

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2125

2005 SENATE JUDICIARY

SB 2125

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 5, 2005

Tape Number	Side A	Side B	Meter #
1	X		4766 - End
1		X	Start - 1942
Committee Clerk Signature <i>Mina L. Selberg</i>			

Minutes: Relating to establishment and modification of parole expiration dates.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

John Olson, Chairperson ND Parole Board (meter 4766) Spoke testimony (attachment #1)

Discussed amendment he sponsors (meter 5100) (attachment #2).

Sen. Trenbeath asked wither it was not the judge who set the time or would the parole board be setting it? (meter 5478). **Mr. Olson** resounded that the Judge still has the final say.

Discussion of the Judges control vs. Parole Boards duty after sentence.

Senator Triplett (meter 5939) question how this would impact the Human Services financial?

Discussion on the inability to forecast this.

Pat Bond, Programs Coordinator and Deputy Clerk of Parole Bord (meter 60) Reinforced the problem we have with the current systems short "window" of opportunity. A parole is usually in

a program because it is mandatory. Once off parole they usually quit. If they are on a longer parole i.e., 18 months, they tend to do better and the increase success rate. Discussion of examples and why. **Sen. Trenbeath** spoke of his overall approval of the concept but sited his concerns (meter 166) on how it could be unconstitutional. **Sen. Traynor** stated that an offender has an option of forfeiting the right to parole all together. This is not a mandate. Parole is a choice and a privilege. John Olson discussed with the committee the time frames and how this law would effect them.

Mr. Bond cited an example (meter 684) that is currently in the system, showing the time line.

Sen. Trenbeath (684 meter) The court does not impose a court date. It is a date offered to the inmate, allowing them to leave the facility early; in exchange for that we need to have our "hooks" into you for this amount of time.

Senator Hacker questioned what the cost would be (meter 860) Discussion of the pros and cons for the cost reflect the additional costs would offset the repeat offender. This will only effect a very small portion of individuals.

Sen. Nelson referred to a 2001-2003 huge interim study on the correctional process/facilities. (meter 1010) discussed our low percentage of parole that ND has. This would be a way to possible increase it. Discussion.

Mr. Bond (meter 1067) 2002 -117 people on parole, 2004 - we have 250 people. Our revocation rate is still in the top 10% of the country at 18%. Nationally the statistics are at 55% of the people that go on parole are revoked, we are way ahead of this curve. The bureau of Justice just put out a report, this is one year old, 2003 we led the country at percentage of parole increase at 53%, MO second at 30%. (Meter 1157) **Sen. Nelson** stated that when you start with

such a small number any increase would have a big effect. If we are at 250 parolees what is the total prison population? 1300 inmates. The average around the country is 30-35% of your prison population will be on parole.

Sen. Traynor (1249) Discussed amendment.

Ken Sornson - Attorney Generals office, General Council for the department of corrections office (meter 1319) discussed the separation of power Sen. Trenbeath had a question on with the authority of a parole judge vs. a parole board. Ken cited a 1985 ruling of State vs. Nase 12.1 32-6.1 discussed legal bases of the bill and amendment. **Sen. Nelson** question (meter 1583) this process would effect a life sentence. Discussion

Testimony in Opposition of the Bill:

none

Sen. Traynor requested that the amendment be reviewed by legislative council for word structure.

Senator John (Jack) T. Traynor, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 10, 2005

Tape Number	Side A	Side B	Meter #
1		X	2893 - 3500
Committee Clerk Signature <i>Mara Solberg</i>			

Minutes: Relating to establishment and modification of parole expiration dates.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee discussion:

Sen. Traynor brought forth the amendment earlier presented to the committee. **Sen. Nelson** moved to Amend Mr. Olson's amendment (meter 2893) **Senator Triplett** seconded the motion.

Sen. Trenbeath stated he had constitutional concerns (meter 3050) Roll was called. All Senators were in favor.

Discussion of Bill as amended **Sen. Trenbeath** moved to Do Pass SB 2125 as amended.

