

Introduced by

Senators Hogue, Larson, Luick

Representatives Klemin, Louser

1 A BILL for an Act to create and enact sections 19-03.1-23.5 and 19-03.1-23.6 of the North
2 Dakota Century Code, relating to a mandatory term of imprisonment for manufacturing or
3 delivering fentanyl and fentanyl reporting; to amend and reenact subsection 2 of section
4 29-29.5-08 of the North Dakota Century Code, relating to the disposition of cases involving
5 confidential informants; to provide a penalty; and to provide for application.

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

7 **SECTION 1.** Section 19-03.1-23.5 of the North Dakota Century Code is created and
8 enacted as follows:

9 **19-03.1-23.5. Mandatory term of imprisonment for manufacturing or delivering**
10 **fentanyl.**

11 1. An individual arrested for manufacturing, delivery, or possession with intent to
12 manufacture or deliver fentanyl or fentanyl derivatives may not enter a plea agreement
13 dissolving the individual's arrest related to manufacturing, delivery, or possession with
14 intent to manufacture or deliver fentanyl or fentanyl derivatives.

15 2. Notwithstanding section 19-03.1-23, an individual who has been arrested for, or pled
16 guilty or nolo contendere to, or has been found guilty of manufacturing, delivery, or
17 possession with intent to manufacture or deliver fentanyl or fentanyl derivatives must
18 be sentenced to a minimum sentence of one year imprisonment.

19 3. The court may not defer imposition of sentence or suspend any part of the specified
20 minimum mandatory term under subsection 2 either at the time of or after the
21 imposition of the sentence.

22 **SECTION 2.** Section 19-03.1-23.6 of the North Dakota Century Code is created and
23 enacted as follows:

1 **19-03.1-23.6. Fentanyl reporting - Report to legislative management.**

2 1. As used in this section, "law enforcement agency" means a nonfederal public agency
3 authorized by law or by a government agency or branch to enforce the law and to
4 conduct or engage in investigations or prosecutions for violations of law. The term
5 includes a multijurisdictional task force.

6 2. Annually, a law enforcement agency shall provide to the attorney general a completed
7 case report form for every death the agency encounters which is caused by or related
8 to fentanyl consumption.

9 a. The data and report compiled under this section are open records.

10 b. The attorney general may require the reporting of additional information not
11 specified in this section. The attorney general shall develop standard forms,
12 processes, and deadlines for annual submission of fentanyl data by law
13 enforcement agencies.

14 c. If a law enforcement agency fails to file a report within thirty days after the report
15 is due, the attorney general may compel compliance by any means until the
16 report is filed.

17 d. By November first of each year, the attorney general shall submit to the
18 legislative management and the governor a written report summarizing the
19 number of deaths that occurred in the state caused by or related to fentanyl
20 consumption during the preceding calendar year. The attorney general shall
21 make the report available on the attorney general's website.

22 **SECTION 3. AMENDMENT.** Subsection 2 of section 29-29.5-08 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 2. After~~Except for a sentence imposed under section 19-03.1-23.5, after~~ consideration of
25 an informant agreement, a court may defer imposition of sentence or suspend a
26 portion of a minimum mandatory sentence when a confidential informant has
27 substantially complied with an informant agreement.

28 **SECTION 4. APPLICATION.** Section 3 of this Act applies to an informant agreement
29 entered after the effective date of this Act.