

**SECOND ENGROSSMENT
with House Amendments**

REENGROSSED SENATE BILL NO. 2128

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to create and enact a new section to chapter 12-67 of the North Dakota
2 Century Code, relating to tampering or destroying an approved electronic monitoring device; to
3 amend and reenact sections 12-44.1-01, 12-47-18.1, 12-48.1-01, 12-48.1-02, 12-54.1-01,
4 12-54.1-03, 12.1-08-02, 12.1-08-06, 12.1-08-07, 12.1-08-08, 12.1-08-09, 12.1-17-01,
5 12.1-32-02.1, 12.1-32-09.1, and 39-10-71 of the North Dakota Century Code, relating to
6 transparent sentencing of criminal offenders, transfer of persons between correctional facilities,
7 work release eligibility and conditions for criminal offenders, sentences for assaulting and
8 fleeing from law enforcement officers, sentences for escape, and sentences for preventing
9 arrest; to provide a legislative management study; to provide for a legislative management
10 report; to provide a penalty; to provide an appropriation; and to provide for application.

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

12 **SECTION 1. AMENDMENT.** Section 12-44.1-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **12-44.1-01. Definitions.**

15 As used in this chapter:

- 16 1. "Administrator" means the sheriff, chief of police, administrator, superintendent,
17 director, or other individual serving as the chief executive officer of a correctional
18 facility.
- 19 2. "Adult lockup" means a secure temporary-hold nonresidential facility that does not
20 hold individuals overnight and includes a facility with cuffing rails or cuffing benches.
- 21 3. "Correctional facility" means a city or county jail or detention center, regional
22 corrections center, or juvenile detention center for the detention or confinement of

1 persons in accordance with law. The use of the term does not imply and may not be
2 used to require the provision of services including treatment, counseling, career and
3 technical education, or other educational services, except as may otherwise be
4 required or provided for under this chapter. The term does not include transitional
5 facilities.

6 4. "Correctional facility staff" means correctional personnel with titles such as jailer,
7 deputy, counselor, correctional officer, or any other title, whose duties include the
8 ongoing supervision of inmates in a correctional facility.

9 5. "Court holding facility" means a secure facility, other than an adult correctional facility
10 or adult lockup, used to temporarily detain individuals before or after a detention
11 hearing or other court proceedings, and is not used to detain individuals overnight.

12 6. "Individual justice planning" means a process to identify, accommodate, and develop
13 appropriate consequences for behaviors caused by or related to an individual's mental
14 or cognitive impairment.

15 7. "Inmate" means any individual, whether sentenced or unsentenced, who is detained or
16 confined in a correctional facility. The term does not include an individual who is under
17 the supervision of the correctional facility and is supervised under home detention,
18 electronic monitoring, or a similar program that does not involve physical detention or
19 confinement in the facility.

20 8. "Jail" means a correctional facility, including a county or city jail or a regional
21 corrections center.

22 9. "Juvenile detention center" means a publicly maintained correctional facility for the
23 detention of juveniles. The term does not include the North Dakota youth correctional
24 center.

25 10. "Regional corrections center" means a correctional facility established and maintained
26 by more than one county or city, or a combination of counties and cities, for the
27 confinement of inmates.

28 11. "Trained correctional facility staff" means correctional personnel who have completed
29 a course of training approved by the peace officer standards and training board.

30 12. "Transitional facility" means a halfway house, assessment center, re-entry facility,
31 transitional living facility, or similar facility, operating under contract, in partnership

1 with, or under the direction of the department of corrections and rehabilitation or a
2 correctional facility, which offers education, counseling, or other programs, with
3 unsecured or minimum security housing, for offenders.

4 **SECTION 2. AMENDMENT.** Section 12-47-18.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-47-18.1. Transfer of persons between correctional facilities.**

7 ~~The~~Subject to statutory limitations, the director of the department of corrections and
8 rehabilitation may transfer an offender to any facility under the department's control or contract
9 to transfer an offender to another correctional facility for purposes of safety, security, discipline,
10 ~~or medical care, or when the director determines it may be in the best interests of the public, the~~
11 ~~offender, or the department.~~

12 **SECTION 3. AMENDMENT.** Section 12-48.1-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 ~~12-48.1-01. Director may provide certain~~**Work release and education or rehabilitation**
15 **services for offenders - Report.**

16 1. The director of the department of corrections and rehabilitation may participate in
17 programs in which ~~offenders~~an offender committed to the legal and physical custody
18 of the department may be gainfully employed or participate in an educational or other
19 rehabilitation program ~~either in or outside facilities~~in the facility under the control of the
20 department in which the offender resides. ~~The~~For eligible offenders, the director may
21 obtain or contract with separate facilities with minimum security for housing offenders
22 granted release privileges. In areas where facilities are not within reasonable proximity
23 of the place of employment or training of an eligible offender so released, the director
24 may arrange for the housing of the offender in local confinement facilities.