Seconded by **Senator Hacker**. **Senator Triplett** questioned **Sen. Trenbeath** concern (meter 3200) **Sen. Trenbeath** stated his "over sensitivity" to what the constitution requires. I error on the side of caution. Even though this might be by agreement between the parole board and the incarcerated person to actually extend the period of control over that person in exchange for getting out "from behind the wall". I am not convinced necessarily that a court would agree that

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Senate Judiciary Committee

Bill/Resolution Number SB 2125

Hearing Date January 10, 2005

that is an "arms-length transaction". That you can deal away your rights that would extend your sentence with out involving a judiciary. **Sen. Nelson** discussed our low parole rate. One of the issues is that they just don't want to go on parole. They just want to "get done with it" (the sentence) (meter 3363). Discussed accrual numbers from Mr. Bond's testimony in the earlier hearing.

Do Pass SB 2125 as amended. All Senators Do Passed.

Carrier: **Sen. Traynor**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

FISCAL NOTE

Requested by Legislative Council
01/13/2005

Amendment to: SB 2125

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

At this point, it is too speculative to try and arrive at a reasonable analysis of the fiscal impact of this bill. There are two primary provisions of this bill, which I anticipate will balance each other. At this point, my opinion is this bill will at worst be fiscally neutral and at best will save the state money while not compromising public safety.

The proposed amendment does not effect the original fiscal note.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Not Applicable

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Not Applicable

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Not Applicable

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/14/2005

FISCAL NOTE

Requested by Legislative Council
12/23/2004

Bill/Resolution No.: SB 2125

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

At this point, it is too speculative to try and arrive at a reasonable analysis of the fiscal impact of this bill. There are two primary provisions of this bill, which I anticipate will balance each other. At this point, my opinion is this bill will at worst be fiscally neutral and at best will save the state money while not compromising public safety.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Not Applicable

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Not Applicable

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Not Applicable

Name:	Pat Bohn	Agency:	Department of Corrections and Rehabilitation
Phone Number:	328-6664	Date Prepared:	12/30/2004

Date: 01/10/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2125

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to Amended

Motion Made By Sen. Nelson Seconded By Senator Triplett

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	X		Sen. Nelson	X	
Senator Syverson	X		Senator Triplett	X	
Senator Hacker	X				
Sen. Trenbeath	X				

Total (Yes) _____ 6 No _____ 0

Absent _____ 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 01/10/05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2125

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to Do Pass as Amended

Motion Made By Sen. Trenbeath Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	X		Sen. Nelson	X	
Senator Syverson	X		Senator Triplett	X	
Senator Hacker	X				
Sen. Trenbeath	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Traynor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2125: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "set a parole" with "establish an initial parole expiration date that is earlier than the expiration date of the parolee's court-imposed sentence. The length of the period of parole may not extend beyond more than five years for a felony and two years for a misdemeanor from the date when the court-imposed sentence would have otherwise expired had parole not been granted. The parole board may allow a parolee to earn performance-based parole reduction at the rate of up to five days per month in accordance with performance criteria established by the parole board."

Page 1, remove line 8

Page 1, line 9, remove "from the date of parole to the parolee's earliest projected expiration of sentence."

Renumber accordingly

2005 HOUSE JUDICIARY

SB 2125

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

House Judiciary Committee

☐ Conference Committee

Hearing Date 2/15/05

Tape Number	Side A	Side B	Meter #
1	xx		6.7-41
1		xx	15.8-29.7
Committee Clerk Signature <i>Aaron Penrose</i>			

Minutes: 13 members present, 1 member absent (Rep. Bernstein).

Chairman DeKrey: We will open the hearing on SB 2125.

Pat Bohn, Programs Coordinator with the ND Dept. of Corrections: Support (see written testimony of John Olson). SB 2125 was developed to address some issues that the Dept. has had some concerns over, the Parole Board has expressed concern over, and then was further brought to light by a recent performance audit by the ND State Auditor's Division. As the bill is written, it will clearly define the authority of the Parole Board to establish parole expiration dates, set parole expiration dates beyond the inmate's good time release date, and terminate parole earlier than the court-imposed release date (read Olson testimony).

Representative Klemin: On lines 9-11, can you give me an example there of timing, let's say the court imposes a 5 year sentence, does that mean that potentially this person could be 10 years, with 5 years in prison, and 5 years on parole after.

Pat Bohn: I don't see that that could happen, because there would have to be some period of parole, some period of incarceration that the offender would have had. For instance, let's use your scenario of 5 years, and the person is on, would get parole for 6 months. Six months of time that they would have had to serve in prison, gets cut from their sentence and they are placed on parole. But under this, because it is a felony, they could be placed on supervision for up to five years, so that six months could be served for 5 years, so in total they could be in the system for 9 years and 6 months under that scenario.

