

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2206

2007 SENATE JUDICIARY

SB 2206

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2206**

Senate **Judiciary Committee**

Check here for Conference Committee

Hearing Date: January 22, 2007

Recorder Job Number: 1801

Committee Clerk Signature

Maura L Solberg

Minutes: Relating to the violation of bran laws.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of Bill:

Sen. Ryan Taylor, Dist. #7 (meter :20) Introduced the bill. I agreed to put this forward at the request of the ND Stockman's Assoc. I agreed with them that we needed to review the penalties to see if the need to be updated. Spoke of his personal ranching issues. Reviewed his legislative process in producing the bill.

Rep. Shirley Meyer, Dist. #36 (meter 2:45) Co-sponsor of the bill. In agreement to increase the penalty of cattle theft. Concern for the forgetting to get a brand release vs. stealing cattle. Discussed her district of ranchers that live on the borders and how they move cattle. We do not want the accidental forgetting to get a release when moving cattle to become a Class C Felony.

Wade Mosser, ND Stockmans Assoc. (meter 6:00) The legislation has come from our investigators several years ago. We have filed reports with the States Attorney's office saying that for a misdemeanor it is not worth their time. It gives our people the elusion that we are not doing anything about it to our people. Spoke of the process with there assoc. in creating

22

the bill. It is not our intent to through an accidental incident to through an innocent person into jail.

Sen. Olafson spoke of the making of amendments (meter 9:00)

Darryl Howard, ND Stockmen's Assoc.(meter 9:44) Field investigator who reviewed what the current process of notifications. Hand out – Att. #1 of what surrounding states do. This legislation would put ND in the middle. He reviewed the bill (meter 12:50) line by line.

Sen. Olafson spoke (meter 13:31) of the possibility to amend so not to make a "joke" become a Class C Felony.

Sen. Lyson (meter 20:48) asked the credentials of the Field Investigators. We are licensed peace officers under 36.09-25.

Sen Fiebiger stated that the language in Section 5 does not allow boarder residents any exemptions. Committee spoke of concerns for ranchers who's land borders two states.

Sen. Lyson stated that he had great concerns with the over strictness of this law.

Testimony in Opposition of the Bill:

Tim Purdon, Law firm in Bismarck representing self (meter 27:07 Sited other class B Felonies as being Meth and Mans slaughter this hardly fits in that group. Spoke of a bill in 1991 the Governor vetoed. Discussed the ND law terms "willfully", "intent" and "standard". Stealing cattle already is in the law and punishable. The solution is not raising the penalty it is a review of the law process. The dog would be wagging the tail. Reviewed past convictions in ND for cattle theft, they are prosecuting the law. I am for the bill but against the penalty.

Willard Schank, Richardton, ND (meter 31:15) I am not against laws but I have great concerns for this on. Reviewed a personal situation – Att. #2a and Att. #2b. I have concerns about the penalty aspect of the bill.

Testimony Neutral to the Bill:

22

Dwight Keller, Morton Co. (meter 38:49) Spoke against the "language" in the bill. We need to strengthen theft laws. Do not punish the un-intended person. Went through parts of the bill sighting his concerns.

Sen. Olafson spoke how very few people brand in his part of the state.

Senator David Nething, Chairman closed the hearing.

Additional Testimony Submitted to the Committee:

Mr. Ned Hermanson, Rancher McKenzie Co. – Att. #3

Mr. Gary L. Jackson, Attorney in MT. – Att. #4

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2206**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 5, 2007

Recorder Job Number: ~~2880~~ 2881

Committee Clerk Signature *Maria L Solberg*

Minutes: Relating to the violation of bran laws.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Olafson reviewed the amendment – Att. #1 stating that Sen. Taylor and the Stockman's Assoc. worked on the amendment with him.

Sen. Lyson question on page 3 line 14, that he still had a problem with the Class A misdemeanor and the Class C Felony-this is the same as murder.

