

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2241

Introduced by

Senators Anderson, Lyson

Representative Williams

1 A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota
2 Century Code, relating to the conditions of probation.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 3. The court shall provide as an explicit condition of every probation that the
7 defendant may not possess a firearm, destructive device, or other dangerous
8 weapon while the defendant is on probation ~~and~~. The court may waive this
9 condition of probation if the defendant has pled guilty to, or has been found guilty
10 of, a misdemeanor or infraction offense and the court has made a specific finding
11 on the record before imposition of a sentence or a probation that there is good
12 cause to waive the condition. The court may not waive this condition of probation
13 if the court places the defendant under the supervision and management of the
14 department of corrections and rehabilitation. The court shall provide as an explicit
15 condition of probation that the defendant may not willfully defraud a urine test
16 administered as a condition of probation. Unless waived on the record by the
17 court, the court shall also provide as a condition of probation that the defendant
18 undergo various agreed-to community constraints and conditions as intermediate
19 measures of the department of corrections and rehabilitation to avoid revocation,
20 which may include:
- 21 a. Community service;
 - 22 b. Day reporting;
 - 23 c. Curfew;
 - 24 d. Home confinement;

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