Representative Klemin: So if they are sentenced to 5 years by the court, the parole board could make it 9 years and 6 months under the event.

Pat Bohn: They could keep them in the system that long, yes.

Representative Klemin: How is that consistent with the court sentenced them to, I mean the court said five years, I'm not following other than this bill, why would you be able to keep them another 4.5 years.

Pat Bohn: That is a good legal question, and maybe Ken Sorenson, from the AG's office to assist in answering that question.

Ken Sorenson, AG's Office: Those parole terms, the five year felony and the two year on misdemeanor, actually track what the court can do with probation at the present time. The court can impose on something like a Class C felony, which has a maximum of five years, they can impose a five year sentence, and then also impose a period of 5 years of supervised probation. Basically give the parole the same, the right to impose of supervision consistent with what the court can do.

Chairman DeKrey: Are we trying to get at these guys who just want to max out their sentence, and have no supervision.

Ken Sorenson: That's part of it. The other part of it is to deal with the offenders who may not have any term of probation to serve, this would allow some transition, some supervision.

Representative Klemin: The court says you're sentenced to five years, under this bill you could make it 10 years; 5 years incarcerated and 5 years on parole afterwards.

Ken Sorenson: That's correct. If the court imposed a straight five year sentence, no probation, then the parole board, if it felt it was appropriate would have the authority to impose a term of supervised parole up to 5 years.

Representative Klemin: After he served his 5 year sentence.

Ken Sorenson: They would parole before the person served the entire five years.

Representative Klemin: In the example earlier, say he got out in 4.5 years and then you get them for another five after that, it would be 9.5 years, when the court sentenced him to five.

Ken Sorenson: Yes.

Representative Klemin: Can you do that other than through this bill, can you do that now.

Ken Sorenson: Like I said, the court can impose a five year sentence, right now, No.

Representative Klemin: We're not talking about the court, we're talking about what the parole board can do here. Can the parole board keep them for another five years after he serves his time.

Ken Sorenson: Right now there is nothing in statute that says what the parole board may do as far as expiration dates.

Representative Delmore: Can you explain to me, provides a lengthier community supervision in cases where there is no probation to follow the sex offenders, etc. What type of lengthier community supervision are we going to need. I don't quite understand, because I know many of those sentences say, you're not going to get back out, am I right.

Ken Sorenson: You're right, what this does is where there is one situation, and it isn't necessarily just sex offenders, it could be a violent offender, drug offender, any offender, but in a situation where there is no court ordered supervised probation to follow the incarceration, the parole board could establish a term of supervision. But we're looking at a situation where the person isn't going to serve the entire five year sentence, and then get parole, because in that case, there is nothing, if the person were to violate parole, there is nothing to revoke.

Representative Kretschmar: Despite not being in the statute today, does the parole board do this anyway.

Ken Sorenson: The present parole practice is to basically look at what would be the maximum expiration date of the inmate's sentence as the outside date for parole.

Representative Koppelman: If you look at line 9, as I read the bill, it doesn't seem to really flow and make a lot of sense. I am wondering where it says the length of the period of parole may not extend beyond more than 5 years, it doesn't say the same thing beyond five years,...

Ken Sorenson: Again, that five years is the same language that they can use for probation. They cannot set a period of probation beyond five years past the expiration date of the sentence.

Representative Koppelman: The bill says beyond more than five years, it seems confusing wording, is there a reason for that,...

Ken Sorenson: When the bill was initially drafted, then the Dept. of Corrections had submitted a proposed amendment to the bill, and then also LC had also made an amendment, so I'm not sure.

Representative Klemin: I had the same problem as Representative Koppelman, I noted in here that to me it would read a little better, if it said the length of period of parole may not be extended more than five years for a felony and two years for a misdemeanor beyond the date the court imposed sentence would have otherwise expired.

Representative Koppelman: And in line 17, I thought the less than was kind of confusing.

Chairman DeKrey: Thank you. Further testimony in support.

