

HOUSE BILL NO. 1367

Introduced by

Representatives Brabandt, K. Koppelman, Louser

Senator Burckhard

1 A BILL for an Act to amend and reenact section 12.1-32-06.1 of the North Dakota Century
2 Code, relating to court authority to impose additional periods of probation.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-32-06.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-32-06.1. Length and termination of probation - Additional probation for violation**
7 **of conditions - Penalty.**

8 1. Except as provided in this section, the length of the period of probation imposed in
9 conjunction with a sentence to probation or a suspended execution or deferred
10 imposition of sentence may not extend for more than five years for a felony and two
11 years for a misdemeanor or infraction from the later of the date of:

- 12 a. The order imposing probation;
13 b. The defendant's release from incarceration; or
14 c. Termination of the defendant's parole.

15 2. If the defendant has pled or been found guilty of an offense for which the court
16 imposes a sentence of restitution or reparation for damages resulting from the
17 commission of the offense, the court may, following a restitution hearing pursuant to
18 section 12.1-32-08, impose an additional ~~period~~periods of probation not to exceed five
19 years for each additional period imposed.

20 3. If the defendant has pled or been found guilty of a felony sexual offense in violation of
21 chapter 12.1-20, the court shall impose at least five years but not more than ten years
22 of supervised probation to be served after sentencing or incarceration. If the defendant
23 has pled or been found guilty of a class AA felony sexual offense in violation of section
24 12.1-20-03 or 12.1-20-03.1, the court may impose lifetime supervised probation on the

- 1 defendant. If the defendant has pled or been found guilty of a misdemeanor sexual
2 offense in violation of chapter 12.1-20, the court may impose an additional
3 ~~period~~periods of probation not to exceed two years for each additional period
4 imposed. If the unserved portion of the defendant's maximum period of incarceration is
5 less than one year, a violation of the probation imposed under this subsection is a
6 class A misdemeanor.
- 7 4. If the defendant has pled or been found guilty of abandonment or nonsupport of
8 spouse or children, the period of probation may be continued for as long as
9 responsibility for support continues.
- 10 5. In felony cases, in consequence of violation of probation conditions, the court may
11 impose an additional ~~period~~periods of probation not to exceed five years for each
12 additional period imposed. ~~The~~An additional period of probation may follow a period of
13 incarceration if the defendant has not served the maximum period of incarceration
14 available at the time of initial sentencing or deferment.
- 15 6. The court may terminate a period of probation and discharge the defendant at any
16 time earlier than that provided in subsection 1 if warranted by the conduct of the
17 defendant and the ends of justice.
- 18 7. Notwithstanding the fact that a sentence to probation subsequently can be modified or
19 revoked, a judgment that includes such a sentence constitutes a final judgment for all
20 other purposes.