

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2373

Introduced by

Senators Robinson, Brown, Lyson

Representatives DeKrey, Kroeber, Nottestad

1 A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota  
2 Century Code, relating to the assessment, detoxification, commitment, treatment, and  
3 rehabilitation of individuals who are chemically dependent on methamphetamine or other  
4 controlled substances; and to provide a penalty.

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

6 **SECTION 1.** A new section to chapter 25-03.1 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Commitment of individuals who are chemically dependent on methamphetamine**  
9 **or other controlled substances - Penalty.**

- 10 1. Subject to the commitment procedures provided for in this chapter, upon petition to  
11 the court by the individual who is the subject of the petition, a state's attorney, a  
12 law enforcement officer, or any interested party over the age of eighteen, the court  
13 may order an individual who is chemically dependent on methamphetamine or  
14 other controlled substances to participate in and complete an assessment,  
15 detoxification, and inpatient chemical dependency treatment and rehabilitation  
16 program in an appropriate treatment facility. The petition to the court must be  
17 supported by an affidavit or the report of a mental health professional. The court  
18 may order any individual who is reasonably able to do so to contribute to the cost  
19 of the individual's assessment, detoxification, and chemical dependency treatment  
20 and rehabilitation.
- 21 2. Upon receipt of a petition under this section, the court may issue an order for an  
22 assessment to determine whether the individual is chemically dependent on  
23 methamphetamine or other controlled substances. The court may order the  
24 individual to be taken into custody pending a preliminary hearing on the petition.

- 1           The court shall hold the preliminary hearing no later than three days after the  
2           individual has been taken into custody, excluding holidays and weekends. The  
3           individual may waive the preliminary hearing.
- 4           3. If the court determines at the preliminary hearing that there is probable cause that  
5           the individual is chemically dependent on methamphetamine or other controlled  
6           substances, the court shall order the individual to undergo an assessment and  
7           detoxification, if necessary, at an appropriate treatment facility.
- 8           4. Within sixty days after the court has issued an order for assessment, the treatment  
9           facility shall provide the court with a report of the assessment and  
10          recommendations for treatment and rehabilitation. The court shall hold a hearing  
11          within fourteen days of receipt of the report to determine whether to commit the  
12          individual to an appropriate treatment facility for inpatient treatment and  
13          rehabilitation as an individual who is chemically dependent on methamphetamine  
14          or other controlled substances. The individual may waive the commitment hearing.  
15          The court may extend the time for hearing for good cause. If the court determines  
16          by clear and convincing evidence that the individual is chemically dependent on  
17          methamphetamine or other controlled substances, the court shall commit the  
18          individual to an appropriate treatment facility for treatment and rehabilitation. The  
19          inpatient chemical dependency treatment and rehabilitation program ordered under  
20          this section must be at least ninety days.
- 21          5. Section 25-03.1-04 is not applicable to a commitment proceeding under this  
22          section.
- 23          6. An individual is guilty of a class C felony if the court finds that the individual willfully  
24          violated the conditions of the order issued under this section.