Discussion of "knowingly": **Sen. Olafson** spoke of a personal case. The dollar amount on mistakes can be very expensive. We have civil remedies to go back for money. The committee had further discussion of the punishment.

Sen. Olafson made the motion to Do Pass the amendment – Att. #1 dated 2/5 and to further amend changing the offense and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Sen. Olafson made the motion to Do Pass SB 2206 as amended and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Olafson**

Sen. Nething, Chairman closed the hearing.

February 2, 2007

Att # 1
2-5-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2206

Page 1, line 9, after "a" insert "class A misdemeanor for a first offense and a" and after "felony" insert "for a second or subsequent offense"

Page 1, line 11, after "another" insert "for the purpose of deceiving others as to the animal's ownership"

Page 1, line 14, after "~~misdemeanor~~" insert "for the purpose of deceiving others as to the animal's ownership"

Page 3, line 1, replace "willfully" with "knowingly"

Page 3, line 23, after the period insert "This subsection does not apply to a person that:

- a. Removes cattle, horses, or mules from this state in order to obtain for the animals medical treatment by a licensed veterinarian; or
- b. Moves cattle, horses, or mules from this state to a bordering state in accordance with a reciprocal grazing agreement between the state brand inspector and an authorized agency of the bordering state.

Renumber accordingly

page 3 line 14 B-offence to C offence
page 3 line 31 " "
page 2 line 26 " "

Date: 2-5-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2206

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Amend #1 & Charge offences

Motion Made By sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	/		Sen. Fiebiger	/	
Sen. Lyson	/		Sen. Marcellais	/	
Sen. Olafson	/		Sen. Nelson	/	

Total Yes 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-5-07

Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2206

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Olafson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2206: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was placed on the Sixth order on the calendar.

Page 1, line 9, after "a" insert "class A misdemeanor for a first offense and a" and after "felony" insert "for a second or subsequent offense"

Page 1, line 11, after "another" insert "for the purpose of deceiving others as to the animal's ownership"

Page 1, line 14, after "~~misdemeanor~~" insert "for the purpose of deceiving others as to the animal's ownership"

Page 2, line 26, overstrike "B" and after "~~misdemeanor~~" insert "C"

Page 3, line 1, replace "willfully" with "knowingly"

Page 3, line 14, replace "B" with "C"

Page 3, line 23, after the period insert "This subsection does not apply to a person that:

- a. Removes cattle, horses, or mules from this state to obtain for the animals medical treatment by a licensed veterinarian; or
- b. Moves cattle, horses, or mules from this state to a bordering state in accordance with a reciprocal grazing agreement between the state brand inspector and an authorized agency of the bordering state.

Page 3, line 31, remove the overstrike over "G" and remove "B"

Renumber accordingly

2007 HOUSE AGRICULTURE

SB 2206

2007 HOUSE STANDING COMMITTEE MINUTES

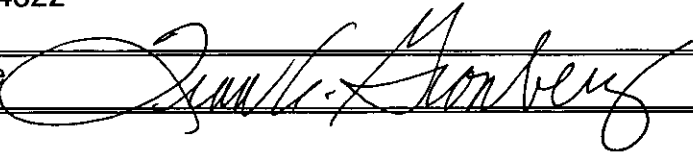
Bill/Resolution No. SB 2206

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-9-07

Recorder Job Number: 4822

Committee Clerk Signature 

Minutes:

Chairman Johnson opened the hearing on SB 2206.

Sen Ryan Taylor, Dist 7: I am submitting it on behalf of the ND Stockman's Association.

There is some concern that some of the brand laws are outdated and prosecution is difficult.

We want to punish the guilty and protect the innocent. And this bill still makes allowances to protect the innocent and for those who unknowingly break the law.

Rep Onstad: I can understand stealing and theft, but a class C felony for losing a bill of sale?

Taylor: No it would not be and that's maybe an amendment that would come before you.

There is a consistent step up from a class A misdemeanor to a class C felony. I'm not an attorney but the "willfully and knowingly" also lends some allowances.

