

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1534

Introduced by

Representatives Griffin, Dahl

1 A BILL for an Act to amend and reenact section 39-08-01.2 of the North Dakota Century Code,
2 relating to special punishment for causing injury or death while under the influence of alcohol.

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

4 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-08-01.2. Special punishment for causing injury or death while operating a**
7 **vehicle while under the influence of alcohol.**

- 8 1. ~~The penalty provided in this section applies when:~~
 - 9 a. ~~A person~~ If an individual is convicted of an offense under chapter 12.1-16 and
 - 10 the conviction is based in part on the evidence of the ~~person's~~ individual's
 - 11 operation of a motor vehicle while under the influence of alcohol or drugs;~~;~~
 - 12 the sentence under chapter 12.1-16 must be at least one year's imprisonment
 - 13 if the individual was an adult at the time of the offense.
 - 14 ~~b.~~ 2. ~~A person~~ If an individual is convicted of violating section 39-08-03 based in part on
 - 15 the evidence of the ~~person's~~ individual's operation of a motor vehicle while under
 - 16 the influence of alcohol or drugs and the violation caused ~~serious~~ bodily injury, as
 - 17 defined in section 12.1-01-04, to another ~~person;~~ or
 - 18 ~~e.~~ A person is convicted of violating section 39-08-01 and the violation caused
 - 19 serious bodily injury, as defined in section 12.1-01-04, to another person
 - 20 individual, that individual is guilty of a class A misdemeanor and must be
 - 21 sentenced to at least ninety days' imprisonment if the individual was an adult
 - 22 at the time of the offense.
 - 23 ~~2.~~ 3. ~~If the defendant was at least eighteen years of age at the time of the offense under~~
 - 24 ~~chapter 12.1-16, the sentence under that chapter must be at least one year's~~

1 ~~imprisonment. If the defendant was at least eighteen years of age at the time of~~
2 ~~the violation of section 39-08-01 or 39-08-03, the sentence under either section~~
3 ~~must be at least ninety days' imprisonment. The sentence under chapter 12-1-16~~
4 ~~or section 39-08-01 or 39-08-03 this section may not be suspended unless the~~
5 ~~court finds that manifest injustice would result from imposition of the sentence.~~
6 ~~The sentence must be served in its entirety, without benefit of parole or pardon.~~
7 3. ~~If the defendant was less than eighteen years of age at the time of the offense, the~~
8 ~~punishment may be in accordance with subsection 2 or chapter 27-20. Before a~~
9 ~~sentence under this section applies, a defendant must be notified of the minimum~~
10 ~~mandatory sentence. If the finding of guilt is by jury verdict, the verdict form must~~
11 ~~indicate that the jury found the elements that create the minimum sentence.~~