

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.