

**HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR  
FEBRUARY 18, 2025**

---

**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER  
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2067**

---

Chairman Klemin and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of Senate Bill 2067.

Senate Bill 2067 would clarify North Dakota Century Code §12.1-32-06.1. This section of code provides direction on when the period of probation starts. This bill clarifies that probation starts after the defendant's release from incarceration, or an alternative to incarceration. Alternatives to probation can include house arrest, electronic monitoring, or a completion of an inpatient treatment program. If the court orders probation to start on a specific date in the criminal judgment, that is clear. However, if the court does not specify the start

date, the staff entering the probation cases rely on the statute to provide guidance. An example of this is, Defendant 1 is sentenced to two (2) years to the Department of Corrections and Rehabilitation, with all but thirty (30) days suspended for two (2) years. The court orders the thirty days to be served on house arrest with electronic monitoring. Our business practice historically has been to treat any alternative to incarceration as incarceration when it comes to when to start probation, so in the example above the probation starts after the thirty days of house arrest has been completed and runs for two years. The issue is when the defendant does not comply with the court's order and fails to serve the alternative. There has been confusion over the department's role and authority to file a petition for revocation, and our business practice comes into question. If the court wanted the defendant to be on probation during the alternative, the court can order that. Absent the court's direction, we feel that with this amendment the start date would be driven by law rather than business practice.

Please consider this bill to amend N.D.C.C. 12.1-32-06.1 clarifying the statute directing when probation starts. I will stand for questions. Thank you.