

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2211

Introduced by

Senators Lyson, Nelson, Trenbeath

Representatives Grande, Herbel, Kingsbury

1 A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century
2 Code, relating to mandatory prison terms for armed offenders; to provide a penalty; and to
3 declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-32-02.1 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **12.1-32-02.1. Mandatory prison terms for armed offenders.** Notwithstanding any
8 other provision of this title, a term of imprisonment must be imposed upon an offender and
9 served without benefit of parole when, in the course of committing an offense, the offender
10 inflicts or attempts to inflict bodily injury upon another, threatens or menaces another with
11 imminent bodily injury with a dangerous weapon, explosive, destructive device, or firearm, or
12 possesses or has within immediate reach and control a dangerous weapon, explosive,
13 destructive device, or firearm while in the course of committing an offense under subsection 1
14 ~~or~~, 2, or, except for the simple possession of marijuana, 6 of section 19-03.1-23. This
15 requirement applies only when possession of a dangerous weapon, explosive, destructive
16 device, or firearm has been charged and admitted or found to be true in the manner provided
17 by law, and must be imposed as follows:

- 18 1. If the offense for which the offender is convicted is a class A or class B felony, the
19 court shall impose a minimum sentence of four years' imprisonment.
20 2. If the offense for which the offender is convicted is a class C felony, the court shall
21 impose a minimum sentence of two years' imprisonment.

22 This section applies even when being armed is an element of the offense for which the offender
23 is convicted.

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

