

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 and subsection 4 of
2 section 54-23.3-01.1 of the North Dakota Century Code, relating to supervised probation for
3 class B misdemeanors.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-32-07 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. When the court imposes probation upon conviction for a felony offense subject to
8 section 12.1-32-09.1 or 12.1-32-02.1, a second or subsequent violation of section
9 12.1-17-07.1, a second or subsequent violation of any domestic violence protection
10 order, a violation of chapter 12.1-41, a violation of section 14-09-22, or a felony
11 offense under chapter 39-08, the court shall place the defendant under the supervision
12 and management of the department of corrections and rehabilitation. When the court
13 imposes probation upon conviction or order of disposition in all other felony cases, the
14 court may place the defendant under the supervision and management of the
15 department of corrections and rehabilitation. In class A misdemeanor cases, the court
16 may place the defendant under the supervision and management of the department of
17 corrections and rehabilitation or other responsible party. In ~~all other~~class B
18 misdemeanor cases in which the court orders supervision, the court only may place
19 the defendant under the supervision and management of a community corrections
20 program other than the department of corrections and rehabilitation. A community
21 corrections program means a program for the supervision of a defendant, including
22 monitoring and enforcement of terms and conditions of probation set by the court.

23 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-23.3-01.1 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 1 4. "Offender" means a person who has been committed to the legal and physical custody
2 of the department of corrections and rehabilitation, or placed under the supervision
3 and management of the department by a district court, by the parole board, or through
4 the interstate compact for the supervision of adult offenders. The term does not
5 include a person convicted of a class B misdemeanor.