

January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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.~~for an Act to amend and reenact
3 subsections 17 and 18 of section 12.1-34-02 of the North Dakota Century Code, relating to fair
4 treatment of victims.

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

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

8 ~~— 1. — Informed by those entities that have contact with the victim or witness when requested~~
9 ~~as to the availability of and the methods available for registration with the statewide~~
10 ~~automated victim information and notification system. Those entities include law~~
11 ~~enforcement, prosecuting attorneys, the courts, and custodial authorities. A victim or~~
12 ~~witness who clearly objects to registration may not be required to register with the~~
13 ~~system or must be able to opt out of the system. A victim has the right to:~~

14 ~~— a. — Prevent the disclosure of confidential or privileged information about the victim or~~
15 ~~the victim's family; and~~

16 ~~— b. — Be notified of any request for identifying information or confidential or privileged~~
17 ~~information about the victim or victim's family.~~

18 ~~— 17. — Prompt notice of custodial release. Registered victims and witnesses must be~~
19 ~~informed whenever a criminal defendant receives a temporary, provisional, or final~~
20 ~~release from custody or whenever the defendant escapes from custody. Victims who~~
21 ~~are not registered must be given the same notice by the appropriate custodial~~

1 authority. Notification must include the transfer of the defendant to a work-release or
2 education release program, a community residential program, or transfer to a mental
3 health facility. All notices to the registered victim and witnesses concerning this release
4 information must be within a reasonable time prior to the defendant's release or
5 transfer. The notice given by the custodial authority must be given by any means
6 reasonably calculated to give prompt notice.

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

27 **SECTION 1. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota
28 Century Code is amended and reenacted as follows:

29 17. Prompt notice of custodial release. Registered victims and witnesses must be
30 informed whenever a criminal defendant receives a temporary, provisional, or final
31 release from custody or whenever the defendant escapes from custody. Victims who

1 are not registered must be given the same notice by the appropriate custodial
2 authority. Notification must include the transfer of the defendant to a work-release or
3 education release program, a community residential program, or transfer to a mental
4 health facility. All notices to the registered victim and witnesses concerning this release
5 information must be within a reasonable time prior to the defendant's release or
6 transfer. The notice given by the custodial authority must be given by any means
7 reasonably calculated to give prompt notice.

8 **SECTION 2. AMENDMENT.** Subsection 18 of section 12.1-34-02 of the North Dakota
9 Century Code is amended and reenacted as follows:

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