

HOUSE BILL NO. 1051

Introduced by

Representatives Roers Jones, Schreiber-Beck, Dockter, Satrom

Senator Myrdal

1 A BILL for an Act to amend and reenact section 12.1-32-09.1 of the North Dakota Century
2 Code, relating to sentencing violent offenders; and to provide for retroactive application.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-32-09.1. Sentencing of violent offenders.**

7 1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the
8 department of corrections and rehabilitation, an offender who is convicted of a crime in
9 violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section
10 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section
11 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or
12 an attempt to commit the offenses, and who receives a sentence of imprisonment is
13 not eligible for release from confinement on any basis until eighty-five percent of the
14 sentence imposed by the court has been served or the sentence is commuted.

15 2. In the case of an offender who is sentenced to a term of life imprisonment with
16 opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence
17 imposed" means the remaining life expectancy of the offender on the date of
18 sentencing. The remaining life expectancy of the offender must be calculated on the
19 date of sentencing, computed by reference to a recognized mortality table as
20 established by rule by the supreme court.

21 3. Notwithstanding this section, an offender sentenced under subsection 1 of section
22 12.1-32-01 may not be eligible for parole until the requirements of that subsection
23 have been met.

- 1 4. An offender who is convicted of a class C felony in violation of section 12.1-17-02, or
2 an attempt to commit the offense, and who has received a sentence of imprisonment
3 or a sentence of imprisonment upon revocation of probation before August 1, 2015, is
4 eligible to have the offender's sentence considered by the parole board.
- 5 5. Notwithstanding subsection 4, this section does not apply to a sentence imposed upon
6 revocation of probation.

7 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to judgments of
8 conviction for offenses subject to section 12.1-32-09.1 entered after July 31, 1995.