Prepared by the Legislative Council staff for
House Judiciary Committee
March 28, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2107

Page 1, line 1, remove "create and enact sections 12.1-17-14 and 62.1-02-15 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to shooting offenses and drug trafficking; to"

Page 1, line 3, replace "12.1-08-02, 12.1-17-01" with "12.1-17-03"

Page 1, line 3, after the third comma insert "and"

Page 1, line 3, remove ", 39-10-71, and 62.1-02-01"

Page 1, line 4, remove "sentences for crimes committed with firearms and for fleeing"

Page 1, line 5, replace "law enforcement" with "reckless endangerment, mandatory prison terms for armed offenders, and presumptive probation; to provide for a legislative management study"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 8 with:

"**SECTION 1. AMENDMENT.** Section 12.1-17-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-03. Reckless endangerment.

A person is guilty of an offense if ~~he~~the person creates a substantial risk of serious bodily injury or death to another. The offense is a class B felony if the offense is committed by intentionally or knowingly discharging a firearm. The offense is a class C felony if the circumstances manifest ~~his~~the person's extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized."

Page 3, line 16, remove "or"

Page 3, line 16, remove the overstrike over "~~, or firearm~~"

Page 3, line 18, remove "or"

Page 3, line 18, remove the overstrike over "~~, or firearm~~"

Page 3, line 20, remove "or"

Page 3, line 21, remove the overstrike over "~~, or firearm~~"

Page 3, after line 26, insert:

"c. If the court finds the offender is a special dangerous or habitual offender under subdivision a, b, c, or d of subsection 1 of section 12.1-32-09 and the offender violates subsection 1 of this section, the

court shall impose a minimum sentence of ten years' imprisonment, if the offense is a class AA, class A, or class B felony. If the offense is a class C felony, the court shall impose a minimum sentence of seven years' imprisonment. An offender sentenced under this subdivision is not eligible for parole any earlier than eighteen months before the expiration of the mandatory sentence."

Page 3, line 29, overstrike "An" and insert immediately thereafter "Unless the offender is sentenced under subdivision c of subsection 2, an"

Page 4, line 9, after the second underscored comma insert "section 12.1-17-03,"

Page 4, remove lines 25 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 30

Page 10, replace lines 1 through 24 with:

"**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - FIREARM POSSESSION.** During the 2023-24 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code that prohibit certain individuals from possessing a firearm. The study may include an examination of the state's firearm and weapon possession prohibitions as compared to the federal regulations. The study must include an examination of whether the category of individuals prohibited from possessing a firearm by statute should be maintained as is, narrowed, or expanded. The study must include input from the attorney general, the supreme court, the association of counties, the league of cities, the state's attorney association, the association of criminal defense lawyers, the peace officers association, and the national rifle association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly