of this section, if the holder drives a CMV or non-CMV and is convicted of the violations listed in those paragraphs.
- (4) Determining first and subsequent violations. For purposes of determining first and subsequent violations of the offenses specified in this subpart, each conviction for any offense listed in Tables 1 through 4 to this section resulting from a separate incident, whether committed in a CMV or non-CMV, must be counted.
- (5) The disqualification period must be in addition to any other previous periods of disqualification.
- (6) Reinstatement after lifetime disqualification. A State may reinstate any driver disqualified for life for offenses described in paragraphs (b)(1) through (8) of this section (Table 1 to § 383.51) after 10 years, if that person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the State. Any person who has been reinstated in accordance with this provision and who is subsequently convicted of a disqualifying offense described in paragraphs (b)(1) through (8) of this section (Table 1 to § 383.51) must not be reinstated.
- (7) A foreign commercial driver is subject to disqualification under this subpart.

(b) Disqualification for major offenses. Table 1 to § 383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

Table 1 to § 383.51

					For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for ** *
	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for ** *	For a first conviction or refusal to be tested while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for ** *	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials as defined in § 383.5, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for ** *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for ** *	
If a driver operates a motor vehicle and is convicted of:					
(1) Being under the influence of alcohol as prescribed by State law ***	1 year	1 year	3 years	Life	Life.
(2) Being under the influence of a controlled substance ***	1 year	1 year	3 years	Life	Life.
(3) Having an alcohol concentration of 0.04 or greater while operating a CMV ***	1 year	Not applicable	3 years	Life	Not applicable.
(4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72 of this part ***	1 year	1 year	3 years	Life	Life.
(5) Leaving the scene of an accident ***	1 year	1 year	3 years	Life	Life.
(6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) or (10) of this table ***	1 year	1 year	3 years	Life	Life.
(7) Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's	1 year	Not applicable	3 years	Life	Not applicable.

§ 383.51 Disqualification of drivers., 49 C.F.R. § 383.51

CLP or CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.....

(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.....

1 year..... Not applicable..... 3 years..... Life.....

Not applicable.

(9) Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance * * *.....

Life—not eligible for 10-year reinstatement. Life—not eligible for 10-year reinstatement. Life—not eligible for 10-year reinstatement. Life—not eligible for 10-year reinstatement.

Life—not eligible for 10-year reinstatement.

(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11).....

Life—not eligible for 10-year reinstatement. Not applicable..... Life—not eligible for 10-year reinstatement. Life—not eligible for 10-year reinstatement.

Not applicable.

(c) Disqualification for serious traffic violations. Table 2 to § 383.51 contains a list of the offenses and the periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

Table 2 to § 383.51

	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV	For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or
If the driver operates a motor vehicle and is convicted of:	*	*	*

	driving privileges, for * * *			non-CMV driving privileges, for * * *
(1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the regulated or posted speed limit.....	60 days.....	60 days.....	120 days.....	120 days.
(2) Driving recklessly, as defined by State or local law or regulation, including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property.....	60 days.....	60 days.....	120 days.....	120 days.
(3) Making improper or erratic traffic lane changes..	60 days.....	60 days.....	120 days.....	120 days.
(4) Following the vehicle ahead too closely.....	60 days.....	60 days.....	120 days.....	120 days.
(5) Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident	60 days.....	60 days.....	120 days.....	120 days.
(6) Driving a CMV without obtaining a CLP or CDL.....	60 days.....	Not applicable.....	120 days.....	Not applicable.
(7) Driving a CMV without a CLP or CDL in the driver's possession ¹	60 days.....	Not applicable.....	120 days.....	Not applicable.
(8) Driving a CMV without the proper class of CLP or CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.....	60 days.....	Not applicable.....	120 days.....	Not applicable.
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV. ²	60 days.....	Not applicable.....	120 days.....	Not applicable.
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. ²	60 days.....	Not applicable.....	120 days.....	Not applicable.

(d) Disqualification for railroad-highway grade crossing offenses. Table 3 to § 383.51 contains a list of the offenses and the periods for which a person who is required to have a CLP or CDL is disqualified, when the driver is operating a CMV at the time of the violation, as follows:

Table 3 to § 383.51

If the driver is convicted of operating a CMV in violation of a Federal, State or local law because * * *	For a first conviction a person required to have a CLP or CDL and	For a second conviction of any combination of offenses in this Table	For a third or subsequent conviction of any combination of offenses
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	a CLP or CDL holder must be disqualified from operating a CMV for * *	in a separate incident within a 3- year period, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *	in this Table in a separate incident within a 3- year period, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *
(1) The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train * *	No less than 60 days.....	No less than 120 days	No less than 1 year.
(2) The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear * * *	No less than 60 days.....	No less than 120 days	No less than 1 year.
(3) The driver is always required to stop, but fails to stop before driving onto the crossing * * *	No less than 60 days.....	No less than 120 days	No less than 1 year.
(4) The driver fails to have sufficient space to drive completely through the crossing without stopping * *	No less than 60 days.....	No less than 120 days	No less than 1 year.
(5) The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing * * *	No less than 60 days.....	No less than 120 days	No less than 1 year.
(6) The driver fails to negotiate a crossing because of insufficient	No less than 60 days.....	No less than 120 days	No less than 1 year.

undercarriage
clearance * * *.

