

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR
JANUARY 8, 2025**

**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1059**

Chairman Klemin and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised by probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of House Bill 1059.

House bill 1059 would clarify North Dakota Century Code 12.1-32-02. This section of code provides for a defendant convicted of a felony who is sentenced to imprisonment for three-hundred sixty (360) days or less to be convicted of a misdemeanor. This is a great benefit to the defendant, as it allows the individual the chance to keep a felony off his or her record and avoid experiencing sometimes life-long consequences for being a convicted felon. The current statute does not clarify the level of misdemeanor, class A or B. This

amendment would clarify the reduction to a class A misdemeanor. As well, it would provide further clarification to the court that the penalties for which the defendant is subject to would be those of the misdemeanor A class.

We are asking for this clarification because there are times when the court sentences the defendant to felony-level supervised probation time, even after a misdemeanor disposition. For most felonies, the maximum amount of time a court can sentence a person to supervised probation at initial sentencing is three (3) years. There are violent felonies where it is five (5) years. For class A misdemeanors it is two (2) years. The most recent schedule for supervision lengths was implemented in 2015 by the 64th Legislative Assembly, and this amendment seeks to provide consistency to the intent of that change. As well, this clarification would shorten supervision periods for misdemeanants resulting in in parole and probation staff time focused on higher risk, more dangerous individuals.

Please consider this amendment to support the statute clarification.

I will stand to answer any questions I can. Thank you.