Rep Shirley Meyer: (five handouts attached)

Our intent is to make it much tougher when someone steals livestock. (amendments attached)

We hope to get rid of some of the compounding misdemeanors that turn into felonies in this bill. We do not want to make criminals out of honest people.

Rep Boe: You talk about a class C felony. Do you know what else is a class C felony - comparably?

Rep Meyer: We need penalties to fit the crimes. Examples: kidnapping, sexual offenses, robbery, breaking and entering, prostitution. Those are the kind of crimes that are class C felonies. Under Section 3 we have allowed the certificate of registration to equal a permanent brand registration.

Rep Mueller: Is there anything that is good in this bill that you and our chairman sponsored?

Rep Meyer: The first section of the bill is what we all want to as stockman's members and that increases the penalty for theft of cattle. And that's what we want. The rest of it we need areas of differentiation and this bill says we are going to give everyone a felony charge. Many states attorneys have been accused of not prosecuting these cases unless they are felonies. I have to say that this is absolutely not true. I have talked to them and they say they prosecute on the merits of the case.

Darryl Howard, Chief Inspector for the Stockman's Association: We do have police powers. There are 3 of us with powers and 220 additional brand inspectors. It is not the average or typical rancher, who inadvertently makes a mistake, that we are after. We do run into states attorneys who are unwilling to prosecute misdemeanors mostly because they are unfamiliar with livestock laws. The value of livestock has gone up and so should the penalties. The International Livestock Identification Association wants to maintain parallel laws and parallel penalties with the other brand states. ND laws are middle of the road. (He then went through each part on the bill)

Rep Boe: If I wrote a check for the cattle and wrote on there for 200 head of cattle, and I have that cancelled check, is that as good as a bill of sale?

Howard: No sir, you need to list the brands that are on the cattle.

Rep Froelich: If I sell the cattle to Rep Boe and he gives me a check, and there is a problem later, he can always come back and sue me civilly for damages.

Howard: I don't know what his personal situation is, but if he's already strapped, and that's the reason he's going to sell, it's going to cost him a lot up front.

Rep Froelich: Under this bill, if penalties are imposed, he would still have to come back to collect financial damages.

Howard: There is a very good chance that there would be some restitution involved. In the last few years the amount of restitution that we have helped victims recover has been in the area of \$350,000 to \$400,000. You may need a bill of sale as long as you own the livestock to prove the second brand. And that is why it says several times in the bill that it must be kept by the buyers. It must be given in transit and produced upon demand. It carries a great deal of weight and is more than a technicality to hold someone up.

Rep Froelich: Under this bill a person could get a class C felony while dealing with his own cattle over state lines and later wants a teacher's certificate and probably can't get it.

Rep Boe: The key to this bill of sale is that it carries a brand. Up in my area not many people brand their cattle. There are herd of 200-330 cows and none of them have a brand on them. Don't they come under this law at all?

Howard: They don't. It only covers the cattle with your own brand on them.

Rep Boe: So if I am dealing with cattle with no brand, this law does not affect me?

Howard: If they have no brand or your brand, a bill of sale does apply.

Rep Boe: So you still have to have the bill of sale?

Howard: You need to give one at time of sale.

Rep Boe: The bill reads "with a registered brand".

Howard: If they have no brand, the possessor is the owner.

Rep Froelich: Why did you take out lines 14 and 15?

Howard: Line 5 says that a person may not knowingly do it.

Rep Onstad: Your situation seems more like fraud. Shouldn't it be under a different section of code? Maybe under criminal offences. I'm not sure it's in the right place. I think we have current laws that would deal with fraud and civil penalties.

Howard: (submitted amendment) deals with page 3 line 29

Rep Boe: You talk about pursuit. Do you have vehicles with lights, etc.?

Howard: Yes, three of us have pursuit vehicles.

Chairman Johnson: Have you seen the amendments that were offered by Rep. Meyer?

