

Introduced by

Senators Hogue, Burckhard, Krebsbach

Representatives Klemin, Louser

1 A BILL for an Act to amend and reenact subsection 4 of section 12.1-32-07 of the North Dakota
2 Century Code, relating to the supervision of probationers.

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

4 **SECTION 1. AMENDMENT.** Subsection 4 of section 12.1-32-07 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 4. When imposing a sentence to probation, probation in conjunction with imprisonment,
7 or probation in conjunction with suspended execution or deferred imposition of
8 sentence, the court may impose such conditions as it deems appropriate and may
9 include any one or more of the following:
- 10 a. Work faithfully at a suitable employment or faithfully pursue a course of study or
11 of career and technical education training that will equip the defendant for
12 suitable employment.
 - 13 b. Undergo available medical or psychiatric treatment and remain in a specified
14 institution if required for that purpose.
 - 15 c. Attend or reside in a facility established for the instruction, recreation, or
16 residence of persons on probation.
 - 17 d. Support the defendant's dependents and meet other family responsibilities.
 - 18 e. Make restitution or reparation to the victim of the defendant's conduct for the
19 damage or injury which was sustained or perform other reasonable assigned
20 work. When restitution, reparation, or assigned work is a condition of probation,
21 the court shall proceed as provided in subsection 1 or 2, as applicable, of section
22 12.1-32-08.
 - 23 f. Pay a fine imposed after consideration of the provisions of section 12.1-32-05,
24 ~~except when imposition of sentence is deferred.~~

- 1 g. Refrain from excessive use of alcohol or any use of narcotics or of another
2 dangerous or abusable drug without a prescription.
- 3 h. Permit the probation officer to visit the defendant at reasonable times at the
4 defendant's home or elsewhere.
- 5 i. Remain within the jurisdiction of the court, unless granted permission to leave by
6 the court or the probation officer.
- 7 j. Answer all reasonable inquiries by the probation officer and promptly notify the
8 probation officer of any change in address or employment.
- 9 k. Report to a probation officer at reasonable times as directed by the court or the
10 probation officer.
- 11 l. Submit to a medical examination or other reasonable testing for the purpose of
12 determining the defendant's use of narcotics, marijuana, or other controlled
13 substance whenever required by a probation officer.
- 14 m. Refrain from associating with known users or traffickers in narcotics, marijuana,
15 or other controlled substances.
- 16 n. Submit the defendant's person, place of residence, or vehicle to search and
17 seizure by a probation officer at any time of the day or night, with or without a
18 search warrant.
- 19 o. Serve a term of imprisonment of up to one-half of the maximum term authorized
20 for the offense of which the defendant was convicted ~~or one year, whichever is~~
21 less.
- 22 p. Reimburse the costs and expenses determined necessary for the defendant's
23 adequate defense when counsel is appointed or provided at public expense for
24 the defendant. When reimbursement of indigent defense costs and expenses is
25 imposed as a condition of probation, the court shall proceed as provided in
26 subsection 4 of section 12.1-32-08.
- 27 q. Provide community service for the number of hours designated by the court.
- 28 r. Refrain from any subscription to, access to, or use of the internet.