

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1106

Introduced by

Judiciary Committee

(At the request of the Adjutant General)

1 A BILL ~~for an Act to create and enact a new subsection to section 12.1-32-02 of the North~~
2 ~~Dakota Century Code, relating to sentencing of current and former members of the military.~~for
3 an Act to provide for a legislative management study of issues relating to criminal defendants
4 who are veterans or who are currently serving in the armed forces.

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

6 ~~SECTION 1. A new subsection to section 12.1-32-02 of the North Dakota Century Code is~~
7 ~~created and enacted as follows:~~

8 ~~When a defendant appears in criminal court and has pled or is found guilty of a crime,~~
9 ~~the court shall inquire whether the defendant is currently serving or has served in the~~
10 ~~armed forces of the United States. If the defendant is currently serving or has served~~
11 ~~in the armed forces of the United States and there is reason to believe there is a~~
12 ~~behavioral health condition, the court may:~~

13 ~~a. Direct the department of corrections and rehabilitation to conduct a presentence~~
14 ~~investigation and to prepare a presentence report and order the officer preparing~~
15 ~~the report to consult with a representative of the United States department of~~
16 ~~veterans' affairs or North Dakota department of veterans' affairs or other person~~
17 ~~with suitable knowledge or experience, for the purpose of providing the court with~~
18 ~~information regarding treatment options available to the defendant, including~~
19 ~~federal, state, and local programming; and~~

20 ~~b. Consider the treatment recommendations of any diagnosing or treating mental~~
21 ~~health professional together with the treatment options available to the defendant~~
22 ~~in imposing sentence.~~

23 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMINAL JUSTICE ISSUES**
24 **RELATING TO DEFENDANTS WHO ARE VETERANS OR SERVING IN ARMED FORCES.**

- 1 1. The legislative management shall consider studying, during the 2015-16 interim,
2 issues related to criminal defendants who are veterans or who are currently serving in
3 the armed forces, including:
 - 4 a. Whether additional treatment and sentencing options should be considered if a
5 defendant is suspected to have posttraumatic stress disorder or other behavioral
6 health conditions;
 - 7 b. Whether the additional treatment and sentencing options should apply to both
8 misdemeanor and felony offenses and, if applied to misdemeanor offenses, the
9 impact those additional cases would have on the courts and the department of
10 corrections and rehabilitation;
 - 11 c. The point in the criminal proceeding at which the inquiry regarding the
12 defendant's behavioral health condition should be made;
 - 13 d. What actions are being taken by other states' judicial and criminal justice systems
14 to address similar issues regarding criminal defendants who are veterans or who
15 are currently serving in the armed forces; and
 - 16 e. What steps the state needs to take to ensure that veterans and other armed
17 forces personnel with posttraumatic stress disorder or other behavioral health
18 conditions are best handled in the state's criminal justice system.
- 19 2. The legislative management shall report its findings and recommendations, together
20 with any legislation required to implement the recommendations, to the sixty-fifth
21 legislative assembly.