Sixty-fourth Legislative Assembly of North Dakota

## **SENATE BILL NO. 2156**

Introduced by

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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 amended and reenacted as follows:
- 6 12.1-32-02.1. Mandatory prison terms for armed offenders.
  - 1. Notwithstanding any other provision of this title, a term of imprisonment must be imposed upon an offender and served without benefit of parole when, in:
    - <u>a.</u> In the course of committing an offense, the offender inflicts or attempts to inflict bodily injury upon another, threatens or menaces another with imminent bodily injury with a dangerous weapon, explosive, destructive device, or firearm; or
    - <u>b.</u> The offender possesses or has within immediate reach and control a dangerous weapon, explosive, destructive device, or firearm while in the course of committing <u>anany felony</u> offense under subsection 1, 2, or, except for the simple possession of marijuana, 7 of section 19-03.1-23.
    - This requirement applies only when possession of a dangerous weapon, explosive, destructive device, or firearm has been charged and admitted or found to be true in the manner provided by law, and must be imposed as follows:
      - a. If the offense for which the offender is convicted is a class <u>AA</u>, <u>class A</u>, or class B felony, the court shall impose a minimum sentence of four years' imprisonment.
      - b. If the offense for which the offender is convicted is a class C felony, the court shall impose a minimum sentence of two years' imprisonment.
  - 2.3. This section applies even when being armed is an element of the offense for which the 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.