

**SENATE JUDICIARY COMMITTEE  
SENATOR DIANE LARSON, CHAIR  
JANUARY 8, 2025**

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**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER  
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2111**

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Chairwoman Larson 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 2111.

Senate bill 2111 would amend two sections of North Dakota Century Code. First it would amend NDCC §12.1-32-07 to clarify that defendants convicted of class B misdemeanors and sentenced to supervised probation may only be placed under supervision and management of a community corrections program other than the North Dakota Department of Corrections and Rehabilitation (NDDOCR). Also, it would amend NDCC §54-23.3-01.1 to re-define the term “offender” as it pertains to a person committed to or placed under

the supervision of the NDDOCR and remove applicability to a person convicted of a class B misdemeanor.

In 2015 the 64<sup>th</sup> Legislative Assembly passed HB 1367 as a part of the Justice Reinvestment Initiative. One of the goals of the legislation was to support “dosage probation” which seeks to concentrate limited probation resources for moderate to high-risk offenders. HB 1367 amended NDCC §12.1-32-07 with the intent of keeping offenders who are convicted of the lowest level of offense, class B misdemeanors, off probation officers’ caseloads, creating more focus for those officers to provide supervision services to higher risk offenders.

NDCC §54-23.3-01.1 in its current version defines “offender” as a person who is placed under the supervision and management of the DOCR by a district court. This has led to several instances of defendants convicted of class B misdemeanors being placed on supervision with the DOCR, because the DOCR has broad authority to supervise offenders, and the court can place offenders on supervision. We believe this is not what the legislature intended. To help further clarify this intent, SB 2111 would also amend NDCC §54-23.3-01.1 to exclude a person convicted of a class B misdemeanor from the definition of “offender” as it pertains to the department’s authority to supervise.

In closing, there are limits on our criminal justice and correctional resources. The changes proposed in this bill would clarify the intent of the 64<sup>th</sup> Legislative Assembly HB 1367 and utilize those correctional resources to be

focused on higher risk, more dangerous individuals. Please consider this amendment to support statute clarification.

I will stand to answer any questions I can. Thank you.