

FIRST ENGROSSMENT
with House Amendments

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2118

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota
2 Century Code, relating to sentencing alternatives.

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

4 **SECTION 1. AMENDMENT.** Subsection 9 of section 12.1-32-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 9. ~~A person who is convicted of a felony and sentenced to imprisonment for not more~~
7 ~~than one year is deemed to have been convicted of a misdemeanor upon~~
8 ~~successful completion of the term of imprisonment and any term of probation~~
9 ~~imposed as part of the sentence. Upon successful completion of the term of~~
10 ~~imprisonment and any term of probation by a person who is convicted of a felony~~
11 ~~and sentenced to imprisonment for not more than one year or for more than one~~
12 ~~year but whose sentence in excess of one year is suspended, the person may~~
13 ~~petition the court to have the person's felony conviction reduced to a~~
14 ~~misdemeanor. If the court finds by a preponderance of the evidence that the~~
15 ~~person has successfully completed the term of imprisonment and any term of~~
16 ~~probation imposed as a part of the sentence, the order granting the petition must~~
17 ~~be served upon the bureau of criminal investigation. The bureau shall enter on~~
18 ~~that person's criminal history record information maintained pursuant to chapter~~
19 ~~12-60 that the person's felony conviction has been reduced to a misdemeanor~~
20 ~~pursuant to this subsection. Successful completion of the term of imprisonment or~~
21 ~~probation means that the person has not been found guilty of, or pled guilty or nolo~~
22 ~~contendere to, a violation of a criminal law of this or another state, municipality, or~~
23 ~~the federal government, committed during the term of imprisonment or probation~~
24 ~~and has not had that person's probation revoked for a violation of a condition of~~

- 1 that probation. This subsection does not apply to a person convicted of violating
2 subdivision b or c of subsection 1 of section 19-03.1-23.