

2025 HOUSE TRANSPORTATION

HB 1206

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1206
2/6/2025

Relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor; to provide a penalty; and to provide for application

9:04 a.m. Chairman D. Ruby opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Hendrix, Maki, Morton, Osowski, Schatz
Members Absent: Representatives Kasper, Koppelman

Discussion Topics:

- Felony vs misdemeanor
- Stronger punishment

9:04 a.m. Representative Louser introduced the bill.

9:08 a.m. Aaron Birst, ND Association of Counties, testified in favor.

9:18 a.m. Chairman D. Ruby closed the hearing.

9:20 a.m. Vice Chairman Grueneich moved a Do Pass.

9:20 a.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	N
Representative Ty Dressler	N
Representative Lisa Finley-DeVille	N
Representative Kathy Frelich	Y
Representative Jared Hendrix	Y
Representative Daniel Johnston	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	AB
Representative Roger A. Maki	Y
Representative Desiree Morton	Y
Representative Doug Osowski	Y
Representative Mike Schatz	Y

9:23 a.m. Motion passed 9-3-2.

9:23 a.m. Representative Frelich will carry the bill.

Additional Written Testimony:

Ashley Lies, Executive Director, ND States Attorneys' Association, submitted testimony in favor #34482.

Jennifer Deeter submitted testimony in favor #35615.

Hailee Fletcher submitted testimony in favor #35727.

9:24 a.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1206 ([25.0022.01000](#))

Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1206 was placed on the Eleventh order on the calendar.

North Dakota State's Attorneys' Association

February 4, 2025

To: House Transportation Committee
Hon. Chairman Ruby
Hon. Vice-Chair Grueneich
Members of the Committee

RE: House Bill No. 1206

Chairman Ruby, Vice-Chair Grueneich, and Members of the House Transportation Committee:

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter requesting a **DO PASS** to House Bill 1206.

For years North Dakota has had mandatory minimums for driving under the influence offenses that increase for each violation. The current law on committing a DUI with a minor in the vehicle, however, only has a mandatory fine and a maximum jail sentence.

We support this Bill's change to setting mandatory minimum penalties including mandatory participation in the 24/7 sobriety program among other provisions. Committing a DUI with a minor in the vehicle should have mandatory punishments that are more severe than just committing a DUI without a minor in the vehicle.

On behalf of the North Dakota State's Attorneys:


Ashley L. Lies, Executive Director

To the House Transportation Committee

My name is Jennifer Deeter. I am a mother of 6 children and a former flight paramedic for Trinity First Response. I have been involved with EMS since 2002. We have witnessed serious bodily injury by impaired drivers for decades. I don't have any statistics to share with you, but I would seriously doubt if the number of incidents has declined with any significance. Part of this, in my opinion, is that the penalties and consequences for such incidents are so minor that it is not even a slight deterrent to refrain from driving under the influence.

It is known that alcohol and other substances decrease the inhibitions and impair the ability to make good decisions. Operating a vehicle while under the influence of any impairing substance needs to have stricter consequences, especially when it involves causing severe bodily injury to another. I have seen so many of these "accidents" and almost every time, the person who is at fault is not the one who suffers the most from their decision to get behind the wheel when they knew they shouldn't have. I've seen property damage, severe injuries, and unfortunately, loss of life.

The night I heard that Tyanna was in an accident my heart just sank. It had only been one year and about a week since our Bishop Ryan family had lost another wonderful soul, Mr. Christopher Brewer, to an impaired driver on Hwy 52. My daughter came into my room, crying uncontrollably, saying that Tyanna had been in an accident like Brewer. The pit in my stomach grew. With my career in flight, and my common sense of a mom, I told my daughter not to get too worried until we had actual details. Maybe she just had some broken bones, maybe a concussion, maybe nothing at all. It was devastating when we went to the hospital to find her broken, unresponsive, and intubated. Tyanna had suffered immense trauma that we would only go on to learn was so much worse than you could even tell from the outside.

