

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1195

Introduced by

Representatives Klemin, Maragos, Schneider

Senators Hogue, D. Larson, Mathern

1 A BILL for an Act to create and enact a new ~~subsection to section 12.1-32-02~~section to chapter
2 12.1-32 of the North Dakota Century Code, relating to ~~life~~ imprisonment of minors; and to
3 provide a penalty.

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

5 ~~— **SECTION 1.** A new subsection to section 12.1-32-02 of the North Dakota Century Code is~~
6 ~~created and enacted as follows:~~

7 ~~— Notwithstanding any other provision of law, if a person convicted of a crime punishable~~
8 ~~by life imprisonment without parole was under eighteen years of age at the time of the~~
9 ~~commission of the crime, the maximum punishment a court may impose is life~~
10 ~~imprisonment with an opportunity for parole.~~

11 **SECTION 1.** A new section to chapter 12.1-32 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Juveniles - Sentencing - Reduction.**

14 1. Notwithstanding any other provision of law, a court may reduce a term of imprisonment
15 imposed upon a defendant convicted as an adult for an offense committed and
16 completed before the defendant was eighteen years of age if:

17 a. The defendant has served at least twenty years in custody for the offense;

18 b. The defendant filed a motion for reduction in sentence; and

19 c. The court has considered the factors provided in this section and determined the
20 defendant is not a danger to the safety of any other individual, and the interests
21 of justice warrant a sentence modification.

22 2. A defendant whose sentence is reduced under this section must be ordered to serve a
23 period of supervised release of at least five years upon release from imprisonment.

The conditions of supervised release and any modification or revocation of the term of supervised release must be in accordance with this chapter.

3. When determining whether to reduce a term of imprisonment under this section, the court shall consider:

a. The factors provided in section 12.1-32-04, including the nature of the offense;

b. The age of the defendant at the time of the offense;

c. A report and recommendation from the department of corrections and rehabilitation, including information relating to the defendant's ability to comply with the rules of the institution and whether the defendant completed any educational, vocational, or other prison programming;

d. A report and recommendation from the state's attorney for any county in which the defendant was prosecuted;

e. Whether the defendant has demonstrated maturity, rehabilitation, and a fitness to re-enter society sufficient to justify a sentence reduction;

f. A statement by a victim or a family member of a victim who was impacted by the actions of the defendant;

g. A report of a physical, mental, or psychiatric examination of the defendant conducted by a licensed health care professional;

h. The defendant's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

i. The role of the defendant in the offense and whether an adult also was involved in the offense;

j. The diminished culpability of juveniles compared to adults and the level of maturity and failure to appreciate the risks and consequences; and

k. Any additional information the court determines relevant.

4. A defendant may make a second motion for a reduction in sentence under this section no earlier than five years after the initial motion for reduction.

5. A defendant may make a final motion for a reduction in sentence no earlier than five years after the order for a second motion was filed.