Howard: I haven't seen the actual amendment, no. But I would like to address the registration papers as being proof of ownership to leave the state and again that will lead to trouble in the brand states. Registration papers don't carry the clout because brands can be added to registration papers just by requesting it to be done. If we let people travel using registration papers, it may not reflect the current status of the horse.

Rep Belter: Going back to Section A where you wanted the word emergency in there. What you're saying then, if it's a non emergency, you can't take any livestock across the state line to take them to a veterinarian?

Howard: Not without inspection. All horses, cattle and mules must be inspected before they can leave the state.

Rep Onstad: If you see an infraction, do you do the investigation?

Howard: Some of them, yes.

Rep Onstad: Why not the sheriff?

Howard: They are not familiar with livestock laws and how to investigate how the cattle move.

Rep Onstad: Would they more likely to listen to the sheriff if you have trouble getting the states attorneys office to back us up.

Howard: No, but we use the sheriff's office to back us up.

Rep Belter: What does the Minnesota law say? Do they have to be inspected when they come to ND?

Howard: No, but they are inspected before they leave. We're bordered by some no brand states, so if our cattle get out of state, they are gone.

Rep Onstad: Raising the infraction to a class C felony will get scrutinized heavily in judiciary realizing the offences and the other thing is that person charged with a class A misdemeanor that is one year in prison and \$2000. But the second time could mean 5 years in prison and a \$5000 fine. Don't you think that is extreme.

Howard: We can't get a first conviction, so how are we going to get a second?

Rep Onstad: If we increase it, how do you expect to get better results?

Howard: The states attorneys might not be interested in taking a B misdemeanor to trial, so if we go to an A misdemeanor, we actually have a penalty that will leave a little wiggle room for a plea. If we ever get to a felony, it would probably not happen.

Rep Onstad: The point is we could still charge the person with a class A misdemeanor the first time, the second offence will get 6 months in jail and the third offence he will be in jail for a year. The seriousness of the cut and dried second offense whether you want to say it's a warning or not, it is five years in the prison system.

Howard: Since I've been with the ND Stockman's office, we've had one that went there. That case is the one that dealt with most of the restitution - \$185,000 and he did do jail time for approximately two and a half years.

Rep Froelich: You say these courts don't want to prosecute because they don't always see it as that much of a problem. When it's in the law, there's no leeway.

Howard: The biggest problem that I have with cattle leaving the state is when we don't get to inspect the cattle that left the state. So how do we know whose they were?

Rep Froelich: We have three tiers of government dealing with horses.

Howard: This paper picture does not have a brand on it or proof of ownership. I am not in favor of turning horses loose to travel wherever they want without proof of ownership.

Rep Boe: You indicated in your testimony that not all the states attorneys are turning down your cases, that some are doing a good job. Some you aren't satisfied with. Wouldn't that be a subjective statement.

Howard: I've talked to many states attorneys and they all have different opinions.

Chairman Johnson: With the direction we're going with this, I think I'll put it in a sub committee.

Rep Froelich: We haven't discussed reciprocal agreements.

Howard: We have those with Montana and South Dakota. It's to include folks with pastures that have the state line running through them.

Jim Loman, Billings County: I raise cattle and horses north of Medora. I feel it is important to update the law with this bill and bring it into the 21st century. The bill as I ready it points out the difference between willful and not knowing. I think that is pretty plain. All our law enforcement work hand in hand and do a good job. I think they sometimes feel their hands are tied because of someone hiding behind the I didn't know any better and forgot my bill of sale. That brand is very important. It is proof of ownership. We need to back our law enforcement officer more strongly.

Ladd Erickson, McLean County States Attorney: I would be very happy to work with the sub committee. I think there is a problem with Section One. It should have willfully right after person on line 10 and leave willfully on line 14. It's important to look at and fix page 3 line 24. It has been a historical problem. It is important to fix this. I have not seen Rep Meyer's amendments.