Tyanna had several broken bones. Several. She had a massive head injury that required immediate surgery to release the pressure so that she could have a chance at life. Tyanna's face was so broken her mom told me that it would be easier to list the bones that were NOT broken than those that were.

This was a girl in the prime of her life. A high school senior... and one hell of a kid at that. Tyanna was/is a VERY high achiever. Whatever she did, she did it all the way and she was usually the best at it. That is not an exaggeration. Two of my daughters are her age and we have known Tyanna and her family for over 11 years. They played together when they were little, they played sports together all through high school, they did Homecomings, Proms, Friday football games, cheerleading, you name it. Not to mention that Tyanna's education was always top of her list too. Honestly, I don't know very many people who have been so dedicated and so successful at as many things as she has been. That is why it does not surprise me that she is doing so amazingly with her recovery. This event has forever changed her, and her family's lives from that day and for all their remaining days. Their memories of that night won't go away after 2.5 -5 years. The impact and the struggles will not go away after 2.5-5 years for Tyanna. And she is not the one who made the decision that caused this horrific event. She was driving home from work. She should have made it like every other night before.

I guess what I'm trying to convey is that the impact of something like this is so very immense and the consequences for it just do not match the enormity of heartache, anxiety, physical, emotional, or financial strain for the effected parties, for the innocent parties. What is there to deter anyone from making the same decision to drive impaired? What is there to deter this very same person from making the decision again if the punishment is so minor?

No, he didn't end her life. But he almost did. It's a miracle that he didn't. He did, however, take the life she was living prior to that night. He forever changed her future. I don't care how impaired you are, when you decide to get into a vehicle and get behind the wheel you KNOW that untoward events can happen. You are aware that you are doing the wrong thing. The brain may not be functioning at its highest level and making good decisions, but it IS still making decisions and sometimes those decisions have a devastating impact on someone else. Please change the law so that the punishment fits the crime.

Thank you.

Hailee Fletcher, BSN, RN
ICU Nurse
02/04/2025

My name is Hailee Fletcher, and I am an ICU nurse in Minot, ND. I have witnessed firsthand the devastating consequences of drunk and impaired driving. I am writing today to strongly support the implementation of harsher penalties for DUI offenders.

Every day, I care for patients whose lives have been shattered by someone else's reckless decision to drive under the influence. I have comforted parents, children, and close friends of my patients as they said goodbye to their loved one, a victim of a preventable crash. I have watched survivors endure excruciating pain, multiple surgeries, and lifelong disabilities—all because of an intoxicated driver who made the selfish choice to get behind the wheel.

The current penalties for DUI offenses do not reflect the irreversible harm they cause. Too often, offenders receive lenient sentences, only to repeat their actions without regard for the safety of others on the road. Tougher punishments, including longer license suspensions, mandatory ignition interlock devices, and especially increased jail time, are not just about justice—they are about deterrence and saving lives.

The emotional and financial toll of DUI-related crashes is immeasurable. Families are left with unpayable medical bills, lost income, and trauma that will never fully heal. How many more victims of DUI related crashes will I care for with only the slightest bit of hope of justice for them, and their family members? Strengthening DUI penalties sends a clear message: driving under the influence is not just a mistake—it is a crime with serious consequences.

As someone who has seen the worst outcomes of these avoidable tragedies, I urge you to take action. Lives depend on it.

Thank you for your time and commitment to protecting our communities.

Sincerely,
Hailee Fletcher, BSN, RN
ICU nurse
Email: jundty101@hotmail.com

2025 SENATE JUDICIARY

HB 1206

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1206
3/12/2025

Relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor.

9:00 a.m. Chairman Paulson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- DUI sentencing guidelines
- Enhanced penalties for impaired driving
- Legal implications of drug impairment

9:00 a.m. Representative Scott Louser introduced the bill and submitted testimony in favor #40944.

