

FIRST ENGROSSMENT

ENGROSSED 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 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.** Subsection 17 of section 12.1-34-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 17. Prompt notice of custodial release. Registered victims and witnesses must be
7 informed whenever a criminal defendant receives a temporary, provisional, or final
8 release from custody or whenever the defendant escapes from custody. Victims who
9 are not registered must be given the same notice by the appropriate custodial
10 authority. Notification must include the transfer of the defendant to a work-release or
11 education release program, a community residential program, or transfer to a mental
12 health facility. All notices to the registered victim and witnesses concerning this release
13 information must be within a reasonable time prior to the defendant's release or
14 transfer. The notice given by the custodial authority must be given by any means
15 reasonably calculated to give prompt notice.

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

18 18. Participation in parole board and pardon decision. Victims may submit a written
19 statement for consideration by the parole board, the governor, or the pardon advisory
20 board, if one has been appointed, prior to the parole board, the governor, or the
21 pardon advisory board taking any action on a defendant's request for parole or
22 pardon. A victim statement made under this subsection is a confidential record and

1 may be disclosed only to the parole board, the governor, the pardon advisory board, or
2 their authorized representative. Victims of violent crimes may at the discretion of the
3 parole board, the governor, or the pardon advisory board personally appear and
4 address the parole board, the governor, or the pardon advisory board. Victim
5 testimony and written statements under this subsection are confidential and may be
6 disclosed only to the parole board, the governor, the pardon advisory board, or their
7 authorized representative. Notice must be given by the parole board or pardon clerk,
8 or authorized representative informing the registered victim of the pending review. The
9 registered victim must be provided notice of the decision of the parole board or of the
10 governor and the recommendations of the pardon advisory board, if any, and, if
11 applicable, notice of the date of the prisoner's release on parole or the prisoner's
12 pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must
13 be given within a reasonable time after the parole board or the governor makes a
14 decision but in any event before the parolee's or pardoned prisoner's release from
15 custody.