

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1051

Introduced by

Representatives Carlisle, Porter, Thoreson, Horter

Senators Lyson, Dever

1 A BILL for an Act to create and enact a new section to chapter 12.1-11 and a new section to
2 chapter 19-04 of the North Dakota Century Code, relating to fraudulent practices in urine
3 testing; to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century
4 Code, relating to conditions of probation; and to provide a penalty.

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

6 **SECTION 1.** A new section to chapter 12.1-11 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Fraudulent practices in urine testing.** A person is guilty of a class A misdemeanor if
9 that person willfully defrauds a urine test and the test is designed to detect the presence of a
10 chemical substance or a controlled substance.

11 **SECTION 2. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 3. The court shall provide as an explicit condition of every probation that the
14 defendant may not possess a firearm, destructive device, or other dangerous
15 weapon while the defendant is on probation and that the defendant may not
16 willfully defraud a urine test administered as a condition of probation.

17 Unless waived on the record by the court, the court shall also provide as a
18 condition of probation that the defendant undergo various agreed-to community
19 constraints and conditions as intermediate measures of the department of
20 corrections and rehabilitation to avoid revocation, which may include:

- 21 a. Community service;
22 b. Day reporting;
23 c. Curfew;
24 d. Home confinement;

- 1 e. House arrest;
- 2 f. Electronic monitoring;
- 3 g. Residential halfway house; or
- 4 h. Intensive supervision program.

5 **SECTION 3.** A new section to chapter 19-04 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Distribution of substance or device to defraud urine test prohibited - Penalty.** A
8 person is guilty of a class A misdemeanor if that person willfully manufactures, advertises, sells,
9 or distributes any substance or device that is intended to defraud a urine test designed to
10 detect the presence of a chemical substance or a controlled substance.