



North Dakota Supreme Court Law Library

Judicial Wing, 2nd Floor
600 E. Boulevard Avenue
Bismarck, ND 58505-0450
(701) 328-4496
lawlib@ndcourts.gov

Expunge or Seal Criminal Records – Legal Research Resources

Criminal records are mainly found in court records, law enforcement records, prosecution records, and criminal history records maintained by the N.D. Bureau of Criminal Investigation (B.C.I.).

Expunge Criminal Records

In general, expungement is deleting and destroying criminal record information.

Expungement of criminal records is only available in limited circumstances in North Dakota:

1. Records of a victim of human trafficking ([N.D.C.C. § 12.1-41-14](#))
2. Records of possession of 1 ounce or less of marijuana ([N.D.C.C. § 19-03.1-23\(9\)](#))
3. Records of juvenile court cases ([N.D.C.C. § 27-20.2-25](#); [NDRJP Rule 19](#))
4. Records of DNA profiles ([N.D.C.C. § 31-13-07](#))
5. Records of unconstitutional arrests ([State v. Howe](#), 308 N.W.2d 743 (N.D. 1981))

See [Expungement Research Guide](#) at ndcourts.gov/legal-self-help – “Criminal Matters”.

Expunge Involuntary Commitment Records

Under [N.D.C.C. § 25-03.1-45](#), the district court may expunge all court records related to the involuntary commitment.

See [Expungement of Involuntary Commitment Records Research Guide](#) at ndcourts.gov/legal-self-help – “Miscellaneous”.

Seal Criminal Records

In general, sealing is not allowing disclosure of the existence or the contents of criminal record information without a court order.

Under [N.D.C.C. Chapter 12-60.1](#) the following people may have their municipal court and district court criminal records sealed:

1. Guilty of a misdemeanor and no new charges for at least 3 years.
2. Guilty of a felony and no new charges for at least 5 years.

See [Sealing Criminal Records Research Guide](#) at ndcourts.gov/legal-self-help – “Criminal Matters”.

Seal DUI Records

Under [N.D.C.C. § 39-08-01.6](#) the following people may have their municipal court and district court DUI records sealed:

1. Guilty or nolo contendere of a violation under [N.D.C.C. § 39-08-01](#) or similar municipal ordinance; and
2. No subsequent violation of any other criminal offense within 7 years.

See [Sealing DUI Records Research Guide](#) at ndcourts.gov/legal-self-help – “Criminal Matters”.

Other Options – Legal Research Resources

Pardons in North Dakota – a function of the Executive Branch (Governor)

A pardon signed by the North Dakota Governor removes the punishment or custody imposed on a person for committing an offense (or offenses). A pardon doesn't remove the fact of the conviction or plea or finding of guilt, unless the certificate of pardon signed by the Governor specifically says so.

[The Pardon Advisory Board](#) makes recommendations to the Governor. Recommendations aren't official until signed by the Governor. Information about the Pardon Advisory Board process and applications for a pardon are available at docr.nd.gov/pardon-advisory-board.

Summary Pardons for Marijuana Offenses in North Dakota

Persons prosecuted for and convicted of possession of marijuana, ingestion of marijuana, and possession of marijuana paraphernalia who **haven't had any convictions in the past 5 years** may submit a Summary Pardon Application.

[The Pardon Advisory Board](#) makes recommendations to the Governor. Recommendations aren't official until signed by the Governor. Information about the Pardon Advisory Board process and the application for a summary pardon are available at docr.nd.gov/pardon-advisory-board.

Prohibit Public Access to North Dakota State Court System Records

This applies only to North Dakota state court system records. If a judge grants a request to prohibit public access to your court records, the judge **can't** prohibit public access to law enforcement records, prosecution records, or records maintained by the Bureau of Criminal Investigation (B.C.I.).

Go to [Public Access to Case Records and Recordings](#) at ndcourts.gov/legal-self-help – “District Court Civil” for all available form sets and instructions.

Contact your North Dakota State Legislators

North Dakota state legislators meet in odd numbered years to make, amend, and repeal North Dakota laws. **If you want expungement and sealing options added in North Dakota, contact your legislators.**

Go to [Find My Legislators](#) at ndlegis.gov to find the contact information for your legislators.

North Dakota Supreme Court Law Library Mission Statement

The Primary purpose of the law library is to support the legal information needs of the North Dakota Supreme Court and the judicial system. The secondary purpose is to support the legislature and administrative agencies of the state. The library's resources are also available to the members of the North Dakota bar and the public. The availability to others is limited to the extent it does not compromise the library's primary purpose.