

HOUSE BILL NO. 1106

Introduced by

Judiciary Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact a new subsection to section 12.1-32-02 of the North
2 Dakota Century Code, relating to sentencing of current and former members of the military.

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

4 **SECTION 1.** A new subsection to section 12.1-32-02 of the North Dakota Century Code is
5 created and enacted as follows:

6 When a defendant appears in criminal court and is convicted of a crime, the court shall
7 inquire whether the defendant is currently serving or has served in the armed forces of
8 the United States. If the defendant is currently serving or has served in the armed
9 forces of the United States and has been diagnosed as having a mental illness by a
10 qualified psychiatrist or clinical psychologist or physician, the court may:

11 a. Direct the department of corrections and rehabilitation to conduct a presentence
12 investigation and to prepare a presentence report and order the officer preparing
13 the report to consult with a representative of the United States department of
14 veterans' affairs or North Dakota department of veterans' affairs or other person
15 with suitable knowledge or experience, for the purpose of providing the court with
16 information regarding treatment options available to the defendant, including
17 federal, state, and local programming; and

18 b. Consider the treatment recommendations of any diagnosing or treating mental
19 health professional together with the treatment options available to the defendant
20 in imposing sentence.