

HOUSE BILL NO. 1338

Introduced by

Representatives Dahl, DeKrey

1 A BILL for an Act to amend and reenact section 12-67-02 of the North Dakota Century Code,
2 relating to electronic home detention for certain offenders.

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

4 **SECTION 1. AMENDMENT.** Section 12-67-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-67-02. Application.**

- 7 1. For those offenders who are sentenced by the court to a term of imprisonment in a
8 county jail or regional correctional facility, the court may commit the offender to the
9 legal and physical custody of the administrator of the jail or correctional facility who
10 shall make the decision as to whether the use of electronic home detention or global
11 positioning system monitoring is appropriate for that offender.
- 12 2. Except for an offense for which the law requires mandatory incarceration, electronic
13 home detention or global positioning system monitoring may be used for adult and
14 juvenile offenders as selected by the court, the administrator, the parole board, or the
15 department for adult offenders as an intermediate measure of supervised probation,
16 and for delinquent juvenile offenders in the custody of the division of juvenile services
17 as a condition of community placement. Electronic home detention and global
18 positioning system monitoring may be used for the following:
- 19 a. Pretrial or preadjudicatory detention.
 - 20 b. Probation.
 - 21 c. Community corrections approved by the court.
 - 22 d. Parole.
 - 23 e. Work release under chapter 12-44.1 or approved by the parole board.
 - 24 f. Institutional release approved by the court or the parole board.

1 g. County jail diversion approved by the court.

2 h. Sex offender containment.

3 3. If electronic home detention or global positioning system monitoring is otherwise
4 allowed by law for an offense with mandatory incarceration, the court shall decide as
5 to the appropriateness of electronic home detention or global positioning system
6 monitoring. Notwithstanding a judicial determination to the contrary, the administrator
7 may use electronic home detention or global positioning system monitoring for an
8 offender due to the health of the offender or to prevent overcrowding in the county jail
9 or regional correctional facility.