

HOUSE BILL NO. 1355

Introduced by

Representatives Meier, Becker, Karls, Paur, Roers Jones, Satrom

Senators Dwyer, 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.

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

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

6 **39-08-01.6. Criminal record - Seal - Exception.**

7 1. The court shall seal an individual's criminal record under sections 12.1-32-07.1 and
8 12.1-32-07.2 if the individual:

9 a. Has pled guilty or nolo contendere to, or has been found guilty of a violation
10 under section 39-08-01 or an equivalent ordinance; and

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

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