25 2. For purposes of this chapter, an "eligible offender" includes an offender who, in
26 accordance with section 12.1-32-09.1, has served eighty-five percent of the offender's
27 sentence of imprisonment or had the offender's sentences commuted.

28 3. The department of corrections and rehabilitation shall provide to the attorney general
29 and the legislative council each quarter a report, including the names, locations, and
30 sentences of each individual who meets the criteria in subsection 2.

1 **SECTION 4. AMENDMENT.** Section 12-48.1-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12-48.1-02. Conditions of eligibility ~~for participation in release programs.~~**

- 4 1. An eligible offender, except an offender sentenced to a penalty of life imprisonment
5 without the opportunity for parole as the result of conviction of a class AA felony under
6 section 12.1-20-03 or of murder under section 12.1-16-01, ~~may be eligible for~~
7 ~~programs~~participate in a program outside ~~facilities~~a facility under the control of the
8 department of corrections and rehabilitation when the department determines, with a
9 high degree of reliability, the eligible offender is not a high security risk, not likely to
10 commit a crime of violence, not likely to escape, and is likely to be rehabilitated by
11 such program. An eligible offender may apply to the director of the department for
12 permission to participate in such programs.
- 13 2. The director of the department may authorize participation in outside programs for an
14 eligible offender who has ten years or less remaining on a sentence and has been
15 committed to the legal and physical custody of the department. The parole board, with
16 the approval of the director of the department, may authorize participation in outside
17 programs for eligible offenders who have more than ten years remaining on a
18 sentence and have been committed to the legal and physical custody of the
19 department.
- 20 3. The offender shall submit a signed application which must include a statement that the
21 eligible offender agrees to abide by all terms and conditions of the particular plan
22 adopted for the eligible offender, and must include such other information as the
23 parole board or the director of the department may require.
- 24 4. The parole board may approve, disapprove, or defer action on an application
25 approved by the director of the department. The director of the department or the
26 parole board may revoke approval of the application at any time after granting the
27 application. The department shall prescribe rules of conduct and treatment for all
28 eligible offenders on release programs and shall prescribe objective and subjective
29 criteria for which revocation of approval to participate in release programs is
30 mandatory. A rule violation indicating the eligible offender likely will commit a crime of
31 violence or is likely to attempt to escape must result in revocation of approval to

1 participate in release programs. The department shall document all violations of the
2 rules of conduct and treatment.

3 5. The director of the department may grant short leaves, not to exceed seventy-two
4 hours, to eligible offenders who have been committed to the legal and physical
5 custody of the department for ten years or less. The parole board, upon the approval
6 of the director of the department, may grant short leaves, not to exceed seventy-two
7 hours, to offenders committed to the legal and physical custody of the department for
8 more than ten years. Short leaves granted under this subsection may not be granted
9 consecutively to the same individual.

10 6. All rules adopted by the parole board and the director of the department relating to
11 release programs and short leaves must conform, to the extent allowable by law, with
12 executive order no. 11755 issued by the President of the United States.

13 **SECTION 5. AMENDMENT.** Section 12-54.1-01 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **12-54.1-01. Sentence reduction for good time.**

16 ~~Except as provided under~~Subject to the requirements of section 12.1-32-09.1, an offender
17 committed to the legal and physical custody of the department of corrections and rehabilitation
18 is eligible to earn sentence reductions based upon satisfactory fulfillment of performance criteria
19 established through department and penitentiary rules. Performance criteria ~~includes~~must
20 include participation in court-ordered or staff-recommended treatment and education programs
21 and good work performance. The department may credit an offender committed to the legal and
22 physical custody of the department who is eligible for sentence reduction up to five days good
23 time per month for each month of the sentence imposed. The department may credit an
24 offender with sentence reduction for time spent in custody before sentencing and commitment
25 to the legal and physical custody of the department. The department may not credit an offender
26 with any sentence reduction for time spent on probation under the supervision and
27 management of the department.

