

Introduced by

Representatives D. Johnson, P. Anderson, Heinert, Pyle, Schreiber-Beck

Senators Bakke, Dwyer, Luick, Myrdal, Wanzek

1 A BILL for an Act to create and enact section 39-08-01.6 of the North Dakota Century Code,  
2 relating to sealing a criminal record of a driving under the influence offense.

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

4 **SECTION 1.** Section 39-08-01.6 of the North Dakota Century Code is created and enacted  
5 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; 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 any other criminal offense, within  
13 seven years of the first violation under section 39-08-01.

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