

HOUSE BILL NO. 1259

Introduced by

Representatives Ruby, Bellew, Gruchalla, Metcalf

Senators Andrist, Tollefson

1 A BILL for an Act to amend and reenact subsection 2 of section 39-08-01 of the North Dakota
2 Century Code, relating to the criminal penalty for driving while under the influence.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-08-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. A person violating this section or equivalent ordinance is guilty of a class B
7 misdemeanor for the first ~~or second~~ offense in a five-year period, of a class A
8 misdemeanor for a ~~third~~ second offense in a five-year period, and of a class A
9 ~~misdemeanor~~ C felony for the ~~fourth~~ third or subsequent offense in a ~~seven-year~~
10 ten-year period, ~~and of a class C felony for a fifth or subsequent offense in a~~
11 ~~seven-year period~~. The minimum penalty for violating this section is as provided in
12 subsection 4. The court shall take judicial notice of the fact that an offense would
13 be a subsequent offense if indicated by the records of the director or may make a
14 subsequent offense finding based on other evidence.