

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2087

(Judiciary Committee)

(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact sections 12-59-01, 12-59-02, subsection 2 of section 12-59-15, and subsection 17 of section 12.1-34-02 of the North Dakota Century Code, relating to membership, meetings, and compensation of the parole board, parole revocation proceedings, and fair treatment standards for victims and witnesses of crimes; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 12-59-01 of the North Dakota Century Code is amended and reenacted as follows:

**12-59-01. State parole board - Membership.** The state parole board ~~shall consist~~ consists of ~~three~~ six members, who ~~shall~~ must be qualified electors of the state, appointed by the governor for terms of three years, arranged so that the term of ~~one member shall~~ two members must expire on December thirty-first of each year. One of the members ~~shall~~ must be a person experienced in law enforcement, which may include experience as a prosecuting attorney, one ~~shall~~ must be a licensed attorney, and ~~one shall~~ four must be ~~a person~~ persons qualified by special experience, education, or training. ~~Members shall be removable by the~~ The governor may only remove a member of the parole board for disability, inefficiency, neglect of duty, or malfeasance in office.

**SECTION 2. AMENDMENT.** Section 12-59-02 of the North Dakota Century Code is amended and reenacted as follows:

**12-59-02. Meetings - Compensation - Rules.** ~~The board~~ governor shall organize by selecting ~~a~~ appoint a member of the parole board to be chairman. The chairman of the parole board shall designate three members of the parole board for each meeting of the parole board. Meetings of the parole board must be held in accordance with rules established by the parole board and must be held as often as required to properly conduct the business of the board, but in any event not less than six times per year. The parole board may only take action upon the concurrence of at least two members who participated in the same meeting. The final decision of at least two parole board members who participated in the same parole board meeting constitutes the decision of the parole board. Members are entitled to be compensated at the rate of sixty-two dollars and fifty cents per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees. The director of the division of parole and probation, or the director's designee, shall be is the clerk for the parole board.

**SECTION 3. AMENDMENT.** Subsection 2 of section 12-59-15 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon issuance of a warrant of arrest for a parole violation, the running of the time period of parole must be suspended until the ~~parolee is in the custody of a law enforcement agency~~ parole board issues a final order under this section. The parolee is entitled to credit for time spent in physical custody from the time of arrest until the time the parole board issues a final order.

**SECTION 4. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota Century Code is amended and reenacted as follows:

17. Participation in parole board and pardon decision. Victims may submit a written statement for consideration by the parole board, the governor, or the pardon advisory board, if one

has been appointed, prior to the parole board, the governor, or the pardon advisory board taking any action on a defendant's request for parole or pardon. Victims of violent crimes may at the discretion of the parole board, the governor, or the pardon advisory board personally appear and address the parole board, the governor, or the pardon advisory board. ~~Notice~~ If the offender will make a personal appearance, notice must be given by the parole board or pardon clerk informing the victim of the pending review and of the victim's rights under this section. The victim must be provided notice of the decision of the parole board or of the governor and the recommendations of the pardon advisory board, if any, and, if applicable, notice of the date of the prisoner's release on parole or the prisoner's pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must be given within a reasonable time after the parole board or the governor makes a decision but in any event before the parolee's or pardoned prisoner's release from custody.

**SECTION 5. EMERGENCY.** Sections 1 and 2 of this Act are declared to be an emergency measure.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

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Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2087 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          49              Nays          0              Absent        0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          94              Nays          0              Absent        4

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State