

HOUSE BILL NO. 1164

Introduced by

Representatives Roers Jones, Beadle, Blum, Boschee, Heinert

Senator Luick

1 A BILL for an Act to create and enact two new subsections to section 19-03.1-23 of the North
2 Dakota Century Code, relating to drug court participation; to amend and reenact subsection 9 of
3 section 12.1-32-02 and section 39-08-01.5 of the North Dakota Century Code, relating to drug
4 court participation; and to provide a penalty.

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

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

8 9. A person who is convicted of a felony and sentenced to imprisonment for not more
9 than one year is deemed to have been convicted of a misdemeanor upon successful
10 completion of the term of imprisonment and a term of probation imposed as a part of
11 the sentence. ~~This subsection does not apply to a person convicted of violating~~
12 ~~subdivision a, b, or c of subsection 1 of section 19-03.1-23.~~

13 **SECTION 2.** Two new subsections to section 19-03.1-23 of the North Dakota Century Code
14 is created and enacted as follows:

15 Upon successful completion of a drug court program, a person who has been
16 convicted of a felony under this section and sentenced to drug court is deemed to
17 have been convicted of a misdemeanor.

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19 If a person convicted of a misdemeanor under this section is sentenced to drug court
20 and successfully completes a drug court program, the court shall dismiss the case and
21 seal the file in accordance with section 12.1-32-07.2.

22 **SECTION 3. AMENDMENT.** Section 39-08-01.5 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **39-08-01.5. Partial suspension of sentence for drug court completion.**

- 1 1. Notwithstanding section 39-08-01, all but ten days of the minimum mandatory
2 sentence required for a defendant charged with a third or subsequent violation of
3 section 39-08-01 may be suspended on the condition the defendant successfully
4 completes a drug court program approved by the supreme court.
- 5 2. Upon successful completion of a drug court program, a defendant convicted of a
6 felony under section 39-08-01 and sentenced to drug court is deemed to have been
7 convicted of a misdemeanor.
- 8 3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to
9 drug court and successfully completes a drug court program, the court shall dismiss
10 the case and seal the file in accordance with section 12.1-32-07.2.
- 11 4. For purposes of this section, unless the context otherwise requires, "drug court
12 program" means a district court-supervised treatment program approved by the
13 supreme court which combines judicial supervision with alcohol and drug testing and
14 chemical addiction treatment in a licensed treatment program. The supreme court may
15 adopt rules, including rules of procedure, for drug courts and the drug court program.