

Introduced by

Senators Sitte, Luick, Triplett

Representatives Becker, Boehning, Kasper

1 A BILL ~~for an Act to amend and reenact subsection 2 of section 12.1-23-05 of the North Dakota~~
2 ~~Century Code, relating to the theft of prescription drugs.~~ for an Act to provide for a legislative
3 management study of penalties for minor drug crimes.

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

5 ~~**SECTION 1. AMENDMENT.** Subsection 2 of section 12.1-23-05 of the North Dakota~~
6 ~~Century Code is amended and reenacted as follows:~~

7 ~~2. Theft under this chapter is a class C felony if:~~

8 ~~a. The property or services stolen exceed five hundred dollars in value;~~

9 ~~b. The property or services stolen are acquired or retained by threat and (1) are~~
10 ~~acquired or retained by a public servant by a threat to take or withhold official~~
11 ~~action, or (2) exceed fifty dollars in value;~~

12 ~~c. The property or services stolen exceed fifty dollars in value and are acquired or~~
13 ~~retained by a public servant in the course of official duties;~~

14 ~~d. The property stolen is a firearm, ammunition, explosive or destructive device, or~~
15 ~~an automobile, aircraft, or other motor-propelled vehicle;~~

16 ~~e. The property consists of any government file, record, document, or other~~
17 ~~government paper stolen from any government office or from any public servant;~~

18 ~~f. The defendant is in the business of buying or selling stolen property and the~~
19 ~~defendant receives, retains, or disposes of the property in the course of that~~
20 ~~business;~~

21 ~~g. The property stolen consists of any implement, paper, or other thing uniquely~~
22 ~~associated with the preparation of any money, stamp, bond, or other document,~~
23 ~~instrument, or obligation of this state;~~

24 ~~h. The property stolen consists of livestock taken from the premises of the owner;~~

- 1 ~~i. The property stolen consists of a key or other implement uniquely suited to~~
2 ~~provide access to property the theft of which would be a felony and it was stolen~~
3 ~~to gain such access; or~~
4 ~~j. The property stolen is a card, plate, or other credit device existing for the purpose~~
5 ~~of obtaining money, property, labor, or services on credit, or is a debit card,~~
6 ~~electronic fund transfer card, code, or other means of access to an account for~~
7 ~~the purposes of initiating electronic fund transfers; or~~
8 ~~k. The property stolen is a prescription drug as defined in section~~
9 ~~43-15.3-01.~~

10 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PENALTIES FOR MINOR DRUG**
11 **CRIMES.** During the 2013-14 interim, the legislative management shall consider studying the
12 sentencing alternatives to incarceration for first-time felony drug offenses that are nonviolent,
13 excluding the distribution of drugs. The legislative management shall report its findings and
14 recommendations, together with any legislation required to implement the recommendations, to
15 the sixty-fourth legislative assembly.