John Olson, Parole Board: I've been on the parole board for two years, my only comment is that I don't think you should look at this as an extension of a sentence beyond what the court imposed. It's tracking what the court has now in terms of probation, giving the parole board some additional time with which to work with an offender. I don't think we're going to use this all that often. I think basically we operate within the guidelines we have now. There are cases that come up, where we want to transition someone out into the community, and we just don't have the hold on that probationer or parolee to do that. I just want to make that point, that this isn't going to be used all that much.

Chairman DeKrey: I know that on the parole board that we've had several discussions about people that are just maxing out and they are refusing any kind of treatment, with the idea of just get to their end date and then no one has any watchful eye on them whatsoever. That's the purpose of what they're doing it for, they want to go out and do these things, and they don't want

anybody to have them pee in a cup and everything else that goes along with being supervised. I am assuming that is where this is coming from.

Representative Meyer: Isn't there a provision where the court can impose that, if there is a person who needs to be, I'm having a problem with the parole board isn't a court, you're kind of putting another sentence on to the person that has served his time regardless of the reasoning, isn't there a provision where the parole board could go to a court and say that this person needs supervision, after he's initially been sentenced, isn't that a procedure that you can use.

John Olson: Sound good, but no. Sounds like you should be able to do that, but keep in mind, the court imposes a sentence in 1999, for five years, and we've had that person in the penitentiary going through services, treatment and all that kind of thing. We know that offender a lot more than the court did at the time of sentencing, so we're trying to deal with an offender that may need continual services, the court is only looking at the front end of that, we're looking at this person going through the system, with that treatment, services, trying to plan for his release. We're not trying to stand in place of the court. All we're trying to do is to transition this offender back into the community. The sentence stays the same. Now if he served four years on a five year sentence, out with good time and one year left, he violates three years after he's released, we've only got him for the one year incarcerated. That stays the same, there's nothing changed on the length of time that the person is going to serve.

Representative Klemin: It seems close to double jeopardy to me. You've got somebody who is sentenced to a term of incarceration, and we're tacking on an additional term, that the parole board is substituting its judgment for that of what the judge thought earlier. Basically convicting him again in putting him on parole, now if the courts say, it says you are incarcerated for five

years, and you let him out after 4.5 years, then you keep him on parole for another five years, and he violates some parole condition, can you bring him back and incarcerate him for a longer period.

John Olson: We're not tracking here. I think what we're doing here is talking about extending his sentence. Let me put it this way, let's say that he doesn't want parole. He can simply stay in the penitentiary and max out. There's really nothing we can do about that.

Representative Klemin: Under this bill...

John Olson: And if he's brought back, if he's out for a month, he's got two months to go on his sentence, and we're extending parole for a year, to transition him and get him into follow-up treatment or services, and if he violates, we've got him back for two months, he's maxed out. He's done. That's it. We have nothing over this guy. He can work the system so he is serving the maximum time that the judge has given and there's no parole that we can come up with to keep him in that parole situation. He's done.

Representative Klemin: I'm not clear on this. Let's say the person does max out, let's say he had five years incarceration, he's not paroled, he does do the five years incarceration, would this bill allow you to put him on parole for five years after that time.

John Olson: After he did his time and maxed out?

Representative Klemin: Yes.

John Olson: No, he's done.

Representative Klemin: Let's say he has a five year sentence, but now he serves 4.5 years, and whether he wants to or not, you let him out six months early, so you can put him on parole for

five years and if he violates parole during that five years, you can haul him back to do the rest of his five years, which would be another 6 months.

John Olson: That's correct.

Representative Klemin: Now, if he's intent on maxing out, why would he do anything like that. He could go out and say, I'm going to violate my parole the first day I'm out, you can only haul me back for 6 months and then I'm maxed out and you can't do anything more with me. Couldn't you get the same results.

John Olson: First of all, this probably is only going to work if an offender wants to work with us on parole. I think if the person sitting in front of us, and saying that, "look I want to max out, I don't want to participate is probably an offender that we're not going to be able to work with anyway. So he's not the offender we're looking at here.

Representative Klemin: This bill would not, the person that maxes out, this would not give you any control over him after he's maxed out no matter what.

John Olson: None.

Representative Klemin: So it would only give you control over him for up to five years if you let him off early, regardless of what the period of time is that he had left to serve in prison.

John Olson: Correct, within that five years, if he violates and brought back for the six months, he's terminating anyway. If he's got six months to serve after he's let out and he's got a parole of five years, and if he violates in two months, and is brought back for the 6 months, he's maxed out, that parole is terminated automatically.

