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Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1290

Introduced by

Representatives Klemin, Norland, Thorpe

Senators Seymour, Trenbeath, Triplett

1 A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota

2 Century Code, relating to bail bonds.

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

4   **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is

5 created and enacted as follows:

6   **Bail - Additional conditions of release.** A court shall impose as a condition of release

7 or bail that an individual who has been arrested upon a felony violation of this chapter or

8 chapter 19-03.4 not use a controlled substance without a valid prescription from a licensed

9 medical practitioner and that the individual submit to a medical examination or other reasonable

10 random testing for the purpose of determining the person's use of a controlled substance. The

11 court shall order the frequency of the random testing and the location at which random testing

12 must occur. The court shall provide notice to the selected provider of the required examination

13 or testing. The provider shall notify the court if the individual fails to appear for the examination

14 or testing. The testing must be at the individual's own cost. Submission of an individual to a

15 medical examination or other reasonable random testing as a condition for release is not

16 required if the court makes a specific finding on the record that:

17   1.   The individual has not been arrested for a felony offense relating to the use,

18   possession, manufacture, or delivery of methamphetamine;

19   2.   The individual will appear as required by the court and will comply with all

20   conditions of release without submission to an examination or testing; and

21   3.   Not imposing examination or testing as a condition of release will pose no danger

22   to the individual or to the community.