

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code,
2 relating to medical care of intoxicated persons.

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

4 **SECTION 1. AMENDMENT.** Section 5-01-05.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **5-01-05.1. Public intoxication - Assistance - Medical care.** A peace officer has
7 authority to take any apparently intoxicated person to the person's home, to a local hospital, to
8 a detoxification center, or, whenever that person constitutes a danger to that person or others,
9 to a jail for purposes of detoxification. A duly licensed physician of a local hospital or a licensed
10 addiction counselor of a detoxification center has authority to hold that person for treatment up
11 to seventy-two hours. That intoxicated person may not be held in jail because of intoxication
12 more than twenty-four hours. An intoxicated person may not be placed in a jail unless a jailer is
13 constantly present within hearing distance and medical services are provided when the need is
14 indicated. Upon placing that person in jail, or if the person is admitted into a hospital, or
15 detoxification center, or jail, upon admission the peace officer shall make a reasonable effort to
16 notify the intoxicated person's family as soon as possible. Any additional costs incurred by the
17 city or county on account of an intoxicated person shall be recoverable from that person.