

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1089

Page 1, line 3, replace "; and to amend and reenact subsection 3 of section 12.1-32-07 of the North" with "in lieu of revocation of probation."

Page 1, remove line 4

Page 1, remove the underscore under line 8

Page 1, replace lines 9 through 21 with:

- "1. If a parole and probation officer takes a defendant into custody in accordance with rule 32 of the North Dakota Rules of Criminal Procedure for a violation of probation and has reasonable cause to believe the defendant is a chemically dependent individual who requires drug and alcohol treatment and rehabilitation or is in need of other treatment and rehabilitative programming, the parole and probation officer may place the defendant in an assessment center pending a hearing on the alleged violation for an evaluation to determine whether the defendant is a chemically dependent individual who is in need of drug and alcohol treatment and rehabilitation or is in need of other treatment and rehabilitative programming. The assessment center shall conduct the evaluation within seventy-two hours after the defendant has been placed in the assessment center."

Page 1, line 22, remove the underscore under "2. For purposes of this section, an assessment center means a facility", and insert immediately thereafter "operated under the direction of, or under contract with, the department of corrections and rehabilitation," and remove the underscore under "for the"

Page 1, remove the underscore under lines 23 and 24

Page 2, replace lines 1 through 9 with:

- "3. Upon completion of the evaluation, the assessment center shall refer the defendant to the sentencing court for a hearing on the alleged probation violation along with a report of its evaluation. If the court finds that the defendant violated a term or condition of probation and is a chemically dependent individual in need of drug and alcohol treatment or is in need of other treatment and rehabilitation, the court may continue the defendant on the existing probation and extend or enlarge the conditions of probation to require the defendant to return to the assessment center to undergo further assessment and treatment and rehabilitation and impose other conditions the court deems reasonably necessary to assure that the defendant complies with the terms and conditions of probation, or the court may revoke the probation and impose any other sentence that was available under section 12.1-32-02 or 12.1-32-09 at the time of the initial sentencing or deferment."

Page 2, remove the underscore under lines 10 through 21

Page 2, remove lines 22 through 31

Page 3, remove lines 1 through 10

Renumber accordingly