

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

HOUSE BILL NO. 1355
(Representatives Meier, Becker, Karls, Paur, Roers Jones, Satrom)
(Senators Dwyer, Luick, Myrdal)

AN ACT to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The court shall seal an individual's criminal record under sections 12.1-32-07.1 and 12.1-32-07.2 if the individual:
 - a. Has pled guilty or nolo contendere to, or has been found guilty of a violation under section 39-08-01 or an equivalent ordinance; and
 - b. Has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent violation of section 39-08-01 or an equivalent ordinance, or any other criminal offense, within seven years of the first violation under section 39-08-01 or an equivalent ordinance.
2. This section does not apply to an individual licensed as a commercial driver under section 39-06.2-10 or to a prosecutor's access to a prior offense for purposes of enhancement under subsection 3 of section 39-08-01 or an equivalent ordinance.

Kevin A. Hoagland
Speaker of the House

Erin Spahr
President of the Senate

Bull J. Reich
Chief Clerk of the House

Manda Mogen
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. 1355.

House Vote: Yeas 91 Nays 1 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Bull J. Reich
Chief Clerk of the House

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

Approved at 5:31 PM. on March 25, 2021.

Dwight Dargatzis
Governor

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

Christine Dargatzis
Secretary of State