Representative Klemin: Hypothetically, you could let him out one day early and then keep him on parole for the next five years.

John Olson: Hypothetically you could, but I don't think you will see us doing that.

Representative Zaiser: Is there any way to bring the courts back into it, you said that right now, that's not possible. Is there way through legislation to bring the courts back into it, so the parole board wouldn't have to be making what I consider to be judicial decisions.

John Olson: There isn't any way. I mean if you would set it up so we'd have to petition the court for more probation, I don't like that. That's probably more offensive to that offender, than it would be for the parole board to actually do that. I think here I see a working relationship between the parole board and the offender. We've got offenders who simply look us in the eye and say, I'm not going to comply with any parole, bye, I'm maxing out and I'm done, that's it. This bill would allow us to really honestly look at transition services for these offenders, because once they're over the two months that we transition and they've maxed out, the services and the supervision is done. We have nothing that we can give them anymore. This will allow us to give them additional supervision and services. That's what we need, not simply turn these people out into the street prematurely, without that kind of support.

Representative Onstad: You mentioned giving additional services, when you look at the fiscal note, would there be additional costs.

John Olson: I don't think that we are going to be using that that much. I don't think there is going to be that much load on the system. The fiscal note is zero. I can't see where we would have that much of an impact on the fiscal responsibility of the system. This is going to be a rarely used commodity.

Representative Onstad: If you don't think that it's going to be used that much, why the legislation now.

John Olson: Because I think there are those offenders that I think in order to transition them into the community and help with their success, and in complying with the law and getting the services and supervision that they need to carry through, it's a necessary component, a necessary tool that we think the parole board should have.

Representative Koppelman: I think reentry into society for these offenders is a critical piece to avoid re-offending and trying to assimilate them, that good supervision is critical. You said earlier, that you see this working with people that want to work with you. But it also sounds like you're talking about those who may not want to work with you. So how would this work in a practical sense, with those two types of offenders.

John Olson: I think in the practical sense, the people that come before us that don't want to work with us, they will be dismissed without parole, they'll be maxing out. We don't have any control over them. There might be some instances, some borderline cases where, an offender that we are very concerned about transitioning into the community, we might want to parole that person early and set a parole expiration date beyond the expiration of the court imposed sentence, to give us additional supervision, give us additional time to work with that offender. That might be pretty important in some of the more serious cases, because at least we have a hold on that person, at least we have somebody watching that person, and if the person needs services or whatever, we've got that going for us. I think it's in the borderline cases that could be pretty important.

Representative Boehning: How much time do you serve on a five year sentence, on a Class B felony, at what point can the parole board let him up, how much time do they actually serve of that sentence in prison.

John Olson: People from the penitentiary can better address that. There is good time provisions under the code for allowing people who served time in the penitentiary to have a good time expiration date. They get so many days per month as performance dates if they stay inside the penitentiary. That's another feature of this bill, we think that the same feature for performance base should also be applied to parole. In other words, if a parolee is not incarcerated, but is performing admirably and has a job, I think that person should be entitled to the same kind of consideration as the incarcerated. That person who was given five years, is being released at an amount of time early based upon good performance in the penitentiary.

Representative Boehning: I guess we'll have to ask the director, what on a five year sentence what would be the soonest that you could possibly get out.

Elaine Little, Dept. Of Corrections: Inmates can earn up to 5 days per month on any length of a sentence, so for one year, he could get 60 days for a year, so 60 x 5, 300 days basically would be the earliest release date for good time served.

Representative Boehning: So he would have to serve at least 4 years and about 2 months of the sentence before he could be released.

Elaine Little: That would be without any parole, right.

Representative Boehning: So then you could actually let him out sooner, under parole then.

Elaine Little: The dept. of corrections really isn't in the release business for the most part. Unless the parole board paroles them, the department of corrections might transition them through one of our transition programs so they may be an inmate, for example, at the Bismarck Transition Center, prior to release, but they would not be released into the community, to where they would be on their own prior to their release date unless the parole board paroles them.

Representative Boehning: How soon can the parole board let somebody off on a 5 year sentence, get them out of the system and put them back onto the street.

John Olson: I guess if there are no minimum sentences that are imposed, the parole board could actually come in and parole somebody any time. Which is unlikely to happen, but theoretically it could happen.

