

Introduced by

Senator Armstrong

1 A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota
2 Century Code, relating to juvenile participation in the twenty-four seven sobriety program; and
3 to amend and reenact sections 27-20-10 and 27-20-31 of the North Dakota Century Code,
4 relating to informal adjustment and delinquency proceedings in juvenile court.

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

6 **SECTION 1.** A new section to chapter 27-20 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Twenty-four seven sobriety program - Participation.**

- 9 1. If a child is subject to informal adjustment under section 27-20-10 or is found to be
10 delinquent under section 27-20-31, the juvenile court may, for a first violation or
11 occurrence, and shall, for a second or subsequent violation or occurrence, require the
12 child to participate in the twenty-four seven sobriety program under chapter 54-12:
13 a. If the child is found to have violated section 39-08-01 or equivalent ordinance; or
14 b. If a child is found to have an alcohol concentration of at least two one-hundredths
15 of one percent by weight at the time of performance of a test within two hours
16 after driving or being in physical control of a motor vehicle.
- 17 2. If a child is subject to informal adjustment under section 27-20-10 and is required to
18 participate in the twenty-four seven sobriety program, the period of participation may
19 not exceed nine months.
- 20 3. If a child required to participate in the twenty-four seven sobriety program under this
21 section fails to comply with program requirements without being excused, the testing
22 site shall notify the juvenile court and refer the child to the juvenile court for further
23 disposition. The child may not be detained or otherwise taken into custody without
24 authorization from the juvenile court.

1 **SECTION 2. AMENDMENT.** Section 27-20-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **27-20-10. Informal adjustment.**

4 1. Before a petition is filed, the director of juvenile court or other officer of the court
5 designated by it, subject to its direction, may give counsel and advice to the parties
6 and impose conditions for the conduct and control of the child with a view to an
7 informal adjustment if it appears:

- 8 a. The admitted facts bring the case within the jurisdiction of the court;
9 b. Counsel, advice, and conditions, if any, for the conduct and control of the child
10 without an adjudication would be in the best interest of the public and the child;
11 and
12 c. The child and the child's parents, guardian, or other custodian consent thereto
13 with knowledge that consent is not obligatory.

14 2. The giving of counsel and advice and any conditions imposed for the conduct and
15 control of the child cannot extend beyond nine months from the day commenced
16 unless extended by the court for an additional period not to exceed six months and
17 does not authorize the detention of the child if not otherwise permitted by this chapter.
18 If the child admits to driving or being in actual physical control of a vehicle in violation
19 of section 39-08-01 or an equivalent ordinance, the child may be required to pay a fine
20 as a condition imposed under this section.

21 3. An incriminating statement made by a participant to the person giving counsel or
22 advice and in the discussions or conferences incident thereto may not be used against
23 the declarant over objection in any hearing except in a hearing on disposition in a
24 juvenile court proceeding or in a criminal proceeding against the declarant after
25 conviction for the purpose of a presentence investigation.

26 4. ~~If a child is subject to informal adjustment for a violation of section 39-08-01 or~~
27 ~~equivalent ordinance, or if a child is found to have an alcohol concentration of at least~~
28 ~~two one-hundredths of one percent by weight at the time of performance of a test~~
29 ~~within two hours after driving or being in physical control of a motor vehicle, the~~
30 ~~juvenile court shall require the child to participate in the twenty-four seven sobriety-~~
31 ~~program under chapter 54-12 for up to nine months.~~

1 **SECTION 3. AMENDMENT.** Section 27-20-31 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **27-20-31. Disposition of delinquent child.**

4 If the child is found to be a delinquent child, the court may make any of the following orders
5 of disposition best suited to the child's treatment, rehabilitation, and welfare:

- 6 1. Any order authorized by section 27-20-30 for the disposition of a deprived child;
- 7 2. Placing the child on probation under the supervision of the director, probation officer,
8 or other appropriate officer of the court or of the court of another state as provided in
9 section 27-20-41 or the director of the county social service board under conditions
10 and limitations the court prescribes;
- 11 3. Ordering the child to pay a fine if the delinquent act committed by the child constitutes
12 manslaughter resulting from the operation of a motor vehicle in violation of section
13 12.1-16-02; negligent homicide in violation of section 12.1-16-03; or driving or being in
14 actual physical control of a vehicle in violation of section 39-08-01, or an equivalent
15 ordinance. The court may suspend the imposition of a fine imposed pursuant to this
16 subsection upon such terms and conditions as the court may determine. Fines
17 collected pursuant to this subsection must be paid into the county treasury for
18 disposition pursuant to section 29-27-02.1;
- 19 4. Committing the child to the division of juvenile services or to another state department
20 to which commitment of delinquent or unruly children may be made. When necessary,
21 the commitment order may provide that the child initially be placed in a secure facility;
- 22 5. Ordering the child to make monetary restitution to the victim of the offense or to
23 complete a specified number of hours of community service as determined by the
24 court, or both;
- 25 6. Ordering the periodic testing for the use of illicit drugs or alcohol pursuant to rules or
26 policies adopted by the supreme court; or
- 27 7. Ordering the child's participation in a juvenile drug court program.
- 28 8. ~~If a child is adjudicated delinquent for a violation of section 39-08-01 or equivalent~~
29 ~~ordinance, or if a child is found to have an alcohol concentration of at least two~~
30 ~~one hundredths of one percent by weight at the time of performance of a test within~~
31 ~~two hours after driving or being in physical control of a motor vehicle, the juvenile court~~

Sixty-fourth
Legislative Assembly

- 1 shall require the child to participate in the twenty-four seven sobriety program under-
- 2 chapter 54-12.