

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1196  
(Representatives Roers Jones, Heinert, Ista, Keiser, Mock, O'Brien)  
(Senator Dwyer)

AN ACT to amend and reenact sections 12-60.1-01 and 12-60.1-02 and subsection 8 of section 12-60.1-04 of the North Dakota Century Code, relating to sealing criminal records.

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

**SECTION 1. AMENDMENT.** Section 12-60.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**12-60.1-01. Definitions.**

As used in this chapter:

1. "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.
2. "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.
3. ~~"Employee" has the same meaning as in section 14-02.4-02.~~
4. ~~"Employer" has the same meaning as in section 14-02.4-02.~~
5. "Prosecutor" means the office or agency with jurisdiction over the offense for purposes of postconviction proceedings.
- 6.4. "Seal" means to prohibit the disclosure of the existence or contents of court or prosecution records unless authorized by court order.

**SECTION 2. AMENDMENT.** Section 12-60.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**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 ~~charged with~~convicted of a new crime for at least three years ~~from the date of release from incarceration, parole, or probation~~ before filing the petition; or

- b. The individual pled guilty to or was found guilty of a felony offense and the individual has not been ~~charged with~~convicted of a new crime for at least five years ~~from the date of release from incarceration, parole, or probation~~before filing the petition.
2. 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.

**SECTION 3. AMENDMENT.** Subsection 8 of section 12-60.1-04 of the North Dakota Century Code is amended and reenacted as follows:

8. Except as provided in this section and if good cause is shown, if a petition is denied an individual a district court denying a petition may not file prohibit a petitioner from filing a subsequent petition to seal a criminal record for ~~at least~~up to three years following the denial. The order denying the petition must provide the reasons establishing good cause for prohibiting the petition.

Kim A. Hodgson  
Speaker of the House

[Signature]  
President of the Senate

Buell T. Reich  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1196.

House Vote:      Yeas 90              Nays 4              Absent 0

Senate Vote:      Yeas 47              Nays 0              Absent 0

Buell T. Reich  
Chief Clerk of the House

Received by the Governor at 11:40 AM. on March 24, 2021.

Approved at 5:30 PM. on March 25, 2021.

[Signature]  
Governor

Filed in this office this 26<sup>th</sup> day of March, 2021,  
at 9:38 o'clock A. M.

[Signature]  
Secretary of State