

March 14, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2176

Page 1, line 1, after the comma insert "subsection 7 of section 39-08-01,"

Page 1, line 2, after the first comma insert "subdivision a of subsection 3 of section 39-20-01,"

Page 1, line 4, remove " and"

Page 1, line 5, after "influence" insert "; and to provide a penalty"

Page 1, after line 22, insert:

**"SECTION 2. AMENDMENT.** Subsection 7 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

7. As used in this title, participation in the twenty-four seven sobriety program under chapter 54-12 means compliance with sections 54-12-27 through 54-12-31, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees. For purposes of this section, the twenty-four seven sobriety program is a condition of probation and a court may not order participation in the program as part of the sentence. If an individual ordered to participate in the twenty-four seven program is not a resident of this state, that individual shall enroll in a twenty-four seven program or an alcohol compliance program if available in that individual's state of residence and shall file proof of such enrollment."

Page 2, after line 8, insert:

**"SECTION 4. AMENDMENT.** Subdivision a of subsection 3 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. The law enforcement officer shall inform the individual charged that North Dakota law requires the individual to take ~~thea~~ a chemical test to determine whether the individual is under the influence of alcohol or drugs; ~~that refusal to take the and that refusal of the individual to submit to a~~ test directed by the law enforcement officer is a crime punishable in the same manner as driving under the influence; and that refusal of the individual to submit to the test directed by the law enforcement officer may result in a revocation for a minimum of one hundred eighty days and up to three years of the individual's driving privileges may result in a revocation of the individual's driving privileges for a minimum of one hundred eighty days and up to three years. In addition, the law enforcement officer shall inform the individual refusal to take a breath or urine test is a crime punishable in the same manner as driving under the influence. If the officer requests the individual to submit to a blood test, the officer may not inform the individual of any criminal penalties until the officer has first secured a search warrant."

Page 7, line 10, remove "The law enforcement officer shall inform the"

Page 7, remove lines 11 through 18

Page 7, line 19, remove "secured a search warrant."

Renumber accordingly