

Introduced by

1 A BILL for an Act to amend and reenact section 19-03.1-23.2 of the North Dakota Century
2 Code, relating to mandatory terms of imprisonment for drug offenses.

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

4 **SECTION 1. AMENDMENT.** Section 19-03.1-23.2 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **19-03.1-23.2. Mandatory terms of imprisonment - Deferred or suspended**
7 **sentence limited.** ~~Whenever~~ Except as provided in this section, whenever a mandatory term
8 of imprisonment is prescribed as a penalty for violation of this chapter, the court may not defer
9 imposition of sentence, nor may the court suspend any part of a specified mandatory term,
10 either at the time of or after the imposition of the sentence, ~~unless.~~ The court may suspend or
11 defer a sentence if the court first finds that the offense was the defendant's first violation of this
12 chapter, chapter 19-03.2, or chapter 19-03.4 and that extenuating or mitigating circumstances
13 exist which justify a suspension for an offense for possession of a controlled substance. The
14 court shall announce the circumstances that justify a suspension in open court when sentence
15 is imposed and recite these circumstances in the sentence or order suspending part of the
16 sentence. For the purposes of this section, extenuating and mitigating circumstances may
17 include admission by the defendant in an appropriate licensed addiction treatment program.