

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1041

Page 1, line 4, replace "subsections" with "subsection"

Page 1, line 4, remove "and 6"

Page 1, line 7, remove "section 43-45-06,"

Page 1, line 11, remove "addiction counseling services,"

Page 1, line 14, remove "and"

Page 1, line 14, after "assembly" insert "; to provide an appropriation; to provide an effective date; and to declare an emergency"

Page 3, line 26, remove overstrike over "one"

Page 3, line 26, remove "two"

Page 3, line 26, remove "five hundred"

Page 6, remove lines 26 through 30

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 5

Page 8, after line 8 insert:

"1."

Page 8, line 11, remove "involving domestic violence; an offense"

Page 8, line 11, replace "section 12.1-17-07.1" with "chapters 12.1-06.2, 12.1-08, and 12.1-09, section 12.1-16-03"

Page 8, line 11, remove "chapter"

Page 8, line 12, replace "12.1-41, or sections" with "chapters 12.1-17, 12.1-18, and 12.1-22, section 12.1-23-02.1, chapter 12.1-25, an offense subject to registration under section 12.1-32-15, chapter 12.1-36, or section"

Page 8, line 12, replace "or 14-09-22" with ", including attempt, serving as an accomplice to an offense, or conspiracy to commit the offense"

Page 8, line 12, after the underscored semicolon insert "an attempt to commit"

Page 8, line 13, after "weapon" insert "or serving as an accomplice or in a conspiracy to commit an offense involving a firearm or dangerous weapon"

Page 8, line 13, remove "The sentencing court may"

Page 8, remove lines 14 and 15

Page 8, line 16, remove "aggravating factors on the record at the time of sentencing."

Page 8, after line 19, insert:

- "2. This section does not apply to an offense committed under subsection 1 of section 12.1-22-02.
3. This section does not apply if the sentencing court finds there are aggravating factors present to justify a departure from presumptive probation. The sentencing court shall state the aggravating factors on the record at the time of sentencing. Aggravating factors include:
- a. That the individual has plead guilty to, or has been found guilty of, a felony offense or class A misdemeanor offense prior to the date of the commission of the offense or offenses charged in the complaint, information, or indictment;
  - b. The age and vulnerability of the victim, whether the individual was in a position of responsibility or trust over the victim, or whether the individual abused a public position of responsibility or trust; or
  - c. If the individual used threats or coercion in the commission of the offense."

Page 12, remove lines 16 through 26

Page 16, after line 29, insert:

**"SECTION 19. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$110,916, or so much of the sum as may be necessary, and \$1,532,785 from federal funds, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing sections 15 and 16 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 20. EFFECTIVE DATE.** Sections 7 and 8 of this Act become effective January 1, 2018.

**SECTION 21. EMERGENCY.** Sections 1 through 6 and sections 9 through 16 of this Act are declared to be an emergency measure."

Renumber accordingly