28 **SECTION 6. AMENDMENT.** Section 12-54.1-03 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **12-54.1-03. Meritorious conduct sentence reduction.**

2 ~~Except as provided under section 12.1-32-09.1, offenders~~Offenders committed to the legal
3 and physical custody of the department of corrections and rehabilitation may receive a lump
4 sum or a monthly rate of meritorious conduct sentence reduction for outstanding performance
5 or heroic acts ~~or as a special control and security measure~~, as provided by penitentiary and
6 department rules and upon written recommendation of a department multidisciplinary team.
7 Meritorious sentence reductions are in addition to sentence reductions under section
8 12-54.1-01 and may be made only after a written recommendation is made by the warden and
9 approved by the director of the department. Any sentence reduction ~~for special control or~~
10 ~~security measures~~under this section may not exceed two days good time per month per
11 offender.

12 **SECTION 7.** A new section to chapter 12-67 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Tampering or destroying an approved electronic monitoring device - Penalty.**

- 15 1. An individual may not tamper with, destroy, or remove an approved electronic
16 monitoring device.
- 17 2. An individual who violates this section is guilty of a class C felony. For a conviction
18 under this section, the court shall impose a minimum sentence of one year
19 imprisonment in a correctional facility to be served consecutively to any other term of
20 commitment, including incarceration due to revocation of probation or parole.
- 21 3. Notwithstanding subsection 2, for a conviction under this section, the court shall
22 impose a term of imprisonment to be served concurrently with a conviction for a
23 violation under section 12.1-08-06 arising from same incident.
- 24 4. No part of a sentence imposed under this section may be served at a transitional
25 facility

26 **SECTION 8. AMENDMENT.** Section 12.1-08-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **12.1-08-02. Preventing arrest or discharge of other duties.**

29 4. A person is guilty of a class A misdemeanor if, with intent to prevent a public servant
30 from effecting an arrest of himself or another for a misdemeanor or infraction, or from
31 discharging any other official duty, he creates a substantial risk of bodily injury to the public

1 servant or to anyone except himself, or employs means justifying or requiring substantial force
2 to overcome resistance to effecting the arrest or the discharge of the duty. A person is guilty of a
3 class C felony if, with intent to prevent a public servant from effecting an arrest of himself or
4 another for a class A, B, or C felony, he creates a substantial risk of bodily injury to the public
5 servant or to anyone except himself, or employs means justifying or requiring substantial force
6 to overcome resistance to effecting such an arrest.

7 ~~2.1.~~ It is a defense to a prosecution under this section that the public servant was not
8 acting lawfully, but it is no defense that the defendant mistakenly believed that the
9 public servant was not acting lawfully. A public servant executing a warrant or other
10 process in good faith and under color of law shall be deemed to be acting lawfully.

11 2. A sentence for a conviction under this section must be consecutive to any sentence of
12 imprisonment for an underlying conviction.

13 **SECTION 9. AMENDMENT.** Section 12.1-08-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **12.1-08-06. Escape.**

16 1. A person is guilty of escape if, without lawful authority, the person removes or attempts
17 to remove himself from official detention or fails to return to official detention following
18 temporary leave granted for a specified purpose or limited period. A person who is
19 subject to official detention under this section is guilty of escape, if while outside the
20 state of North Dakota and without lawful authority, the person removes or attempts to
21 remove himself from official detention, or fails to return to official detention following
22 temporary leave granted for a specified purpose or limited period, when at the time the
23 person is in the legal custody of a warden of the penitentiary, department of
24 corrections and rehabilitation, or other competent authority by virtue of a lawful
25 commitment to official detention.

26 2. Escape is a class B felony if the actor uses a firearm, destructive device, or other
27 dangerous weapon in effecting or attempting to effect the actor's removal from official
28 detention. Escape is a class C felony if:

29 a. The actor uses any other force or threat of force against another in effecting or
30 attempting to effect the actor's removal from official detention; or

1 b. The person escaping was in official detention by virtue of the person's arrest for,
2 or on charge of, a felony, or pursuant to the person's conviction of any offense.
3 Otherwise escape is a class A misdemeanor.

