Adopted by the Conference Committee

April 19, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2107

That the House recede from its amendments as printed on pages 1472 and 1473 of the Senate Journal and pages 1412 and 1413 of the House Journal and that Reengrossed Senate Bill No. 2107 be amended as follows:

Page 1, line 3, after "12.1-17-01" insert ", 12.1-17-03"

Page 1, line 3, after the fourth comma insert "12.1-32-09.1, and"

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

Page 1, line 5, after "enforcement" insert ", reckless endangerment, simple assault, and presumptive probation; to provide for a legislative management study"

Page 2, line 1, remove "jail"

Page 2, line 1, after "sentence" insert "of incarceration"

Page 2, line 2, remove "jail"

Page 2, line 2, after "sentence" insert "of incarceration"

Page 2, line 3, remove "jail"

Page 2, line 3, after "sentence" insert "of incarceration"

Page 2, line 4, after "court" insert ", in the exercise of the court's discretion"

Page 2, line 5, replace "imprisonment" with "incarceration"

Page 2, line 6, remove "jail"

Page 2, line 25, remove "of this section"

Page 2, line 26, remove "jail"

Page 2, line 26, after "sentence" insert "of incarceration"

Page 2, line 27, remove "jail"

Page 2, line 27, after "sentence" insert "of incarceration"

Page 2, line 28, after "court" insert ", in the exercise of the court's discretion,"

Page 2, line 29, replace "imprisonment" with "incarceration"

Page 2, line 30, remove "jail"

Page 3, line 6, replace "a class B felony" with "reckless endangerment as provided in section 12.1-17-03"

Page 3, after line 8, insert:

"**SECTION 4. 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 31, insert:

"5. This section does not apply to an offender convicted under section 62.1-02-15."

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

Page 4, after line 24, insert:

"**SECTION 7. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-09.1. Sentencing of violent offenders.

1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the department of corrections and rehabilitation, an offender who is convicted of a crime in violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section 12.1-17-14, section 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, and who receives a sentence of ~~imprisonment~~incarceration is not eligible for release from ~~confinement~~incarceration on any basis until eighty-five percent of the sentence imposed by the court has been served or the sentence is commuted.

2. In the case of an offender who is sentenced to a term of life imprisonment with opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence imposed" means the remaining life expectancy of the offender on the date of sentencing. The remaining life expectancy of the offender must be calculated on the date of sentencing, computed by reference to a recognized mortality table as established by rule by the supreme court.

3. Notwithstanding this section, an offender sentenced under subsection 1 of section 12.1-32-01 may not be eligible for parole until the requirements of that subsection have been met.

4. An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.

5. Notwithstanding subsection 4, this section does not apply to a sentence imposed upon revocation of probation."

Page 5, line 15, remove "jail"

Page 5, line 15, after "sentence" insert "of incarceration"

Page 5, line 16, remove "jail"

Page 5, line 16, after "sentence" insert "of incarceration"

Page 5, line 17, remove "jail"

Page 5, line 17, after "sentence" insert "of incarceration"

Page 5, line 18, after "court" insert ", in the exercise of the court's discretion,"

Page 5, line 18, replace "imprisonment" with "incarceration"

Page 5, line 19, remove "jail"

Page 5, remove lines 21 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 9

Page 9, line 14, after the underscored comma insert "knowingly possesses, within the person's proximity, or uses a firearm"

Page 9, line 14, replace "and" with "or"

Page 9, line 15, remove ", uses or carries a firearm, or who, in furtherance of any such crime,"

Page 9, line 16, remove "possesses a firearm"

Page 9, line 17, replace "imprisonment" with "incarceration"

Page 9, line 18, after the second "the" insert "underlying"

Page 9, line 19, replace "imprisonment" with "incarceration"

Page 9, line 20, after "years" insert "if the firearm is possessed within the person's proximity"

Page 9, line 25, replace "imprisonment" with "incarceration"

Page 9, line 29, replace "imprisonment" with "incarceration"

Page 10, line 1, remove "A term of imprisonment imposed on a person under this section may not run"

Page 10, remove lines 2 through 4

Page 10, line 5, remove "b."

Page 10, line 6, replace "confinement" with "incarceration"

Page 10, line 7, remove "For"

Page 10, line 8, replace "purposes of this subsection, confinement" with "Incarceration"

Page 10, line 10, replace "c." with "b."

Page 10, line 10, after "court" insert ", in the exercise of the court's discretion,"

Page 10, line 11, replace "imprisonment" with "incarceration"

Page 10, after line 24, insert:

"**SECTION 10. LEGISLATIVE MANAGEMENT STUDY - FIREARM POSSESSION.** During the 2023-24 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code which 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 in its current form, narrowed, or expanded. The study must include input from the attorney general, the supreme court, the North Dakota association of counties, the North Dakota league of cities, the North Dakota state's attorneys' association, the North Dakota association of criminal defense lawyers, the North Dakota 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