(e) Disqualification for violating out-of-service orders. Table 4 to § 383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified when the driver is operating a CMV at the time of the violation, as follows:

Table 4 to § 383.51

If the driver operates a CMV and is convicted of * * *	For a first conviction while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *	For a second conviction in a separate incident within a 10-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *	For a third or subsequent conviction in a separate incident within a 10-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * *
(1) Violating a driver or vehicle out-of-service order while transporting nonhazardous materials	No less than 180 days or more than 1 year.....	No less than 2 years or more than 5 years	No less than 3 years or more than 5 years.
(2) Violating a driver or vehicle out-of-service order while transporting hazardous materials as defined in § 383.5, or while operating a vehicle designed to transport 16 or more passengers, including the driver	No less than 180 days or more than 2 years.....	No less than 3 years or more than 5 years	No less than 3 years or more than 5 years.

Credits

[53 FR 39050, Oct. 4, 1988; 54 FR 40788, Oct. 3, 1989; 55 FR 6727, Feb. 26, 1990; 57 FR 53295, Nov. 9, 1992; 59 FR 26028, May 18, 1994; 62 FR 37151, July 11, 1997; 64 FR 48111, Sept. 2, 1999; 67 FR 49756, July 31, 2002; 68 FR 4396, Jan. 29, 2003;

72 FR 36787, July 5, 2007; 75 FR 59134, Sept. 27, 2010; 76 FR 26879, May 9, 2011; 76 FR 75486, Dec. 2, 2011; 77 FR 59825, Oct. 1, 2012; 78 FR 58479, Sept. 24, 2013; 78 FR 60231, Oct. 1, 2013; 84 FR 35338, July 23, 2019; 86 FR 35640, July 7, 2021]

SOURCE: 52 FR 20587, June 1, 1987; 54 FR 40788, Oct. 3, 1989; 57 FR 31457, July 16, 1992; 59 FR 26028, May 18, 1994; 59 FR 60323, Nov. 23, 1994; 61 FR 9564, March 8, 1996; 61 FR 14679, April 3, 1996; 62 FR 1296, Jan. 9, 1997; 64 FR 48110, Sept. 2, 1999; 66 FR 49872, Oct. 1, 2001; 67 FR 49755, July 31, 2002; 67 FR 61821, Oct. 2, 2002; 68 FR 23849, May 5, 2003; 70 FR 56593, Sept. 28, 2005; 70 FR 66489, Nov. 2, 2005; 71 FR 2898, Jan. 18, 2006; 73 FR 73123, Dec. 1, 2008; 76 FR 75486, Dec. 2, 2011; 77 FR 59825, Oct. 1, 2012; 78 FR 16194, March 14, 2013; 78 FR 17880, March 25, 2013; 78 FR 24688, April 26, 2013; 80 FR 59072, Oct. 1, 2015; 81 FR 47720, July 22, 2016; 81 FR 87730, Dec. 5, 2016; 81 FR 88802, Dec. 8, 2016; 83 FR 48975, Sept. 28, 2018; 86 FR 35640, July 7, 2021; 86 FR 55742, Oct. 7, 2021; 87 FR 59036, Sept. 29, 2022, unless otherwise noted.

AUTHORITY: 49 U.S.C. 521, 31136, 31301 et seq., and 31502; secs. 214 and 215 of Pub.L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub.L. 107–56, 115 Stat. 272, 297, sec. 4140 of Pub.L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub.L. 112–141, 126 Stat. 405, 830; sec. 23019 of Pub.L. 117–58, 135 Stat. 429, 777; and 49 CFR 1.87.

Notes of Decisions (16)

Current through January 16, 2025, 90 FR 5424. Some sections may be more current. See credits for details.

Footnotes

- 1 Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CLP or CDL on the date the citation was issued, shall not be guilty of this offense.
- 2 Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

2025 SENATE JUDICIARY

HB 1364

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1364
3/26/2025

Relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.
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9:01 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Driving record sealing
- DUI conviction handling
- Retroactive application of conviction removal

9:02 a.m. Representative Klemin introduced the bill, introduced proposed an amendment by Wade G. Enget referencing testimony #43741 and submitted testimony in favor #43827 .

9:09 a.m. Jonathan Byers, Lobbyist, ND State Attorney's Association, testified in favor.

9:11 a.m. Wade G. Enget, Mountrail County State's Attorney, testified in favor and submitted testimony #43741 and #43742.

