

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 a mandatory term of imprisonment is prescribed as a penalty for
8 violation of this chapter, the court may not defer imposition of sentence, nor may the court
9 suspend any part of a specified mandatory term, either at the time of or after the imposition of
10 the sentence, unless the court first finds ~~that the offense was the defendant's first violation of~~
11 ~~this chapter, chapter 19-03.2, or chapter 19-03.4~~ and that extenuating or mitigating
12 circumstances exist which justify a suspension. The court shall announce the circumstances
13 that justify a suspension in open court when sentence is imposed and recite these
14 circumstances in the sentence or order suspending part of the sentence.