

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2185

Introduced by

Senators Watne, Lyson, W. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 12-56 of the North Dakota
2 Century Code, relating to the violation by parolees and probationers of the interstate compact
3 for out-of-state supervision; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 12-56 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Violation of compact - Penalty.** An individual who is on parole or probation in another
8 state who is present in this state without the permission of the officer of this state designated
9 under subsection 5 of section 12-56-01 and who does not leave this state within seven days
10 after being notified by a law enforcement officer that the individual may not remain in this state
11 without such permission, is guilty of a class C felony. Within twenty four hours after a law
12 enforcement officer has notified an individual that the individual may not remain within the state
13 without the permission of the designated officer, the law enforcement officer shall report the
14 notification to the designated officer. An individual who is on parole or probation in another
15 state may not remain in this state without the permission of the officer of this state designated
16 under subsection 5 of section 12-56-01. In a prosecution for an offense under this section, an
17 individual's good-faith belief that the individual received permission to be present in this state is
18 an affirmative defense if the individual acted in reasonable reliance upon the statements of an
19 authorized officer of this state or the state in which the individual is on parole or probation. This
20 defense is not available to a person who remains present in this state after being notified in
21 writing by the designated officer of this state that the individual does not have permission to be
22 present.