

SENATE BILL NO. 2219

Introduced by

Senator Armstrong

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-06.1 of the North
2 Dakota Century Code, relating to probation violations.

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

4 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-06.1 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 6. In felony and misdemeanor cases, in consequence of violation of probation conditions,
7 the court may impose additional probation if the defendant has not served the
8 maximum sentence of imprisonment available to the court at the time of initial
9 sentencing or deferment or the total time on probation authorized under this section.

10 a. For class B and greater felony offenses, an offense subject to section
11 12.1-32-09.1, a felony offense subject to section 12.1-32-02.1, which involves the
12 use of a firearm or dangerous weapon, a second or subsequent violation of
13 section 12.1-17-07.1, a second or subsequent violation of any domestic violence
14 protection order, a violation of chapter 12.1-41, or a violation of section 14-09-22,
15 the total time on probation may not exceed ten years.

16 b. For all other felony offenses, the total time on probation may not exceed five
17 years.

18 c. For misdemeanor cases, the total time on probation may not exceed three years.

19 d. The court shall allow the defendant credit for a sentence of probation from the
20 date the defendant began probation until the date a petition to revoke probation
21 was filed with the court. If the defendant is on supervised probation, the
22 defendant is not entitled to credit for a sentence of probation for any period the
23 defendant has absconded from supervision. The total amount of credit a

- 1 defendant is entitled to for time spent on probation must be stated in the criminal
2 judgment or order of revocation of probation.
3 e. Section 12.1-32-09.1 does not apply to any period of incarceration imposed for
4 revocation of probation for a violation of probation conditions.