

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2249

Introduced by

Senators W. Stenehjem, Lyson

Representatives Hawken, Nottestad

1 A BILL for an Act to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the
2 North Dakota Century Code, relating to sentence reduction for good or meritorious conduct.

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

4 **SECTION 1. AMENDMENT.** Section 12-54.1-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-54.1-01. Performance-based sentence reduction.**

7 1. Except as provided under section 12.1-32-09.1, offenders sentenced to the
8 penitentiary or any of its affiliated facilities are eligible to earn sentence reductions
9 based upon performance criteria established through penitentiary rules.
10 Performance criteria includes participation in court-ordered or staff-recommended
11 treatment and education programs and good work performance. While
12 incarcerated in the penitentiary or any of its affiliated facilities, an inmate may earn
13 five days good time per month except for any sentence where the incarceration
14 time is six months or less.

15 2. Except as provided under section 12.1-32-09.1, offenders sentenced to a
16 correctional facility are eligible to earn sentence reductions based upon
17 performance criteria established through the administrator of the correctional
18 facility. The criteria must be substantially similar to the performance criteria
19 established by the penitentiary. While incarcerated in a correctional facility, an
20 inmate may earn five days good time per month except for any sentence where the
21 incarceration time is thirty days or less.

22 **SECTION 2. AMENDMENT.** Section 12-54.1-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **12-54.1-03. Meritorious conduct sentence reduction.**

1 1. Except as provided under section 12.1-32-09.1, offenders sentenced to the state
2 penitentiary or any of its affiliated facilities may be awarded, as provided by
3 penitentiary rules upon written recommendation of a penitentiary multidisciplinary
4 team, lump sum or a monthly rate of meritorious conduct sentence reductions for
5 outstanding performance or heroic acts or as a special control and security
6 measure. ~~Such~~ These sentence reductions are in addition to sentence reductions
7 under section 12-54.1-01 and may be made only after a written recommendation is
8 made by the warden and approved by the director of the department of corrections
9 and rehabilitation. Any sentence reduction for special control or security measures
10 may not exceed two days good time per month per inmate.

11 2. Except as provided under section 12.1-32-09.1, offenders sentenced to a
12 correctional facility may be awarded, as provided by rules made by the
13 administrator upon written recommendation of a member of the correctional facility
14 staff, lump sum or a monthly rate of meritorious conduct sentence reductions for
15 outstanding performance or heroic acts or as a special control and security
16 measure. The rules adopted by the administrator must be substantially similar to
17 the rules adopted by the penitentiary for meritorious conduct. The sentence
18 reductions are in addition to sentence reductions under section 12-54.1-01 and
19 may be made only after a written recommendation is made by a member of the
20 correctional facility staff and approved by the administrator of the correctional
21 facility. Any sentence reduction for special control or security measures may not
22 exceed two days good time per month per inmate.

23 **SECTION 3. AMENDMENT.** Section 12-54.1-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **12-54.1-04. Basis for meritorious conduct sentence reduction.**

- 26 1. Meritorious conduct sentence reductions may be awarded for any of the following
27 performances or acts:
- 28 4- a. Exceptional quantity and quality of work far beyond normal expectations for
29 the job assignment.

1 2- b. Beneficial suggestions resulting in substantial savings to the state or in the
2 case of a correctional facility, the political subdivision responsible for the
3 correctional facility.

4 3- c. Acts of outstanding heroism.

5 4- d. Acts which protect the lives of employees or other inmates or the property of
6 the institution or facility.

7 2. ~~Meritorious~~ At the penitentiary or any of its affiliated facilities, meritorious conduct
8 sentence reductions must be awarded upon written recommendation of the warden
9 and approved by the director of the department of corrections and rehabilitation on
10 a lump sum basis resulting from separate recommendations and approvals. ~~Such~~
11 These reductions may not be awarded on a continuing days-per-month basis
12 beyond the month in which a reduction award is made. ~~Such~~ These sentence
13 reductions may not be granted for any month in which the performance sentence
14 reduction under section 12-54.1-01 was withheld or forfeited.

15 3. At a correctional facility, meritorious conduct sentence reductions must be awarded
16 upon written recommendation of a member of the correctional facility staff and
17 approved by the administrator of the correctional facility on a lump sum basis
18 resulting from separate recommendations and approvals. These reductions may
19 not be awarded on a continuing days-per-month basis beyond the month in which
20 a reduction award is made. These sentence reductions may not be granted for any
21 month in which the performance sentence reduction under section 12-54.1-01 was
22 withheld or forfeited.