

HOUSE BILL NO. 1197

Introduced by

Representatives Gulleeson, DeKrey, Lemieux

1 A BILL for an Act to amend and reenact sections 5-01-08 and 27-20-31.1 of the North Dakota
2 Century Code, relating to the suspension of driving privileges for alcohol offenses by youthful
3 offenders.

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

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**
8 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**
9 **premises - Penalty - Exceptions - Referrals to addiction facilities.** Except as permitted in
10 this section and section 5-02-06, any person under twenty-one years of age manufacturing or
11 attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic
12 beverages, consuming alcoholic beverages other than during a religious service, being under
13 the influence of alcoholic beverages, or being in possession of alcoholic beverages, or
14 furnishing money to any person for such purchase, or entering any licensed premises where
15 alcoholic beverages are being sold or displayed, except a restaurant when accompanied by a
16 parent or legal guardian, or in accordance with section 5-02-06, or if the person is a law
17 enforcement officer entering the premises in the performance of official duty, is guilty of a
18 class B misdemeanor. The court may, ~~under this section,~~ refer the person to an outpatient
19 addiction facility licensed by the state department of human services for evaluation and
20 appropriate counseling or treatment. The court may suspend for a duration of up to ninety days
21 the driving privileges of an adult who violates this section. The court shall notify the department
22 of transportation of the suspension and the duration of the suspension.

23 **SECTION 2. AMENDMENT.** Section 27-20-31.1 of the 1997 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

- 1 **27-20-31.1. Delinquent children - Suspension of driving privileges.**
- 2 1. If a juvenile is adjudicated delinquent of an offense that would be a violation of
- 3 section 5-01-08, a class A misdemeanor, or a felony if the offense were committed
- 4 by an adult, the juvenile court may order the suspension of the juvenile's driving
- 5 privileges for a period of up to six months for the first offense. For a second or
- 6 subsequent offense, the juvenile court may order the suspension of the juvenile's
- 7 driving privileges for up to one year. As a condition to the return of driving
- 8 privileges, the juvenile court may order the successful completion of an appropriate
- 9 driver's examination.
- 10 2. When the juvenile court orders the suspension of a juvenile's driving privileges, the
- 11 juvenile court shall immediately take possession of the juvenile's driver's license or
- 12 permit and send copies of the court's order to the director of the department of
- 13 transportation who shall make notation of the juvenile's suspension of driving
- 14 privileges.
- 15 3. The record of the juvenile's suspension of driving privileges under this section must
- 16 be kept confidential and may not be released except to law enforcement personnel
- 17 in connection with law enforcement activities. The record of a juvenile's
- 18 suspension of driving privileges under this section may not be disclosed to or
- 19 shared with the licensing officials of any other state or jurisdiction. At the end of
- 20 the six-month or one-year period, the director shall remove and destroy all record
- 21 of the juvenile's suspension of driving privileges under this section.
- 22 4. This section may not be construed to limit consensual agreements between the
- 23 juvenile court and the juvenile restricting the driving privileges of the juvenile.