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Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT

ENGROSSED HOUSE BILL NO. 1364

Introduced by

Representatives Klemin, Karls, Lefor, Louser, Schneider

Senators Dwyer, Larson, Myrdal

A BILL for an Act to create and enact a new subsection to subsection 39-08-01.5 of the North Dakota Century Code relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion; to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota Century Code relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-08-01.5 of the North Dakota Century Code is created and enacted as follows:

Any defendant who has been convicted of a misdemeanor under section 39-08-01 from and after August 1, 2019 to the effective date of this Act, and was sentenced to drug court, mental health court, or veterans treatment docket and successfully completed a drug court program, mental health court, or veterans treatment docket, may file with the district court in the jurisdiction where the conviction was docketed a written petition requesting that the conviction be dismissed and the file sealed in accordance with section 12.1-32-07.2. Upon reviewing the written petition, the district court may issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, and dismiss and seal the file in accordance with section 12.1-32-07.2. unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

SECTION 2. AMENDMENT. Subsection 3 of section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2. The court also shall issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

