

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2285

Introduced by

Senators Nething, Lyson, Robinson

Representatives Dahl, Delmore, Skarphol

1 A BILL ~~for an Act to amend and reenact section 12.1-10-05 of the North Dakota Century Code,~~
2 ~~relating to disobedience of a judicial order; and to declare an emergency~~for an Act to create
3 and enact a new subsection to section 29-06-15 of the North Dakota Century Code, relating to
4 arrests without a warrant; and to declare an emergency.

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

6 ~~SECTION 1. AMENDMENT. Section 12.1-10-05 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~12.1-10-05. Disobedience of judicial order.~~

9 ~~1. A person~~An individual ~~is guilty of a class A misdemeanor if the person~~individual
10 disobeys or resists a lawful temporary restraining order or preliminary or final
11 injunction or other final order, other than for the payment of money, of a court of this
12 state.

13 ~~2. Notwithstanding the limitations of section 12.1-32-01, the defendant~~individual ~~may be~~
14 ~~sentenced to pay a fine in any amount deemed just by the court.~~

15 ~~3. An individual who willfully violates a lawful order of a court of this state requiring the~~
16 ~~individual to participate in the twenty four seven sobriety program authorized in~~
17 ~~sections 54-12-27 through 54-12-31 is guilty of a class B misdemeanor. If a law~~
18 ~~enforcement officer has reasonable cause to believe an individual has violated a lawful~~
19 ~~order of a court of this state requiring the person to participate in the twenty four seven~~
20 ~~sobriety program, the law enforcement officer may arrest the individual without a~~
21 ~~warrant and take the individual into custody. An individual arrested under this~~
22 ~~subsection may not be released on bail or on the individual's personal recognizance~~
23 ~~unless the individual has made a personal appearance before a magistrate.~~

24 ~~SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.~~

SECTION 1. A new subsection to section 29-06-15 of the North Dakota Century Code is created and enacted as follows:

If a law enforcement officer has reasonable cause to believe an individual has violated a lawful order of a court of this state which requires the individual to participate in the twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31, the law enforcement officer may take the individual into custody without a warrant. An individual taken into custody under this subsection may not be released on bail or on the individual's personal recognizance unless the individual has made a personal appearance before a magistrate.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.