Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2029
(Legislative Management)
(Commission on Alternatives to Incarceration)

AN ACT to amend and reenact section 19-03.1-45 of the North Dakota Century Code, relating to probation and treatment for drug abuse; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-45. Drug abuse assessment and treatment - Presentence investigation - Certified drug abuse treatment programs.

1. If a person has pled guilty or has been found guilty of a felony violation of subsection 7 of section 19-03.1-23, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, ~~and if the court imposes probation,~~the court shall impose a period of probation ~~of not less than eighteen months in conjunction~~up to the length authorized under section 12.1-32-06.1 with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.

2. Upon a plea or finding of guilt of a person subject to ~~the provisions of~~ subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation ~~shall~~must include a drug and alcohol evaluation conducted by a licensed addiction counselor.

3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment ~~shall~~may not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the ~~person shall be supervised by the~~ department shall supervise the person.

4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment program, as established by judicial finding, the person ~~shall be~~is subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.

5. In this section:

   a. "Department" means the department of corrections and rehabilitation; and

   b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2029.

Senate Vote:	Yeas 46	Nays 0	Absent 1
House Vote:	Yeas 84	Nays 4	Absent 6

Secretary of the Senate

Received by the Governor at 2:44 P.M. on March 24, 2015.

Approved at 2:57 P.M. on March 25, 2015.

Governor

Filed in this office this 25th day of March, 2015,

at 3:45 o'clock P M.

Secretary of State