NO OPPOSITION

Chairman Johnson appointed a sub committee:

Vice Chair Kingsbury, Chair

Rep Heller, Member

Rep Onstad, Member

Chairman Johnson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2206

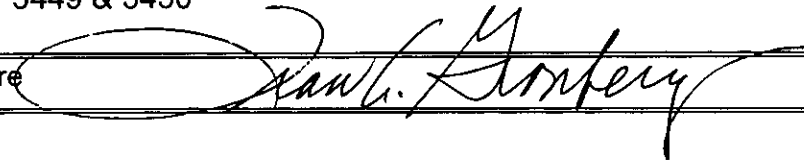
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-22-07

Recorder Job Number: 5449 & 5450

Committee Clerk Signature



Minutes:

Chairman Johnson opened the discussion on the results of the subcommittee meeting on SB 2206 and asked **Vice Chair Kingsbury** to give a report on the subcommittee that she chaired.

Rep Onstad and Rep Heller also served on the subcommittee.

Vice Chair Kingsbury: (two handouts attached: penalty comparison and how it affects the bill and a proposed amendment Title 70310.0405) Rep Kingsbury then went through the bill and amendment by sections and answered questions with regard to the amendment and the penalties. All the penalties on the review sheet from Anita Thomas were reviewed.

Rep Onstad: Rep Onstad reminded the committee that the penalties were the maximum that could be received - the penalty could be anything up to that amount.

Rep Froelich had a problem with Section 4. He did not feel that the owner should need a brand release on his own cattle. Someone else's yes, but not his own. Anyone can bring cattle into the state, but they must be brand inspected before they leave.

Rep Onstad: In subcommittee we voted on the Kingsbury amendment that had a new section as far as ownership goes for brand inspection. It comes down to the bill of sale which is needed. The whole gamut in subcommittee discussions came down to what's accepted and what isn't accepted. If you visit with Dr. Keller, the state veterinarian, they accept ownership

on other documents. The brand inspector still has to stop the person and do the brand inspection and ask for the papers. That really becomes a part of contention. The subcommittee never resolved that issue.

Vice Chair Kingsbury: Things seem to get muddier and muddier over this and other issues.

Rep Belter: Why do we need any brand inspection on horses? Cattle yes, but its overkill on horses.

Rep Onstad passed out a sample of a certificate of registration (attached). He likened it to the title of a car. The Health Department accepts these certificates as proof of ownership.

After much discussion:

Rep Boe: The whole thing is full of loopholes! (existing law and proposed amendments)

Rep Brandenburg: This takes much more discussion before we can do anything permanent with the bill.

Rep Mueller: Maybe we should strike horses from the whole bill. Horses and their usage, etc. are not the same as 50 years ago.

Rep Froelich: Maybe we should hog house the bill and put a study on it for brands.

Rep Onstad: There was a time when the brand inspector's office was in the AG or Sec of States office. Now it sits under basically a private entity which is the Stockman's Association. It seems strange that we give regulatory enforcement to an agency that's under the thumb of a private entity. Maybe part of the study should look at if that is the right place to be.

Rep Belter: I don't have any problems with the way the Stockman's Association has handled the program, but there are some areas like the horse branding that have gone overboard.

Rep Kingsbury and Rep Onstad thought if a study was done it should include the study of registration and proof of ownership and branding laws and penalties.

Rep Froelich moved the amendment to hog house the bill and add a study to include registration and proof of ownership and branding laws and penalties.

Rep Brandenburg seconded the Motion

The amendment passed unanimously on a voice vote

Rep moved a Do Pass on the Bill

Rep Brandenburg seconded the Motion

(yes) 12 (no) 0 (absent) 1

Carrier: Rep Heller

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2206

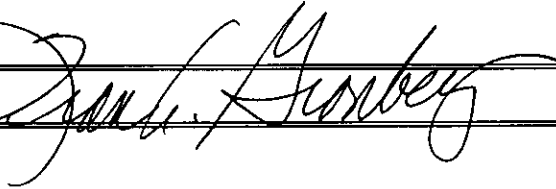
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-28-07

Recorder Job Number: 5584

Committee Clerk Signature



Minutes:

Chairman Johnson opened the discussion and asked the committee their wishes on SB 2206.

