

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1169

Introduced by

Representatives Keiser, Klemin

Senator Kilzer

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota
2 Century Code, relating to the suspension of hunting, fishing, and trapping privileges as a
3 sentencing alternative.

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

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

7 1. Every person convicted of an offense who is sentenced by the court must be
8 sentenced to one or a combination of the following alternatives, unless the sentencing
9 alternatives are otherwise specifically provided in the statute defining the offense or
10 sentencing is deferred under subsection 4:

11 a. Payment of the reasonable costs of the person's prosecution.

12 b. Probation.

13 c. A term of imprisonment, including intermittent imprisonment:

14 (1) In a state correctional facility in accordance with section 29-27-07, in a
15 regional corrections center, or in a county jail, if convicted of a felony or a
16 class A misdemeanor.

17 (2) In a county jail or in a regional corrections center, if convicted of a class B
18 misdemeanor.

19 (3) In a facility or program deemed appropriate for the treatment of the
20 individual offender, including available community-based programs.

21 (4) In the case of persons convicted of an offense who are under eighteen
22 years of age at the time of sentencing, the court is limited to sentencing the
23 minor defendant to a term of imprisonment in the custody of the department
24 of corrections and rehabilitation.

- 1 d. A fine.
- 2 e. Restitution for damages resulting from the commission of the offense.
- 3 f. Restoration of damaged property or other appropriate work detail.
- 4 g. Commitment to an appropriate licensed public or private institution for treatment
- 5 of alcoholism, drug addiction, or mental disease or defect.
- 6 h. Commitment to a sexual offender treatment program.
- 7 i. Suspend for a period of not less than one year the privilege to purchase or
- 8 possess any certificate, permit, stamp, or license issued by the director of the
- 9 game and fish department which the person is required to obtain before engaging
- 10 in hunting, fishing, or trapping activities regulated under title 20.1. Upon
- 11 imposition of the suspension, the court shall forward a certified copy of the
- 12 suspension order to the director, along with any hunting, trapping, or fishing
- 13 license or permit held by the defendant.

14 Except as provided by section 12.1-32-06.1, sentences imposed under this subsection

15 may not exceed in duration the maximum sentences of imprisonment provided by

16 section 12.1-32-01, section 12.1-32-09, or as provided specifically in a statute defining

17 an offense. This subsection does not permit the unconditional discharge of an offender

18 following conviction. A sentence under subdivision e or f must be imposed in the

19 manner provided in section 12.1-32-08.