

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2185
(Senators Watne, Lyson, W. Stenehjem)

AN ACT to create and enact a new section to chapter 12-56 of the North Dakota Century Code, relating to the violation by parolees and probationers of the interstate compact for out-of-state supervision; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12-56 of the North Dakota Century Code is created and enacted as follows:

Violation of compact - Penalty. An individual who is on parole or probation in another state, who is present in this state without the permission of the officer of this state designated under subsection 5 of section 12-56-01, and who does not leave this state within seven days after being notified in writing by a law enforcement officer that the individual may not remain in this state without the permission of the designated officer is guilty of a class C felony. Within twenty-four hours after a law enforcement officer has notified an individual that the individual may not remain within the state without the permission of the designated officer, the law enforcement officer shall report the notification to the designated officer. An individual who is on parole or probation in another state may not remain in this state without the permission of the officer of this state designated under subsection 5 of section 12-56-01. In a prosecution for an offense under this section, an individual's good-faith belief that the individual received permission to be present in this state is an affirmative defense if the individual acted in reasonable reliance upon the written statements of an authorized officer of this state or the state in which the individual is on parole or probation. This defense is not available to a person who remains present in this state after being notified in writing by the designated officer of this state that the individual does not have permission to be present.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2185.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 92 Nays 0 Absent 6

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State