4 3. The court shall impose a minimum sentence of one year imprisonment in a
5 correctional facility for an individual convicted of a felony under subdivision b of
6 subsection 2 to be served consecutively to any other term of imprisonment, including
7 incarceration due to revocation of probation or parole. No part of a sentence imposed
8 under this subsection may be served at a transitional facility.

9 4. Notwithstanding subsection 3, for a conviction under this section, the court shall
10 impose a term of imprisonment to be served concurrently with a conviction for a
11 violation of section 7 of this Act arising from the same incident.

12 5. In this section:

13 a. "Conviction of an offense" does not include an adjudication of juvenile
14 delinquency.

15 b. "Official detention" means arrest, custody following surrender in lieu of arrest,
16 detention in any facility for custody of persons under charge or conviction of an
17 offense or alleged or found to be delinquent, detention under a law authorizing
18 civil commitment in lieu of criminal proceedings or authorizing such detention
19 while criminal proceedings are held in abeyance, detention for extradition, home
20 detention as authorized by chapter 12-67, or custody for purposes incident to the
21 foregoing, including transportation, medical diagnosis or treatment, court
22 appearances, work, and recreation, or being absent without permission from any
23 release granted while under custody of a sentence such as work or education
24 release, community confinement, or other temporary leaves from a correctional
25 or placement facility. "Official detention" does not include supervision on
26 probation or parole or constraint incidental to release.

27 4.6. Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the
28 committing or detaining authority, shall not be a defense to a prosecution under this
29 section if the escape is from the penitentiary or other facility used for official detention
30 or from detention pursuant to commitment by an official proceeding. In the case of
31 other detentions, irregularity or lack of jurisdiction shall be an affirmative defense if:

- 1 a. The escape involved no substantial risk of harm to the person or property of
2 anyone other than the detainee; or
3 b. The detaining authority did not act in good faith under color of law.
4 ~~5-7.~~ The jurisdiction of a violation of this section when the person is in the legal custody of
5 a warden of the penitentiary, the department of corrections and rehabilitation, or other
6 lawful authority is in the county where the violation occurred if the violation occurred
7 within this state, and is in Burleigh County or in the county in which the order
8 committing the person to official detention was entered if the violation occurred outside
9 this state.

10 **SECTION 10. AMENDMENT.** Section 12.1-08-07 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12.1-08-07. Public servants permitting escape.**

13 A public servant concerned in official detention pursuant to process issued by a court,
14 judge, or magistrate is guilty of a class A misdemeanor if he recklessly permits an escape and is
15 guilty of a class B misdemeanor if he negligently permits an escape. "Official detention" has the
16 meaning prescribed in subsection ~~35~~ of section 12.1-08-06.

17 **SECTION 11. AMENDMENT.** Section 12.1-08-08 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **12.1-08-08. Inciting or leading riot in detention facilities.**

- 20 1. A person is guilty of a class C felony if, with intent to cause, continue, or enlarge a riot,
21 he solicits a group of five or more persons to engage in a riot in a facility used for
22 official detention or engages in conduct intended to serve as the beginning of or signal
23 for such riot, or participates in planning such riot, or, in the course of such riot, issues
24 commands or instructions in furtherance thereof.
25 2. In this section:
26 a. "Official detention" has the meaning prescribed in subsection ~~35~~ of section
27 12.1-08-06.
28 b. "Riot" means a disturbance involving an assemblage of five or more persons
29 which by tumultuous and violent conduct creates grave danger of damage or
30 injury to property or persons or substantially obstructs the operation of the facility
31 or other government function.

1 **SECTION 12. AMENDMENT.** Section 12.1-08-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12.1-08-09. Introducing or possessing contraband useful for escape.**

- 4 1. A person is guilty of a class C felony if he unlawfully provides an inmate of an official
5 detention facility with any tool, weapon, or other object which may be useful for
6 escape. Such person is guilty of a class B felony if the object is a firearm, destructive
7 device, or other dangerous weapon.
- 8 2. An inmate of an official detention facility is guilty of a class C felony if he unlawfully
9 procures, makes, or otherwise provides himself with, or has in his possession, any
10 tool, weapon, or other object which may be useful for escape. Such person is guilty of
11 a class B felony if the object is a firearm, destructive device, or other dangerous
12 weapon.
- 13 3. In this section:
- 14 a. "Official detention" has the meaning prescribed in subsection 35 of section
15 12.1-08-06.
- 16 b. "Unlawfully" means surreptitiously or contrary to a statute or regulation, rule, or
17 order issued pursuant thereto.

