
CRIMES AND PUNISHMENTS

CHAPTER 129

House Bill No. 195

(Haugen of McLean, Richard J. Thompson, Hafner, Bentz and Sailer)

**TRANSPORTATION AND CARE COST OF PERSONS COMMITTED
TO STATE FARM; HANDLING FEDERAL PRISONERS****AN ACT**

To amend and reenact section 12-5108 of the North Dakota Revised Code of 1943 providing for the cost of transportation and the care of persons committed to state farm and the payment of such expense and the handling of federal prisoners.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. AMENDMENT.) That section 12-5108 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

12-5108. COST OF TRANSPORTATION AND CARE OF PERSONS COMMITTED TO STATE FARM; HOW PAID; FEDERAL PRISONERS.) The cost of transporting persons committed to the state farm shall be paid as the costs of transporting persons committed to the penitentiary are paid. The cost of care and keep of persons who are committed to the state farm for the commission of a crime for which they might have been sentenced to the penitentiary shall be paid by the state out of the funds appropriated for such purpose for persons committed to the penitentiary, or out of the funds appropriated for that purpose. The cost of care and keep of any person committed to said farm for the commission of a crime for which he might have been sentenced to a county jail, but not to the penitentiary, shall be paid by the county from which such person is committed at the rate of one dollar per day per person, except, however, when the offense is committed in any county within an area, where there is in process of construction any federal project of such magnitude as to attract to such area a large number of people from outside the locality, then any person convicted of an offense for which he might have been sentenced to a county jail, and who is not, in the opinion of the court, permanently residing in said area, the cost of care and keep shall be paid by the state out of funds appropriated for that purpose. Provided further that whenever the state farm is filled to capacity and there are

no longer adequate facilities for additional inmates, the board of administration shall notify the courts of such facts and after such notice no further commitments shall be made to said institution until such facilities have been provided. The board shall have authority to enter into an arrangement or agreement with the proper authorities of the federal government whereby persons convicted of a crime in the federal court of this state may be committed to said farm, but persons convicted in the federal court shall be admissible to the said farm only if the term of the sentence is not less than thirty days nor more than one year.

SECTION 2. AMENDMENT.) Section 12-5109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5109. BOARD OF ADMINISTRATION MAY TRANSFER PERSONS FROM STATE FARM TO PENITENTIARY OR FROM PENITENTIARY TO STATE FARM.) When the board of administration, either at the time of commitment or at any time thereafter, shall determine that for purposes of safety of other inmates or of the general public or for the purpose of discipline it is necessary or proper that any person committed to the state farm should be transferred to the state penitentiary, such transfer may be made for such period as the board may deem proper. Where a person who has been committed to the state farm conducts himself in such manner as to interfere with the operation of the farm, or with the welfare or safety of others, and where in the judgment of the board of administration the best interests of such person or the best interests and welfare of other persons committed to the farm so require, the board may direct that such person be removed from the farm and placed in the penitentiary. The board also may direct that persons who have been sentenced to the penitentiary be transferred to the farm, when such action seems desirable and for the best interests of the person so transferred and in no manner detrimental to the welfare of other persons who have been committed to the said farm. The board may cause persons committed to the said farm to be assigned for work incident to the operations of the penitentiary or of any other institutions under the control of the said board.

Approved March 11, 1949.