

SENATE BILL NO. 2118

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota
2 Century Code, relating to sentencing alternatives.

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

4 **SECTION 1. AMENDMENT.** Subsection 9 of section 12.1-32-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 9. ~~A person who is convicted of a felony and sentenced to imprisonment for not more~~
7 ~~than one year is deemed to have been convicted of a misdemeanor upon~~
8 ~~successful completion of the term of imprisonment and any term of probation~~
9 ~~imposed as part of the sentence. Upon successful completion of the term of~~
10 ~~imprisonment and any term of probation by a person who is convicted of a felony~~
11 ~~and sentenced to imprisonment for not more than one year, the person may~~
12 ~~petition the court to have the person's felony conviction reduced to a misdemeanor.~~
13 ~~If the court finds that the person has successfully completed the term of~~
14 ~~imprisonment and any term of probation imposed as a part of the sentence, the~~
15 ~~order granting the petition must be served upon the bureau of criminal~~
16 ~~investigation. The bureau shall enter on that person's criminal history record~~
17 ~~information maintained pursuant to chapter 12-60 that the person's felony~~
18 ~~conviction has been reduced to a misdemeanor pursuant to this subsection.~~
19 ~~Successful completion of the term of imprisonment or probation means that the~~
20 ~~person has not been found guilty of, or pled guilty or nolo contendere to, a violation~~
21 ~~of a criminal law of this or another state, municipality, or the federal government,~~
22 ~~committed during the term of imprisonment or probation and has not had that~~
23 ~~person's probation revoked for a violation of a condition of that probation. This~~

- 1 subsection does not apply to a person convicted of violating subdivision b or c of
- 2 subsection 1 of section 19-03.1-23.