18 **SECTION 13. AMENDMENT.** Section 12.1-17-01 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **12.1-17-01. Simple assault.**

- 21 1. A person is guilty of an offense if that person:
- 22 a. Willfully causes bodily injury to another human being; or
- 23 b. Negligently causes bodily injury to another human being by means of a firearm,
24 destructive device, or other weapon, the use of which against a human being is
25 likely to cause death or serious bodily injury.
- 26 2. The offense is:
- 27 a. A class C felony when the victim is a peace officer or correctional institution
28 employee acting in an official capacity, which the actor knows to be a fact; an
29 employee of the state hospital acting in the course and scope of employment,
30 which the actor knows to be a fact, and the actor is an individual committed to or
31 detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a

1 judicial proceeding; or a member of a municipal or volunteer fire department or
2 emergency medical services personnel unit or emergency department worker in
3 the performance of the member's duties.

4 b. A class B misdemeanor except as provided in subdivision a.

5 3. A sentence for a conviction under subdivision a of subsection 2 must be consecutive
6 to any sentence of imprisonment for an underlying conviction.

7 **SECTION 14. AMENDMENT.** Section 12.1-32-02.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **12.1-32-02.1. Mandatory prison terms for armed offenders.**

10 1. Notwithstanding any other provision of this title, a term of imprisonment must be
11 imposed upon an offender and served without benefit of parole when:

12 a. In the course of committing an offense, the offender inflicts or attempts to inflict
13 bodily injury upon another, threatens or menaces another with imminent bodily
14 injury with a dangerous weapon, explosive, destructive device, or firearm; or

15 b. An offender prohibited from possessing a firearm under section 62.1-02-01
16 possesses a firearm while in the course of committing any felony offense under
17 subsection 1; or 3; ~~or 7~~ of section 19-03.1-23.

18 2. This requirement applies only when possession of a dangerous weapon, explosive,
19 destructive device, or firearm has been charged and admitted or found to be true in
20 the manner provided by law, and must be imposed as follows:

21 a. If the offense for which the offender is convicted is a class AA, class A, or class B
22 felony, the court shall impose a minimum sentence of four years' imprisonment.

23 b. If the offense for which the offender is convicted is a class C felony, the court
24 shall impose a minimum sentence of two years' imprisonment.

25 3. This section applies even when being armed is an element of the offense for which the
26 offender is convicted.

27 4. This section applies even if the offender is prosecuted for a violation of section
28 62.1-02-01 for the same conduct.

29 5. An offender serving a sentence subject to this section may be eligible to participate in
30 a release program under section 12-48.1-02 during the last six months of the
31 offender's sentence.

1 **SECTION 15. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12.1-32-09.1. Sentencing of violent offenders**~~Truth in sentencing.~~

- 4 1. Except as provided under ~~section~~sections 12-48.1-01 and 12-48.1-02 and pursuant to
5 ~~rules adopted by the department of corrections and rehabilitation~~, an offender who is
6 sentenced as a dangerous special offender or habitual offender under section
7 12.1-32-09, or is convicted of a crime in violation of section 12.1-16-01, 12.1-16-02,
8 subsection 2 of section 12.1-17-02, section 12.1-18-01, subdivision a of subsection 1
9 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01,
10 subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the
11 offenses, and who receives a sentence of imprisonment is not eligible for release from
12 confinement on any basis until eighty-five percent of the sentence imposed by the
13 court has been served or the sentence is commuted.
- 14 2. In the case of an offender who is sentenced to a term of life imprisonment with
15 opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence
16 imposed" means the remaining life expectancy of the offender on the date of
17 sentencing. The remaining life expectancy of the offender must be calculated on the
18 date of sentencing, computed by reference to a recognized mortality table as
19 established by rule by the supreme court.
- 20 3. Notwithstanding this section, an offender sentenced under subsection 1 of section
21 12.1-32-01 may not be eligible for parole until the requirements of that subsection
22 have been met.
- 23 4. ~~An offender who is convicted of a class C felony in violation of section 12.1-17-02, or~~
24 ~~an attempt to commit the offense, and who has received a sentence of imprisonment~~
25 ~~or a sentence of imprisonment upon revocation of probation before August 1, 2015, is~~
26 ~~eligible to have the offender's sentence considered by the parole board.~~
- 27 5. ~~Notwithstanding subsection 4, this section does not apply to a sentence imposed upon~~
28 ~~revocation of probation.~~For purposes of this section "confinement" does not include
29 placement or residence in a transitional facility, halfway house, or similar facility,
30 operating under contract, in partnership with, or under the direction of the department
31 of corrections and rehabilitation or other correctional facility, with unsecured or

