

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 5: JUVENILE JUSTICE**

**§ 5173. Expungement of record – Hearing – Findings Necessary – Special Index – Effect of Order.**

(a) Any person who has been adjudicated delinquent in a case under this chapter may, after the expiration of five years from the date of termination of the continuing jurisdiction of the court, or after reaching age eighteen, whichever occurs last, petition the court for the expungement of his/her record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing. Expungement proceedings and records shall be confidential, and expungement hearings shall be closed to the public.

(b) The court may not expunge a conviction for any of the following crimes from a juvenile's record:

(1) Murder; or

(2) Sexual assault as defined in 6 CMC § 1301 or 6 CMC § 1302.

(c) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile for any of the crimes identified in subsection (b) of this section, and has not been convicted of a felony, or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or the juvenile's release from the juvenile justice center, and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records in the custody of any other agency or official sealed; and shall further order all references to said adjudication removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public and shall be revealed only upon order of Commonwealth Superior Court or the Commonwealth Supreme Court. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the subject of the records or by any other court of competent jurisdiction, and only to persons named in the petition.

(d) If a juvenile case does not proceed to adjudication, the juvenile may petition for expungement of the record as set forth in this section.

**Source:** PL 16-47, § 22, modified.

**Commission Comment:** The Commission changed the order of this section from its original placement in PL 16-47; replaced “this section 21” with “this section” and replaced “section 22(b) of this Act” with “subsection (b) of this section” pursuant to 1 CMC § 3806(b), (d) and (g).