Fifty-ninth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2005

HOUSE BILL NO. 1290 (Representatives Klemin, Norland, Thorpe) (Senators Seymour, Trenbeath, Triplett)

AN ACT to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to bail bonds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

Bail - Additional conditions of release. A court shall impose as a condition of release or bail that an individual who has been arrested upon a felony violation of this chapter or chapter 19-03.4 not use a controlled substance without a valid prescription from a licensed medical practitioner and that the individual submit to a medical examination or other reasonable random testing for the purpose of determining the person's use of a controlled substance. The court shall order the frequency of the random testing and the location at which random testing must occur. The court shall provide notice to the selected provider of the required examination or testing. The provider shall notify the court if the individual fails to appear for the examination or testing. The testing must be at the individual's own cost. Submission of an individual to a medical examination or other reasonable random testing as a condition for release is not required if the court makes a specific finding on the record that:

- 1. The individual has not been arrested for a felony offense relating to the use, possession, manufacture, or delivery of methamphetamine;
- 2. The individual will appear as required by the court and will comply with all conditions of release without submission to an examination or testing; and
- 3. Not imposing examination or testing as a condition of release will pose no danger to the individual or to the community.

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This certifies th Assembly of No	at the with orth Dakot	nin bill o a and is	riginated ir known on	the Ho	ouse of Repr ords of that b	esentatives ody as Hou	of the Fifty-ninth Leg se Bill No. 1290.
House Vote:	Yeas	91	Nays	0	Absent	3	
Senate Vote:	Yeas	42	Nays	0	Absent	5	
					Chief	Clerk of the	House
Received by the Governor at M. on							, 2005.
Approved at	N	1. on					, 2005.
					Gove	rnor	
Filed in this office this day of							, 2005,
at o'	clock	M.					
					Secre	etary of State	e