

DUI CRIMINAL PENALTIES

The following table describes criminal penalties for driving while under the influence as contained in North Dakota Century Code Section 39-08-01:

	Class of Offense	Minimum Sentence ¹	Maximum Sentence
Offense within five years			
First	B misdemeanor	\$250 and addiction evaluation ²	\$1,000 and 30 days' imprisonment
Second	B misdemeanor	\$500, either five days with 48 consecutive hours imprisonment or minimum security placement or 30 days' community service, and addiction evaluation ²	\$1,000 and 30 days' imprisonment
Third	A misdemeanor	\$1,000, 60 days with 48 consecutive hours imprisonment or minimum security placement, and addiction evaluation ²	\$2,000 and one-year imprisonment
Offense within seven years			
Fourth	A misdemeanor	\$1,000 and 180 days with 48 consecutive hours imprisonment or minimum security placement	\$2,000 and one-year imprisonment
Fifth or more	C felony	\$1,000 and 180 days with 48 consecutive hours imprisonment or minimum security placement	\$5,000 and five-years' imprisonment

¹ No suspended or deferred sentences permitted.

² If addiction evaluation indicates need for treatment, the court may order treatment and the time in treatment is counted against imprisonment or placement.