

Fifty-ninth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1139

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact subsection 17 of section 12.1-34-02 of the North  
2 Dakota Century Code, relating to confidentiality of victim's statements in parole and pardon  
3 review.

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

5 **SECTION 1. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 17. Participation in parole board and pardon decision. Victims may submit a written  
8 statement for consideration by the parole board, the governor, or the pardon  
9 advisory board, if one has been appointed, prior to the parole board, the governor,  
10 or the pardon advisory board taking any action on a defendant's request for parole  
11 or pardon. A victim statement made under this subsection is a confidential record  
12 and may be disclosed only to the parole board, the governor, the pardon advisory  
13 board, or their authorized representative. Victims of violent crimes may at the  
14 discretion of the parole board, the governor, or the pardon advisory board  
15 personally appear and address the parole board, the governor, or the pardon  
16 advisory board. Victim testimony and written statements under this subsection are  
17 confidential and may be disclosed only to the parole board, the governor, the  
18 pardon advisory board, or their authorized representative. If the offender will make  
19 a personal appearance, notice must be given by the parole board or pardon clerk  
20 informing the victim of the pending review and of the victim's rights under this  
21 section. The victim must be provided notice of the decision of the parole board or  
22 of the governor and the recommendations of the pardon advisory board, if any,  
23 and, if applicable, notice of the date of the prisoner's release on parole or the  
24 prisoner's pardon, conditional pardon, reprieve, commutation, or remission of fine.

- 1 Notice must be given within a reasonable time after the parole board or the
- 2 governor makes a decision but in any event before the parolee's or pardoned
- 3 prisoner's release from custody.