

PROPOSED AMENDMENTS TO SENATE BILL NO. 2373

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

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

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

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

1. Subject to the commitment procedures provided for in this chapter, upon petition to the court by the individual who is the subject of the petition, a state's attorney, a law enforcement officer, or any interested party over the age of eighteen, the court may order an individual who is chemically dependent on methamphetamine or other controlled substances to participate in and complete an assessment, detoxification, and inpatient chemical dependency treatment and rehabilitation program in an appropriate treatment facility. The petition to the court must be supported by an affidavit or the report of a mental health professional. The court may order any individual who is reasonably able to do so to contribute to the cost of the individual's assessment, detoxification, and chemical dependency treatment and rehabilitation.
2. Upon receipt of a petition under this section, the court may issue an order for an assessment to determine whether the individual is chemically dependent on methamphetamine or other controlled substances. The court may order the individual to be taken into custody pending a preliminary hearing on the petition. The court shall hold the preliminary hearing no later than three days after the individual has been taken into custody, excluding holidays and weekends. The individual may waive the preliminary hearing.
3. If the court determines at the preliminary hearing that there is probable cause that the individual is chemically dependent on methamphetamine or other controlled substances, the court shall order the individual to undergo an assessment and detoxification, if necessary, at an appropriate treatment facility.
4. Within sixty days after the court has issued an order for assessment, the treatment facility shall provide the court with a report of the assessment and recommendations for treatment and rehabilitation. The court shall hold a hearing within fourteen days of receipt of the report to determine whether to commit the individual to an appropriate treatment facility for inpatient treatment and rehabilitation as an individual who is chemically dependent on methamphetamine or other controlled substances. The individual may waive the commitment hearing. The court may extend the time for hearing for good cause. If the court determines by clear and convincing evidence that the individual is chemically dependent on methamphetamine or other controlled substances, the court shall commit the individual to an

appropriate treatment facility for treatment and rehabilitation. The inpatient chemical dependency treatment and rehabilitation program ordered under this section must be at least ninety days.

5. Section 25-03.1-04 is not applicable to a commitment proceeding under this section.
6. An individual is guilty of a class C felony if the court finds that the individual willfully violated the conditions of the order issued under this section."

Renumber accordingly