

HOUSE BILL NO. 1061

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact subsections 1, 17, and 18 of section 12.1-34-02 of the
2 North Dakota Century Code, relating to fair treatment of victims.

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

4 **SECTION 1. AMENDMENT.** Subsections 1, 17, and 18 of section 12.1-34-02 of the North
5 Dakota Century Code are amended and reenacted as follows:

- 6 1. Informed by those entities that have contact with the victim or witness when requested
7 as to the availability of and the methods available for registration with the statewide
8 automated victim information and notification system. Those entities include law
9 enforcement, prosecuting attorneys, the courts, and custodial authorities. A victim or
10 witness who clearly objects to registration may not be required to register with the
11 system or must be able to opt out of the system. A victim has the right to:
- 12 a. Prevent the disclosure of confidential or privileged information about the victim or
13 the victim's family; and
 - 14 b. Be notified of any request for identifying information or confidential or privileged
15 information about the victim or victim's family.
- 16 17. Prompt notice of custodial release. Registered victims and witnesses must be
17 informed whenever a criminal defendant receives a temporary, provisional, or final
18 release from custody or whenever the defendant escapes from custody. ~~Victims who~~
19 ~~are not registered must be given the same notice by the appropriate custodial~~
20 ~~authority.~~ Notification must include the transfer of the defendant to a work-release or
21 education release program, a community residential program, or transfer to a mental
22 health facility. All notices to the registered victim and witnesses concerning this release
23 information must be within a reasonable time prior to the defendant's release or

1 transfer. The notice given by the custodial authority must be given by any means
2 reasonably calculated to give prompt notice.

3 18. Participation in parole board and pardon decision. Victims may submit a written
4 statement for consideration by the parole board, the governor, or the pardon advisory
5 board, if one has been appointed, prior to the parole board, the governor, or the
6 pardon advisory board taking any action on a defendant's request for parole or
7 pardon. A victim statement made under this subsection is a confidential record and
8 may be disclosed only to the parole board, the governor, the pardon advisory board, or
9 their authorized representative. Victims of violent crimes may at the discretion of the
10 parole board, the governor, or the pardon advisory board personally appear and
11 address the parole board, the governor, or the pardon advisory board. Victim
12 testimony and written statements under this subsection are confidential and may be
13 disclosed only to the parole board, the governor, the pardon advisory board, or their
14 authorized representative. Notice must be given by the parole board or pardon clerk,
15 or authorized representative informing the registered victim of the pending review. The
16 registered victim must be provided notice of the decision of the parole board or of the
17 governor and the recommendations of the pardon advisory board, if any, and, if
18 applicable, notice of the date of the prisoner's release on parole or the prisoner's
19 pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must
20 be given within a reasonable time after the parole board or the governor makes a
21 decision but in any event before the parolee's or pardoned prisoner's release from
22 custody.