9:05 a.m. Aaron Birst, NDACo Staff, testified in favor.

9:11 a.m. Chairman Paulson closed the hearing.

Kendra McCann, Committee Clerk

25.0022.01001
Title.

Prepared by the Legislative Council
staff for Representative Louser
March 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1206

Introduced by

Representatives Louser, Bolinske, Karls, Klemin

Senators Larson, Castaneda, Paulson

1 A BILL for an Act to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North
2 Dakota Century Code, relating to the special punishment for causing injury or death while
3 operating a vehicle while under the influence of alcohol or any other drugs or substances and to
4 driving while under the influence of alcohol or any other drugs or substances while being
5 accompanied by a minor; to provide a penalty; and to provide for application.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**
10 **while under the influence of alcohol or any other drugs or substances - Penalty.**

11 1. An individual is guilty of criminal vehicular homicide if the individual commits an
12 offense under section 39-08-01 or equivalent ordinance and as a result the individual
13 causes a death of another individual to occur, including the death of an unborn child,
14 unless the individual who causes the death of the unborn child is the mother. A
15 violation of this subsection is a class A felony. If an individual commits a violation
16 under this subsection, the court shall impose at least three years' imprisonment. If the
17 individual violates this section after having been previously convicted of a violation of
18 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least
19 ten years' imprisonment. An individual may not be prosecuted and found guilty of this
20 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.

- 1 2. An individual is guilty of criminal vehicular injury if the individual violates section
2 39-08-01 or equivalent ordinance and as a result that individual causes substantial
3 bodily or serious bodily injury to another individual. Violation of this subsection is a
4 class C felony. If an individual violates this subsection, the court shall impose at least
5 one year's imprisonment. If the individual violates this section after having been
6 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent
7 ordinance, the court shall impose at least two years' imprisonment.
- 8 3. The sentence under this section may not be suspended unless the court finds that
9 manifest injustice would result from the imposition of the sentence. Before a sentence
10 under this section applies, a defendant must be notified of the minimum mandatory
11 sentence. The elements of an offense under this section are the elements of an
12 offense for a violation of section 39-08-01 and the additional elements that create an
13 offense in each subsection of this section. Whether an individual caused death or
14 substantial or serious bodily injury must be determined in accordance with section
15 12.1-02-05.

16 **SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**
19 **substances while being accompanied by a minor - Penalty.**

- 20 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to
21 violate section 39-08-01 if the violation occurred while a minor was accompanying the
22 individual in a motor vehicle. If an individual has a previous conviction for a violation of
23 section 39-08-01.4, a violation of this section is a class C felony. ~~An individual~~
24 ~~convicted under this section must be sentenced in accordance with subsection 5 of~~
25 ~~section 39-08-01.~~
- 26 2. The minimum sentence for an individual convicted of violating this section must
27 include:
 - 28 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'
29 imprisonment, an order for a substance abuse evaluation by an appropriate
30 licensed addiction treatment program, at least three hundred sixty days of
31 unsupervised probation, and at least three hundred sixty days' participation in the

- 1 twenty-four seven sobriety program under chapter 54-12 as a mandatory
2 condition of probation.
3 b. For a second or subsequent offense within fifteen years, at least one year and
4 one day's imprisonment, a fine of two thousand dollars, an order for a substance
5 abuse evaluation by an appropriate licensed addiction treatment program, at
6 least two years' supervised probation, and at least three hundred sixty days'
7 participation in the twenty-four seven sobriety program under chapter 54-12 as a
8 mandatory condition of probation.

9 **SECTION 3. APPLICATION.** Section 2 of this Act applies to criminal charges filed after the
10 effective date of this Act.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1206
3/18/2025

Relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor.

9:32 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Committee Action

9:32 a.m. Chair Larson reintroduced Representative Louser's proposed amendment, previous testimony #40944 from (3/12/25 9:00 a.m.).

9:32 a.m. Senator Cory moved amendment LC# 25.0022.01001, testimony #40944.

