

**HOUSE BILL NO. 1106**

Introduced by

Judiciary Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact a new subsection to section 12.1-32-02 of the North  
2 Dakota Century Code, relating to sentencing of current and former members of the military.

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

4 **SECTION 1.** A new subsection to section 12.1-32-02 of the North Dakota Century Code is  
5 created and enacted as follows:

6 When a defendant appears in criminal court and ~~is convicted~~ has pled or is found guilty  
7 of a crime, the court shall inquire whether the defendant is currently serving or has  
8 served in the armed forces of the United States. If the defendant is currently serving or  
9 has served in the armed forces of the United States and ~~has been diagnosed as~~  
10 ~~having a mental illness by a qualified psychiatrist or clinical psychologist or~~  
11 ~~physician~~ there is reason to believe there is a behavioral health condition, the court  
12 may:

- 13 a. Direct the department of corrections and rehabilitation to conduct a presentence  
14 investigation and to prepare a presentence report and order the officer preparing  
15 the report to consult with a representative of the United States department of  
16 veterans' affairs or North Dakota department of veterans' affairs or other person  
17 with suitable knowledge or experience, for the purpose of providing the court with  
18 information regarding treatment options available to the defendant, including  
19 federal, state, and local programming; and  
20 b. Consider the treatment recommendations of any diagnosing or treating mental  
21 health professional together with the treatment options available to the defendant  
22 in imposing sentence.