

SENATE BILL NO. 2439

Introduced by

Senator Nething

- 1 A BILL for an Act to amend and reenact subsection 1 of section 12-54.1-01 of the North Dakota
2 Century Code, relating to performance-based sentence reduction.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 12-54.1-01 of the 1999
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 6 1. Except as provided under section 12.1-32-09.1, offenders sentenced to the
7 penitentiary or any of its affiliated facilities are eligible to earn sentence reductions
8 based upon performance criteria established through penitentiary rules.
9 Performance criteria includes participation in court-ordered or staff-recommended
10 treatment and education programs and good work performance. While
11 incarcerated in the penitentiary or any of its affiliated facilities, an inmate may earn
12 five days good time per month performance-based sentence reduction in
13 accordance with this subsection except for any sentence where the incarceration
14 time is ~~six~~ three months or less. If an inmate is subject to concurrent sentences,
15 the amount of performance-based sentence reduction which an inmate may earn
16 must be based on the longest period of imprisonment the court has imposed which
17 the inmate must actually serve. If an inmate is subject to consecutive sentences,
18 the amount of performance-based sentence reduction which an inmate may earn
19 must be based on the total period of imprisonment the court has imposed that the
20 inmate must actually serve. An inmate may be eligible to earn performance-based
21 sentence reduction based on actual imprisonment to be served according to the
22 following schedule:
23 a. Five days per month for a sentence of three months or more but less than one
24 year.

- 1 b. Six days per month for a sentence of one year or more but less than three
- 2 years.
- 3 c. Seven days per month for a sentence three years or more but less than five
- 4 years.
- 5 d. Eight days per month for a sentence of five years or more but less than ten
- 6 years.
- 7 e. Ten days per month for a sentence of ten years or more.