9:26 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

25.0994.03000

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT

ENGROSSED HOUSE BILL NO. 1364

Introduced by

Representatives Klemin, Karls, Lefor, Louser, Schneider

Senators Dwyer, Larson, Myrdal

A BILL for an Act to create and enact a new subsection to subsection 39-08-01.5 of the North Dakota Century Code relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion; to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota Century Code relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-08-01.5 of the North Dakota Century Code is created and enacted as follows:

Any defendant who has been convicted of a misdemeanor under section 39-08-01 from and after August 1, 2019 to the effective date of this Act, and was sentenced to drug court, mental health court, or veterans treatment docket and successfully completed a drug court program, mental health court, or veterans treatment docket, may file with the district court in the jurisdiction where the conviction was docketed a written petition requesting that the conviction be dismissed and the file sealed in accordance with section 12.1-32-07.2. Upon reviewing the written petition, the district court may issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, and dismiss and seal the file in accordance with section 12.1-32-07.2. unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

SECTION 2. AMENDMENT. Subsection 3 of section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2. The court also shall issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

To: **Hon. Chairman Larson**
Hon. Vice-Chair Paulson
Members of the Senate Judiciary Committee

From: **Wade G. Enget, Mountrail County State's Attorney**

Re: **HB 1364**

I am submitting this testimony in SUPPORT of HB 1364, along with a proposed amendment.

I am currently serving as the Mountrail County State's Attorney, and have been in that position since November 1, 1985. I have had the privilege of being a member of the North Central Judicial District's Drug Court Program since October of 2020.

N.D.C.C. §39-08-01.5(3) currently provides that individuals who successfully complete drug court, mental health court or veterans treatment docket shall have their alcohol-related court conviction dismissed and the file sealed. Subsection 3 was added to N.D.C.C. §39-08-01.5 by action of the North Dakota Legislature in 2019 (introduced and passed as HB 1164), which was signed into law and became effective on August 1, 2019. I believe that it was the intent of the 2019 Legislature to provide relief both in the court system and the driver's license system to those individuals who successfully complete drug court, mental health court or veterans treatment docket, as the 2019 Senate approved it by a vote of 45-0.

The impetus behind the changes envisioned by HB 1364 is to insure that individuals who successfully complete drug court, mental health court or veterans treatment docket have their *conviction and suspension order based upon an alcohol-related conviction removed from their driving record, which record is under the control of the North Dakota Department of Transportation*. Currently, there are no provisions in North Dakota law that require such action be taken by the North Dakota Department of Transportation.

Today, I am here to today to request consideration of an amendment to HB 1364. My amendment would provide relief envisioned when the 2019 Legislature approved the addition of Subsection (3) to N.D.C.C. §39-08-01.5. I know that my amendment would provide for retroactive application of removal of an individual's conviction and suspension order based upon an alcohol-related conviction removed from that individual's driving record by North Dakota Department of Transportation. However, I truly believe that the retroactivity proposed in my amendment is simply to fulfill the original intent of the 2019 legislation that became law and to give to those individuals who have successfully completed the program what they were promised.

Thank you for your time. I would request adoption of my proposed amendment and then ask for a **DO PASS** recommendation from this Committee on HB 1364.

Wade G. Enget (04165)
Mountrail County State's Attorney
101 N. Main St.
P.O. Box 69
Stanley, ND 58784
(701)628-2965

TESTIMONY OF REP. LAWRENCE R. KLEMIN
SENATE JUDICIARY COMMITTEE
HOUSE BILL NO. 1364
MARCH 26, 2025

Members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill 1364, relating to the removal of a conviction and the sealing of the driving record of a defendant who successfully completes drug court. I introduced this bill at the request of the State's Attorneys Association.

Section 39-08-01, which is referred to in the current law, provides a penalty if a person is convicted of driving under the influence of intoxicating liquor or other drugs or substances. Section 39-08-01.5(3) in this bill requires the court to dismiss the conviction upon the successful completion of drug court or other treatment court. The court is also required to seal the file. The amendment in this bill then requires the court to issue an order to remove the conviction from the driving record of the defendant. There is an exception required by federal law if the defendant had a commercial driver's license (CDL). A copy of the federal regulation on this subject was attached to the testimony of Roza Larson previously presented at the hearing in the House Judiciary Committee on January 27 and uploaded to the record for this bill.

I understand that there is a proposed amendment to this bill that will be presented to the Committee this morning. The State's Attorneys Association is aware of the amendment and has no objection to it. There will be other testimony following me on this subject.

Madame Chair and members of the committee, I urge you to recommend "do pass" on HB 1364. Thank you.

Rep. Lawrence R. Klemin
District 47, Bismarck

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1364
4/1/2025

Relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

10:42 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Driving record convictions
- Drug court recommendations

10:43 a.m. Chair Larson updated the committee on the background of the bill.

10:44 a.m. Senator Myrdal moved a Do Pass.

10:45 a.m. Senator Paulson seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

10:45 a.m. Senator Luick will carry the bill.

10:46 a.m. Committee discussion on upcoming schedule.

10:46 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1364 ([25.0994.03000](#))**

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.