

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1534

Page 1, line 1, remove "subsection 1 of"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

"39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol."

Page 1, line 7, remove "An individual is guilty of an"

Page 1, line 8, remove "offense, which is a class A misdemeanor, if that individual is convicted of" and overstrike the colon

Page 1, line 9, overstrike "a.", after "person" insert "If an individual", remove the overstrike over "is convicted of an", and remove "An"

Page 1, line 11, overstrike the semicolon and insert immediately thereafter ", the sentence under chapter 12.1-16 must be at least one year's imprisonment if the individual was an adult at the time of the offense."

Page 1, line 12, overstrike "b." and insert immediately thereafter "2.", overstrike "A", after "person" insert "If an individual", remove the overstrike over "is convicted of violating", and remove "violation of"

Page 1, line 14, overstrike "serious"

Page 1, line 15, remove "individual" and overstrike "; or"

Page 1, line 16, overstrike "c. A", remove "violation of", and overstrike "section 39-08-01 and the"

Page 1, overstrike line 17

Page 1, line 18, overstrike "another", after "individual" insert ", that individual is guilty of a class A misdemeanor and must be sentenced to at least ninety days' imprisonment if the individual was an adult at the time of the offense", and after the period insert:

"2. 3. ~~If the defendant was at least eighteen years of age at the time of the offense under chapter 12.1-16, the sentence under that chapter must be at least one year's imprisonment. If the defendant was at least eighteen years of age at the time of the violation of section 39-08-01 or 39-08-03, the sentence under either section must be at least ninety days' imprisonment. The sentence under chapter 12.1-16 or section 39-08-01 or 39-08-03 this section may not be suspended unless the court finds that manifest injustice would result from imposition of the sentence. The sentence must be served in its entirety, without benefit of parole or pardon.~~

~~3.~~ 3. ~~If the defendant was less than eighteen years of age at the time of the offense, the punishment may be in accordance with subsection 2 or chapter 27-20. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. If the finding of guilt~~

is by jury verdict, the verdict form must indicate that the jury found the elements that create the minimum sentence."

Renumber accordingly