

SENATE BILL NO. 2156

Introduced by

Senators Armstrong, Casper

Representatives Delmore, Larson, Maragos

1 A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century
2 Code, relating to mandatory sentences for armed offenders.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-32-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-32-02.1. Mandatory prison terms for armed offenders.**

7 1. Notwithstanding any other provision of this title, a term of imprisonment must be
8 imposed upon an offender and served without benefit of parole when, in:

9 a. In the course of committing an offense, the offender inflicts or attempts to inflict
10 bodily injury upon another, threatens or menaces another with imminent bodily
11 injury with a dangerous weapon, explosive, destructive device, or firearm; or

12 b. The offender possesses or has within immediate reach and control a dangerous
13 weapon, explosive, destructive device, or firearm while in the course of
14 committing ~~any~~ felony offense under subsection 1, 2, or, ~~except for the simple~~
15 ~~possession of marijuana~~; 7 of section 19-03.1-23.

16 2. This requirement applies only when possession of a dangerous weapon, explosive,
17 destructive device, or firearm has been charged and admitted or found to be true in
18 the manner provided by law, and must be imposed as follows:

19 a. If the offense for which the offender is convicted is a class AA, class A, or class B
20 felony, the court shall impose a minimum sentence of four years' imprisonment.

21 b. If the offense for which the offender is convicted is a class C felony, the court
22 shall impose a minimum sentence of two years' imprisonment.

23 2-3. This section applies even when being armed is an element of the offense for which the
24 offender is convicted.

Sixty-fourth
Legislative Assembly

- 1 ~~3.4.~~ An offender serving a sentence subject to this section may be eligible to participate in
- 2 a release program under section 12-48.1-02 during the last six months of the
- 3 offender's sentence.