

HOUSE BILL NO. 1115

Introduced by

Judiciary Committee

(At the request of the State Parole Board)

1 A BILL for an Act to amend and reenact sections 12-59-03, 12-59-04, 12-59-05, 12-59-07,
2 12-59-08, 12-59-09, and 12-59-10 of the North Dakota Century Code, relating to parole.

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

4 **SECTION 1. AMENDMENT.** Section 12-59-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-59-03. Supplies - Regulations governing parole.**

7 The board shall ~~provide books of record, application blanks, and such other supplies as are~~
8 ~~necessary to the performance of its duties. It shall~~ formulate rules and regulations governing the
9 manner in which inmates may become eligible to ~~apply~~ for discharge on parole.

10 **SECTION 2. AMENDMENT.** Section 12-59-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12-59-04. Parole records - Inspection.**

13 All parole records of the department of corrections and rehabilitation obtained in the
14 discharge of official duty by any member of the parole board or employee of a division or
15 department of the department of corrections and rehabilitation on behalf of the parole board
16 may not be disclosed except in the manner provided under section 12-47-36. ~~An application for~~
17 ~~parole and the decision~~ The decisions of the parole board on the application to grant or deny
18 parole are open records.

19 **SECTION 3. AMENDMENT.** Section 12-59-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **12-59-05. Consideration by board.**

22 ~~Applications~~ Every inmate's eligibility for parole must be reviewed in accordance with the
23 rules adopted by the parole board. The board shall consider all pertinent information regarding
24 each ~~applicant~~ inmate, including the circumstances of the offense, the presentence report, the

1 applicant's inmate's family, educational, and social history and criminal record, the
2 applicant's inmate's conduct, employment, participation in education and treatment programs
3 while in the custody of the department of corrections and rehabilitation, and the
4 applicant's inmate's medical and psychological records.

5 **SECTION 4. AMENDMENT.** Section 12-59-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12-59-07. Requirements precedent to parole.**

8 The parole board may grant an ~~application for parole~~ to an inmate if the board is convinced
9 the ~~applicant~~ inmate will conform to the terms and conditions of parole the board or the
10 department of corrections and rehabilitation may establish for the ~~applicant~~ inmate. The
11 department of corrections and rehabilitation may establish intermediate conditions of parole,
12 including incarceration for a period of seventy-two hours and restitution, subject to the
13 subsequent approval of the parole board.

14 **SECTION 5. AMENDMENT.** Section 12-59-08 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **12-59-08. ~~Application for parole~~ - Emergency paroles.**

17 ~~An applicant for parole shall file an application with the department of corrections and~~
18 ~~rehabilitation. The parole board may consider the application~~ whether an inmate may receive an
19 emergency parole at a meeting scheduled by the chairman. The board may request an
20 ~~applicant~~ the inmate to personally appear before the board before the board makes a decision
21 ~~on an application~~ whether to grant the inmate an emergency parole. The board may grant or
22 deny an emergency parole, or grant a conditional emergency parole, or continue its
23 consideration to another meeting. ~~In the event of an application for emergency parole, two~~ Two
24 members of the parole board may grant emergency parole, subject to terms and conditions of
25 emergency parole that may be established by the two members of the parole board, or by the
26 department of corrections and rehabilitation with the approval of the parole board. An
27 ~~applicant~~ inmate who receives an emergency parole remains ~~in the legal custody of the~~
28 ~~department of corrections and rehabilitation~~ under the jurisdiction of the parole board until the
29 expiration of the maximum term or terms of imprisonment for which the ~~applicant~~ inmate was
30 sentenced, less any sentence reduction the ~~applicant~~ inmate has received.

1 **SECTION 6. AMENDMENT.** Section 12-59-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12-59-09. Contents of application for parole**~~inmates subject to jurisdiction of parole~~
4 **board.**

5 ~~An application for parole must be in writing, addressed to the department of corrections and~~
6 ~~rehabilitation, and must be signed by the applicant or some person in the applicant's behalf.~~All
7 inmates sentenced to the legal and physical custody of the department of corrections and
8 rehabilitation are subject to the jurisdiction of the parole board, except when parole for the
9 inmate is prohibited by statute.

10 **SECTION 7. AMENDMENT.** Section 12-59-10 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12-59-10. Notice of application for parole.**

13 The department of corrections and rehabilitation shall provide written notice ~~of an~~
14 ~~application for parole~~ to the district court and state's attorney's office in the county or counties
15 where judgment of conviction was entered against the ~~applicant~~inmate when the parole board is
16 reviewing whether an inmate may be released on parole. The notice must include the name of
17 the ~~applicant~~inmate, the date of entry and docket number of the criminal judgment, ~~the crime or~~
18 ~~crimes stated in the criminal judgment~~, and the date and place for the parole board's meeting on
19 the application to review whether an inmate may be released on parole.