

SENATE BILL NO. 2118

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota
2 Century Code, relating to sentencing alternatives.

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

4 **SECTION 1. AMENDMENT.** Subsection 9 of section 12.1-32-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 9. ~~A person who is convicted of a felony and sentenced to imprisonment for not more~~
7 ~~than one year is deemed to have been convicted of a misdemeanor upon~~
8 ~~successful completion of the term of imprisonment and any term of probation~~
9 ~~imposed as part of the sentence. Upon successful completion of the term of~~
10 ~~imprisonment and any term of probation by a person who is convicted of a felony~~
11 ~~and sentenced to imprisonment for not more than one year, the person may~~
12 ~~petition the court to have the person's felony conviction reduced to a misdemeanor.~~
13 If the court finds that the person has successfully completed the term of
14 imprisonment and any term of probation imposed as a part of the sentence, the
15 order granting the petition must be served upon the bureau of criminal
16 investigation. The bureau shall enter on that person's criminal history record
17 information maintained pursuant to chapter 12-60 that the person's felony
18 conviction has been reduced to a misdemeanor pursuant to this subsection.
19 Successful completion of the term of imprisonment or probation means that the
20 person has not been found guilty of, or pled guilty or nolo contendere to, a violation
21 of a criminal law of this or another state, municipality, or the federal government,
22 committed during the term of imprisonment or probation and has not had that
23 person's probation revoked for a violation of a condition of that probation. This

- 1 subsection does not apply to a person convicted of violating subdivision b or c of
- 2 subsection 1 of section 19-03.1-23.