

**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 Except in cases in which the law requires mandatory incarceration and does not allow  
11 for electronic home detention or global positioning system monitoring, the  
12 administrator of the jail or correctional facility shall make the decision as to whether  
13 the use of electronic home detention or global positioning system monitoring is  
14 appropriate for that offender.
- 15 2. ~~Except for an offense for which the law requires mandatory incarceration,~~  
16 ~~electronic~~Electronic home detention or global positioning system monitoring may be  
17 used for adult and juvenile offenders as selected by the court, the administrator, the  
18 parole board, or the department for adult offenders as an intermediate measure of  
19 supervised probation, and for delinquent juvenile offenders in the custody of the  
20 division of juvenile services as a condition of community placement. Electronic home  
21 detention and global positioning system monitoring may be used for the following:
- 22 a. Pretrial or preadjudicatory detention.  
23 b. Probation.  
24 c. Community corrections approved by the court.

- 1           d. Parole.
- 2           e. Work release under chapter 12-44.1 or approved by the parole board.
- 3           f. Institutional release approved by the court or the parole board.
- 4           g. ~~County jail diversion approved by the court.~~

5           ~~h.~~ Sex offender containment.

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

14           4. If the law requires mandatory incarceration and does not allow for electronic home  
15           detention or global positioning system monitoring, the court order must expressly  
              prohibit electronic home detention and global positioning system monitoring.