

2023 HOUSE JUDICIARY

HB 1130

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1130
1/10/2023

Relating to the sealing of a criminal record.

Chairman Klemin opened the hearing on HB 1130 at 9:30 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, , Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Clear evidence
- Sealed records definition
- Class B misdemeanor by individuals
- Disorderly conduct

Travis Finck, Executive Director, NDCLCI: Testimony #12704

Rep. Brandenburg: Introduced bill. No written testimony

Adjourned at 9:53 AM.

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1130
1/10/2023

Relating to the sealing of a criminal record.

Chairman Klemin opened the meeting on HB 1130 at 2:37 PM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Sealing records

Rep. Christensen moved a Do Not Pass.
Seconded by Rep. VanWinkle

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll Call Vote: 12 Yes 0 No 1 Absent Motion carried.
Carrier: Rep. VanWinkle

Meeting closed 2:41 PM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1130: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1130

HB 1130
68th Legislative Assembly
House Judiciary Committee
January 10, 2023
Testimony of Travis W. Finck, Executive Director NDCLCI in Support

Chairman Klemin, members of the House Judiciary Committee, I rise today on behalf of the Commission on Legal Counsel for Indigents in support of HB 1130. The Commission on Legal Counsel is the state agency responsible for the provision of legal services for individuals when there is a constitutional, statutory or rule based right to counsel.

HB 1130 provides an option for a defendant who has been convicted for a first offense disorderly conduct to have the conviction sealed if they have no similar conviction for a period of five years. Currently, North Dakota Century Code 12.1-60 requires a defendant to file a petition in the criminal case and the Court may seal the record if it finds certain factors by clear and convincing evidence. HB 1130 provides the court shall seal the record upon motion of the defendant after the five year time period.

By requiring the matter to be sealed if no subsequent offense, we believe this provides indigent defendants access to a mechanism to seal a low-level misdemeanor that does not require a hearing. Currently, 12.1-60 requires a hearing and for several factors to be shown. Indigent defendants convicted of a first offense disorderly conduct who may not be able to afford an attorney to assist with sealing a record would no longer face the daunting task of proving several factors by clear and convincing evidence. They simply need to remain law abiding and file a motion. For all the reasons stated herein, we support HB 1130.

Respectfully Submitted:



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