

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. Except when the offense is a
9 misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-05, or
10 12.1-17-07.1, or chapter 14-07.1, the court may waive this condition of probation if
11 the defendant has pled guilty to, or has been found guilty of, a misdemeanor or
12 infraction offense, the misdemeanor or infraction is the defendant's first offense,
13 and the court has made a specific finding on the record before imposition of a
14 sentence or a probation that there is good cause to waive the condition. The court
15 may not waive this condition of probation if the court places the defendant under
16 the supervision and management of the department of corrections and
17 rehabilitation. The court shall provide as an explicit condition of probation that the
18 defendant may not willfully defraud a urine test administered as a condition of
19 probation. Unless waived on the record by the court, the court shall also provide
20 as a condition of probation that the defendant undergo various agreed-to
21 community constraints and conditions as intermediate measures of the department
22 of corrections and rehabilitation to avoid revocation, which may include:
23 a. Community service;
24 b. Day reporting;

Sixtieth
Legislative Assembly

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| 1 | c. | Curfew; |
| 2 | d. | Home confinement; |
| 3 | e. | House arrest; |
| 4 | f. | Electronic monitoring; |
| 5 | g. | Residential halfway house; or |
| 6 | h. | Intensive supervision program. |