

Sixty-fourth  
Legislative Assembly  
of North Dakota

**BILL NO.**

Introduced by

Senator Armstrong

1 A BILL for an Act to amend and reenact subsection 3 of section 39-08-01 and subdivision d of  
2 subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to fourth and  
3 subsequent driving under the influence offenses.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 3. An individual violating this section or equivalent ordinance is guilty of a class B  
8 misdemeanor for the first or second offense in a seven-year period, of a class A  
9 misdemeanor for a third offense in a seven-year period, and of a class C felony for any  
10 fourth or subsequent offense ~~regardless of the length of time since the previous~~  
11 ~~offense~~within a fifteen-year period. The minimum penalty for violating this section is as  
12 provided in subsection 5. The court shall take judicial notice of the fact that an offense  
13 would be a subsequent offense if indicated by the records of the director or may make  
14 a subsequent offense finding based on other evidence.

15 **SECTION 2. AMENDMENT.** Subdivision d of subsection 5 of section 39-08-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

17 d. For a fourth or subsequent offense within fifteen years, the sentence must include  
18 at least one year and one day's imprisonment; a fine of at least two thousand  
19 dollars; an order for addiction evaluation by an appropriate licensed treatment  
20 program; at least two years' supervised probation; and participation in the  
21 twenty-four seven sobriety program under chapter 54-12 as a mandatory  
22 condition of probation.