

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2141**

Introduced by

Senators Lyson, Cook, Wardner

Representatives Kreidt, Ruby, Sukut

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota  
2 Century Code, relating to the granting of performance-based sentence reduction to offenders in  
3 a correctional facility; and to amend and reenact section 12-54.1-01 of the North Dakota  
4 Century Code, relating to performance-based sentence reduction.

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

6 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Performance-based sentence reduction.**

9 The presiding judge of a judicial district in which a correctional facility is located, after  
10 consultation with the other judges in the district, may authorize the facility administrator to  
11 provide for sentence reductions based upon performance criteria established through the  
12 administrator except that sentence reductions may not be given to offenders sentenced under  
13 section 12.1-32-09.1. While incarcerated in a correctional facility, an offender may earn no more  
14 than a one-day sentence reduction per six days served.

15 **SECTION 2. AMENDMENT.** Section 12-54.1-01 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **12-54.1-01. Performance-based sentence reduction.**

18 4-Except as provided under section 12.1-32-09.1, offenders committed to the legal and  
19 physical custody of the department of corrections and rehabilitation are eligible to earn  
20 sentence reductions based upon performance criteria established through department and  
21 penitentiary rules. Performance criteria includes participation in court-ordered or  
22 staff-recommended treatment and education programs and good work performance. The  
23 department may credit an offender committed to the legal and physical custody of the  
24 department who is eligible for sentence reduction five days good time per month for each month

1 of the sentence imposed. The department may not credit an offender with any sentence  
2 reduction for time spent in custody prior to sentence and commitment, for time under  
3 supervised probation, or for any sentence where the incarceration time is six months or less.

4       2. ~~The presiding judge of a judicial district in which a correctional facility is located, after~~  
5       ~~consultation with the other judges in the district, may authorize the facility~~  
6       ~~administrator to provide for sentence reductions based upon performance criteria~~  
7       ~~established through the administrator. The criteria must be substantially similar to the~~  
8       ~~performance criteria established by the penitentiary. Except as provided under section~~  
9       ~~12.1-32-09.1, offenders sentenced to the facility are eligible to earn sentence~~  
10       ~~reductions based upon the performance criteria. While incarcerated in a correctional~~  
11       ~~facility, an inmate may earn five days good time per month except for any sentence~~  
12       ~~where the incarceration time is thirty days or less.~~