

2023 JOINT POLICY

SB 2396

2023 JOINT STANDING COMMITTEE MINUTES

Policy Committee
Roughrider Room, State Capitol

SB 2396
10/23/2023

A bill relating to a special penalty for death or injury through distribution of illegal drugs; to provide a penalty; and to provide an effective date.

10:20AM Co-Chairman Klein opened the hearing.

Members Present: Co-Chairman Klein, Senator Clemens, Senator Conley, Senator Elkin, Senator Hogan, Senator Kannianen, Senator Kessel, Senator Larson, Senator Lee, Senator Luick, Senator Patten, Senator Piepkorn, Senator Roers, Senator Wobbema Co-Chairman Thomas, Representative Anderson, Representative Dobervich, Representative Headland, Representative Heinert, Representative Kasper, Representative Klemin, Representative Koppelman, Representative Longmuir, Representative Louser, Representative Ruby, Representative Schauer, Representative Schneider, Representative Weisz.

Discussion Topics:

- Penalty for death or injury in illegal drug distribution
- Bill action

10:20AM Christopher Joseph, Legislative Council, explained the bill. #28056

10:23AM Representative Ruby moved a Do Pass.

10:23AM Senator Luick seconded the motion.

10:24AM Roll call vote:

Senators	Vote	Representatives	Vote
Senator Jerry Klein	Y	Representative Paul Thomas	Y
Senator David Clemens	Y	Representative Dick Anderson	Y
Senator Cole Conley	Y	Representative Gretchen Dobervich	Y
Senator Jay Elkin	Y	Representative Craig Headland	Y
Senator Kathy Hogan	Y	Representative Pat Heinert	Y
Senator Jordan Kannianen	Y	Representative Jim Kasper	Y
Senator Greg Kessel	Y	Representative Lawrence Klemin	Y
Senator Diane Larson	Y	Representative Ben Koppelman	Y
Senator Judy Lee	Y	Representative Donald Longmuir	Y
Senator Larry Luick	Y	Representative Scott Louser	Y
Senator Dale Patten	Y	Representative Dan Ruby	Y
Senator Merrill Piepkorn	Y	Representative Austen Schauer	Y
Senator Kristin Roers	Y	Representative Mary Schneider	Y
Senator Michael Wobbema	Y	Representative Robin Weisz	Y

Motion carried 28-0-0. (House 14-0-0 Senate 14-0-0)

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Senator Larson and Representative Schauer will carry the bill.

10:25 AM Co-Chairman Klein closed the hearing.

Carie Winings, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2396: Joint Policy Committee (Sen. Klein, Co-Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2396: Joint Policy Committee (Rep. Thomas, Co-Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2396



North Dakota Legislative Council

Prepared for the Legislative Management

LC# 25.9136.01000

October 2023

SUMMARY OF REENACTMENT OF PROVISIONS RELATING TO DISTRIBUTION OF CONTROLLED SUBSTANCES - LC# 23.1149.01000

This memorandum describes the bill draft [23.1149.01000], which reenacts Section 29 of Senate Bill No. 2015 (2023) ([appendix](#)) relating to the distribution of controlled substances.

SECTION 1

Section 1 reenacts Section 29 of Senate Bill No. 2015, which amends subsection 2 of the new section to North Dakota Century Code Chapter 19-03.1, as created by Section 1 of Senate Bill No. 2248 (2023). The new subsection created by Section 1 of Senate Bill No. 2248 creates a special criminal penalty for death or injury if an individual willfully supplies another to deliver a controlled substance to an individual who consumes the controlled substance and that individual dies or is injured from overdosing after consuming a portion of the controlled substance. The new subsection 2 is further amended to expand the special criminal penalty created in Senate Bill No. 2248 for causing the death or injury of an individual who consumes a controlled substance to include the individual who willfully delivers the controlled substance, in addition to an individual who supplies another to deliver the controlled substance, if the individual consuming the substance dies or is injured from consuming that controlled substance.

SECTION 2

Section 2 provides the Act applies retroactively to conduct occurring after July 31, 2023.

SECTION 3

Section 3 provides the Act becomes effective immediately upon its filing with the Secretary of State.

ATTACH:1

SECTION 29. AMENDMENT. Subsection 2 of the new section to chapter 19-03.1 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2248, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

2. An individual is guilty of causing death or injury by distributing a controlled substance if the individual willfully ~~supplies another to deliver a controlled substance to an individual who consumes the controlled substance and that~~delivers a controlled substance, or supplies another to deliver or consume a controlled substance, and an individual dies or is injured from overdosing after consuming a portion of ~~the~~that controlled substance.
 - a. A violation of this section is a class A felony.
 - b. This section does not limit a conviction under chapter 12.1-16, but an individual may not be found guilty of this section and an offense under chapter 12.1-16 if the conduct arises out of the same course of conduct.