

HOUSE BILL NO. 1313

Introduced by

Representatives Satrom, Ostlie

Senator Conley

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 and subdivision h of
2 subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to sentencing
3 alternatives and the sentencing of a defendant to an addiction treatment program for a violation
4 of driving under the influence; and to provide for application.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-32-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. Every person convicted of an offense who is sentenced by the court must be
9 sentenced to one or a combination of the following alternatives, unless the sentencing
10 alternatives are otherwise specifically provided in the statute defining the offense or
11 sentencing is deferred under subsection 4:

12 a. Payment of the reasonable costs of the person's prosecution.

13 b. Probation.

14 c. A term of imprisonment, including intermittent imprisonment:

15 (1) In a state correctional facility in accordance with section 29-27-07, in a
16 regional corrections center, or in a county jail, if convicted of a felony or a
17 class A misdemeanor.

18 (2) In a county jail or in a regional corrections center, if convicted of a class B
19 misdemeanor.

20 (3) In a facility or program deemed appropriate for the treatment of the
21 individual offender, including available community-based or faith-based
22 programs.

23 (4) In the case of persons convicted of an offense who are under eighteen
24 years of age at the time of sentencing, the court is limited to sentencing the

1 minor defendant to a term of imprisonment in the custody of the department
2 of corrections and rehabilitation.

3 d. A fine.

4 e. Restitution for damages resulting from the commission of the offense.

5 f. A no contact order prohibiting contact with a victim of the offense.

6 g. Restoration of damaged property or other appropriate work detail.

7 ~~g-h.~~ Commitment to an appropriate licensed public or private institution for treatment
8 of alcoholism, drug addiction, or mental disease or defect.

9 ~~h-i.~~ Commitment to a sexual offender treatment program.

10 ~~i-j.~~ Drug court program. A drug court is a district court supervised treatment program
11 approved by the supreme court which combines judicial supervision with alcohol
12 and drug testing and substance use disorder treatment in a licensed treatment
13 program. The supreme court may adopt rules, including rules of procedure, for
14 drug court programs.

15 ~~j-k.~~ Veterans treatment docket. A veterans treatment docket is a district court
16 supervised docket approved by the supreme court which combines judicial
17 supervision with licensed treatment programs to treat substance use disorders,
18 mental health conditions, behavioral health conditions, traumatic brain injuries,
19 military sexual trauma, and co-occurring disorders. The supreme court may adopt
20 rules, including rules of procedure, for veterans treatment dockets.

21 ~~k-l.~~ Completion of a restorative justice program. For purposes of this section,
22 "restorative justice program" means a system of justice which focuses on the
23 rehabilitation of offenders through reconciliation with victims and the community
24 at large.

25 ~~l-m.~~ Mental health court program. A mental health court is a district court supervised
26 treatment program approved by the supreme court which combines judicial
27 supervision with mental health services and treatment in a licensed treatment
28 program. The supreme court may adopt rules, including rules of procedure, for
29 mental health court programs.

30 Except as provided by section 12.1-32-06.1, sentences imposed under this subsection
31 may not exceed in duration the maximum sentences of imprisonment provided by

1 section 12.1-32-01, section 12.1-32-09, or as provided specifically in a statute defining
2 an offense. This subsection does not permit the unconditional discharge of an offender
3 following conviction. A sentence under subdivision e or fg must be imposed in the
4 manner provided in section 12.1-32-08. ~~If the person is sentenced to a term of~~
5 ~~imprisonment, the court may prohibit the person from contacting the victim during the~~
6 ~~term of imprisonment.~~ For purposes of this subsection, "victim" means victim as
7 defined in section 12.1-34-01.

8 **SECTION 2. AMENDMENT.** Subdivision h of subsection 5 of section 39-08-01 of the North
9 Dakota Century Code is amended and reenacted as follows:

10 h. If the penalty mandated by this section includes imprisonment or placement upon
11 conviction of a violation of this section or equivalent ordinance, and if an
12 addiction evaluation has indicated that the defendant needs treatment, the court
13 may order the defendant to undergo treatment at an appropriate licensed
14 addiction treatment program under subdivision gh of subsection 1 of section
15 12.1-32-02 and the time spent by the defendant in the treatment must be credited
16 as a portion of a sentence of imprisonment or placement under this section. A
17 court may not order the department of corrections and rehabilitation to be
18 responsible for the costs of treatment in a private treatment facility.

19 **SECTION 3. APPLICATION.** This Act applies to a court order or any criminal sentencing
20 imposed after the effective date of this Act.