9:33 a.m. Senator Castaneda seconded.

Voice Vote - Motion Passed.

9:33 a.m. Senator Luick moved a Do Pass as amended.

9:34 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

9:34 a.m. Senator Cory will carry the bill.

9:34 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

March 10, 2025

3/18/25 VC
1 of 3

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1206

Introduced by

Representatives Louser, Bolinske, Karls, Klemin

Senators Larson, Castaneda, Paulson

1 A BILL for an Act to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North
2 Dakota Century Code, relating to the special punishment for causing injury or death while
3 operating a vehicle while under the influence of alcohol or any other drugs or substances and to
4 driving while under the influence of alcohol or any other drugs or substances while being
5 accompanied by a minor; to provide a penalty; and to provide for application.

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

7 **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-08-01.2. Special punishment for causing injury or death while operating a vehicle**
10 **while under the influence of alcohol or any other drugs or substances - Penalty.**

11 1. An individual is guilty of criminal vehicular homicide if the individual commits an
12 offense under section 39-08-01 or equivalent ordinance and as a result the individual
13 causes a death of another individual to occur, including the death of an unborn child,
14 unless the individual who causes the death of the unborn child is the mother. A
15 violation of this subsection is a class A felony. If an individual commits a violation
16 under this subsection, the court shall impose at least three years' imprisonment. If the
17 individual violates this section after having been previously convicted of a violation of
18 section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least
19 ten years' imprisonment. An individual may not be prosecuted and found guilty of this
20 and an offense under chapter 12.1-16 if the conduct arises out of the same incident.

- 1 2. An individual is guilty of criminal vehicular injury if the individual violates section
2 39-08-01 or equivalent ordinance and as a result that individual causes substantial
3 bodily or serious bodily injury to another individual. Violation of this subsection is a
4 class C felony. If an individual violates this subsection, the court shall impose at least
5 one year's imprisonment. If the individual violates this section after having been
6 previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent
7 ordinance, the court shall impose at least two years' imprisonment.
- 8 3. The sentence under this section may not be suspended unless the court finds that
9 manifest injustice would result from the imposition of the sentence. Before a sentence
10 under this section applies, a defendant must be notified of the minimum mandatory
11 sentence. The elements of an offense under this section are the elements of an
12 offense for a violation of section 39-08-01 and the additional elements that create an
13 offense in each subsection of this section. Whether an individual caused death or
14 substantial or serious bodily injury must be determined in accordance with section
15 12.1-02-05.

16 **SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-08-01.4. Driving while under the influence of alcohol or any other drugs or**
19 **substances while being accompanied by a minor - Penalty.**

- 20 1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to
21 violate section 39-08-01 if the violation occurred while a minor was accompanying the
22 individual in a motor vehicle. If an individual has a previous conviction for a violation of
23 section 39-08-01.4, a violation of this section is a class C felony. ~~An individual~~
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- 26 2. The minimum sentence for an individual convicted of violating this section must
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 - 28 a. For a first offense, a fine of seven hundred fifty dollars, at least two days'
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30 licensed addiction treatment program, at least three hundred sixty days of
31 unsupervised probation, and at least three hundred sixty days' participation in the

1 twenty-four seven sobriety program under chapter 54-12 as a mandatory
2 condition of probation.

3 b. For a second or subsequent offense within fifteen years, at least one year and
4 one day's imprisonment, a fine of two thousand dollars, an order for a substance
5 abuse evaluation by an appropriate licensed addiction treatment program, at
6 least two years' supervised probation, and at least three hundred sixty days'
7 participation in the twenty-four seven sobriety program under chapter 54-12 as a
8 mandatory condition of probation.

9 **SECTION 3. APPLICATION.** Section 2 of this Act applies to criminal charges filed after the
10 effective date of this Act.

**REPORT OF STANDING COMMITTEE
HB 1206**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0022.01001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar. This bill does not affect workforce development.