

**SENATE BILL NO. 2240
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2240

Introduced by

Senators Lee, B. Stenehjem, DeMers

Representatives Carlson, Poolman

1 A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code,
2 relating to public intoxication.

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

4 **SECTION 1. AMENDMENT.** Section 5-01-05.1 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **5-01-05.1. Public intoxication - Assistance - Medical care.** A peace officer has
7 authority to take any apparently intoxicated person to the person's home, to a local hospital, to
8 a detoxification center, or, whenever that person constitutes a danger to that person or others,
9 to a jail for purposes of detoxification. A duly licensed physician of a local hospital or a licensed
10 addiction counselor of a detoxification center has authority to hold that person for treatment up
11 to seventy-two hours. That intoxicated person ~~must~~ may not be held in jail because of
12 intoxication more than twenty-four hours. An intoxicated person may not be placed in a jail
13 unless a jailer is constantly present within hearing distance and medical services are provided
14 when the need is indicated. Upon placing that person in a hospital, detoxification center, or jail,
15 the peace officer shall make a reasonable effort to notify the intoxicated person's family as
16 soon as possible. Any additional costs incurred by the city or county on account of an
17 intoxicated person shall be recoverable from that person.