Rep Boe made a motion to reconsider the action on SB 2206

Rep Onstad seconded the motion

The motion passed on a voice vote

Rep Mueller moved the amendments

Rep Wall seconded the motion

The motion passed on a voice vote

Rep Boe moved a Do Pass as Amended

Rep Uglem seconded the motion

(yes) 10 (no) 2 (absent) 1

Carrier: Rep Heller

AMENDMENT TO SB 2206
First Engrossment

SECTION 5. AMENDMENT. Section 36-09-23 of the North Dakota Century Code is amended and reenacted as follows:

Line 29 - Add the word 'emergency' after animals.

a. Removes cattle, horses, or mules from this state to obtain for the animal's emergency medical treatment by a licensed veterinarian; or

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2206

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 36-09 of the North Dakota Century Code, relating to certificates of registration for horses; and to amend and reenact sections 36-09-17, 36-09-20.1, and 36-09-23 of the North Dakota Century Code, relating to penalties imposed for violation of brand laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-09-17 of the North Dakota Century Code is amended and reenacted as follows:

36-09-17. Defacing brands and unlawfully branding - Penalty. ~~Any~~ A person ~~who shall:~~

- ~~1. Alter or deface, or attempt~~ is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense if the person:
 1. Alters, defaces, or attempts to alter or deface; the mark or brand upon on any animal, the property of owned by another for the purpose of deceiving others as to the animal's ownership; or
 2. Willfully and unlawfully mark or brand, or cause marks, brands, or causes to be marked or branded; any animal, the property of owned by another;

is guilty of a class A misdemeanor for the purpose of deceiving others as to the animal's ownership.

SECTION 2. AMENDMENT. Section 36-09-20.1 of the North Dakota Century Code is amended and reenacted as follows:

36-09-20.1. False proof of ownership - Sale of livestock - Penalty. A person that knowingly provides false proof of ownership in conjunction with the sale of livestock is guilty of a class A misdemeanor for a first offense and a class B misdemeanor C felony for a second or subsequent offense.

SECTION 3. A new section to chapter 36-09 of the North Dakota Century Code is created and enacted as follows:

Certificate of registration - Permanent inspection permit. A certificate of registration issued for a horse by a national breed registry may be used in place of a permanent inspection permit issued by the chief brand inspector.

SECTION 4. AMENDMENT. Section 36-09-23 of the North Dakota Century Code is amended and reenacted as follows:

36-09-23. Removal of livestock from state - Brand Inspection - Penalty.

1. a. No A person may not remove cattle, horses, or mules from this state or to within a mile [1.61 kilometers] of any boundary of the state for the purpose of removal unless the livestock has been inspected for marks and brands by an official brand inspector of the North Dakota

stockmen's association ~~and a.~~ A certificate of inspection must accompany the livestock to its destination.

b. A person may not remove a horse from this state unless the horse has been inspected for marks and brands by an official brand inspector of the North Dakota stockmen's association. A certificate of inspection, a permanent inspection permit, or a certificate of registration issued for the horse by a national breed registry must accompany the horse to its destination.

c. This subsection does not apply to a person that:

(1) Removes cattle, horses, or mules from this state to obtain for the livestock medical treatment by a licensed veterinarian; or

(2) Moves cattle, horses, or mules from this state to a bordering state in accordance with a reciprocal grazing agreement between the state brand inspector and an authorized agency of the bordering state.

2. ~~It is unlawful for the~~ The owner or possessor to remove any of livestock may not remove the livestock from any place of regular official brand inspection unless and until an official brand inspection has been made and the brand inspection certificate issued.
3. ~~A person who that~~ violates this section is guilty of a class B misdemeanor. A person who that violates this section a second time within fifteen years or violates this section three or more times is guilty of a class C felony."

Renumber accordingly