1 minimum security housing, except during the last six months before an offender's
2 release from incarceration.
3 5. Notwithstanding subsection 4, placement or residence at the James River correctional
4 center, Missouri River correctional center, Heart River correctional center, or Dakota
5 women's correctional and rehabilitation center, or county jail is "confinement" for
6 purposes of this section, provided the order to place the inmate in the center or jail is
7 approved by an identifiable employee of the department of corrections and
8 rehabilitation after the employee determines, with reasonable certainty, the placement
9 will not pose a danger to the public.

10 **SECTION 16. AMENDMENT.** Section 39-10-71 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-10-71. Fleeing or attempting to elude a peace officer - Penalty.**

- 13 1. A driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or
14 who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or
15 peace officer, when given a visual or audible signal to bring the vehicle to a stop, is
16 guilty of a:
- 17 a. Class A misdemeanor for a first offense and a class C felony for a subsequent
18 offense within three years;
- 19 b. Class C felony if the driver violates this section while willfully fleeing during or
20 after the commission of a felony; or
- 21 c. Class C felony if, at any time during the flight or pursuit, the driver willfully
22 operates the vehicle in a manner constituting an inherent risk of death or serious
23 bodily injury to a third person.
- 24 2. A signal complies with this section if the signal is perceptible to the driver and:
- 25 a. If given from a vehicle, the signal is given by hand, voice, emergency light, or
26 siren, and the stopping vehicle is appropriately marked showing it to be an official
27 police vehicle; or
- 28 b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
29 siren, and the officer is in uniform or prominently displays the officer's badge of
30 office.

- 1 3. A felony conviction under this section carries a penalty of at least thirty days'
2 imprisonment and, if there is an underlying conviction, the imprisonment must be
3 consecutive to any sentence of imprisonment for the underlying conviction.
4 4. Upon a motion by a state's attorney, a court may order that a motor vehicle used in the
5 commission of a violation of this section be impounded by a peace officer for up to six
6 months.

7 **SECTION 17. LEGISLATIVE MANAGEMENT STUDY - STATE PAROLE BOARD.**

- 8 1. During the 2025-26 interim, the legislative management shall consider studying the
9 state parole board. The study must include a comprehensive review of chapter 12-59
10 of the North Dakota Century Code and any rules and regulations adopted by the state
11 parole board relating to:
12 a. Members of the board, the appointment process by the governor, terms of board
13 members, quorum requirements, scheduling, and meeting minutes;
14 b. Inmate eligibility, including an analysis of the board's activities relating to eligibility
15 requirements for parole, conditions, board determinations, victim rights and victim
16 assistance, automated victim information and notification, and the board's action
17 to grant, deny, revoke, or rescind parole; and
18 c. The department of corrections and rehabilitation, including participation in the
19 parole board process and recommendations to the parole board, if any.
20 2. The legislative management shall report its findings and recommendations, to the
21 seventieth legislative assembly.

22 **SECTION 18. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND**
23 **REHABILITATION - ELECTRONIC MONITORING IN TRANSITIONAL FACILITIES -**

24 **ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state
25 treasury, not otherwise appropriated, the sum of \$600,000, or so much of the sum as may be
26 necessary, to the department of corrections and rehabilitation for the purpose of using electronic
27 monitoring in transitional facilities, for the biennium beginning July 1, 2025, and ending June 30,
28 2027. The appropriation under this section is considered a one-time funding item.

29 **SECTION 19. APPLICATION.** Sections 1, 2, 3, 4, 5, 6, 14, and 15 of this Act apply to
30 individuals who are charged after July 31, 2025, with violations subject to the provisions of this
31 Act.