Representative Delmore: I think part of what I think you're saying is that it is a community safety issue and it's a deterrent to people coming back into the community and doing the same thing, and ending back in the prison system one more time. Is that part of the intent of this bill. Am I getting at what you're talking about.

John Olson: That's exactly it. We're trying to establish another tool in our arsenal to give that parolee a better working chance. Some people, no matter what the sentence is, they're just not ready for life without authority. We've got to make them call in everyday, we have to make sure they make the Human Services Center, we have to make sure they make the appointment, and stay away from somebody that they're prohibited from having contact with. Representative Klemin has raised a good question here, and I respect that, we're actually going beyond, what the court could have done for adding on probation. It's still not adding on to the sentence, we're adding on the amount of supervision. I don't find that, myself, offensive, when we're trying to do it for the community and for the offender themselves.

Representative Delmore: And for the community as a whole as well. You don't want them, he or she, with supervision, they would probably be less likely to put the community at risk.

John Olson: Yes, we can't force an offender to do this. He can pretty much guide his/her own destiny by coercing us or mandating us to expire him out. We have no control over that.

Representative Kretschmar: Is there kind of an average time for the amount of time someone serves on parole, when the board paroles them.

John Olson: Those figures are available, they have computers working out there, there are lots of reports we could give you.

Representative Kretschmar: You don't know offhand what's an average time to be on parole.

Pat Bohn: Right now, the average parolee, the average person who goes out on parole, is serving about 2/3 of their sentence in prison, and serving about 1/3 out on parole. That equates to approx. 195 days for calendar year 2004; 195 parole days for 2004.

Representative Kretschmar: About 6 ½ months.

Representative Maragos: Is that partly as a result of wanting to open up more bed space, trying to get them out into the community so we don't have overcrowding.

Pat Bohn: That's a very good question, actually there are three approaches to this. ND has historically had one of the lowest paroling rates in the USA. Average paroling rate in the US, is 30-35% of your prison population. ND has hovered between 12-15% of our prison population, so there would be, presumably some room for improvement and we work towards that. The other thing is community safety. Paroling has proven, research based proven, to be more effective than mandatory releasing, and because of that it helps enhance public safety and so that's another reason why we look to more paroling to enhance what we're doing. Ultimately working with that offender for a better life outcome.

Representative Boehning: How does the parole system work? Does the inmate ask to be paroled, or do you go to him and say, would you like to get out early, we'll put you on parole for the rest of your sentence, how does that work.

Pat Bohn: The offender, by statute, must make application for parole. We've gotten to the point where they all, when they're brought into the system, they all sign off on the form, to make application, it's a statutory requirement we go through and get it done. Then from there, we have an internal committee, a case planning committee that looks at a case plan for the individual and using a risk assessment, a scored risk assessment, we use that information, along with the time served, along with the case plan to arrive at a recommendation for the parole board as to when that offender may be seen. For instance, someone who has a low risk score, maybe a year to serve, might serve about 30-35% of their sentence before they see the parole board, whereas somebody else who had a high risk score, and has a year to serve, might see the board at approximately 60-70% of their sentence, so using an actuarial assessment, and a case plan, we let that guide us and give some guidance to the parole board, but ultimately the parole board makes that final decision as to when they want to see that offender.

Chairman DeKrey: I don't know if the pardon board works like the parole board, but when we decide we want to see an offender, we also put some merit into the personal interview. We've had people come before the pardon board, during a pre-meeting, we will probably be inclined to recommend them to the parole board, but when they came in, and we asked them a few questions, and we saw their demeanor and how quick their temper was and a few things like that, we said they're not going to the parole board. There's a lot of people, not just one person out there, it's a system. I think the system is fine-tuned enough so that if there's a guy out there

trying to play the system, I think it gets caught before they get out the front gate. I think it is a pretty good system for the most part.

Pat Bohn: Representative Klemin in that whole issue with the court imposed sentence, when we were down on the Senate side, Sen. Trenbeath had a number of questions down the same line that you have. The thing that took it over the top for him, is keeping in mind that paroling in ND is a privilege and not a right. If you think about that in relation to release and the offender has the ability to decline that parole, whereas he can't decline the probation. The court hands down the sentence that there's some rights issues there, it is a privilege in ND and I think that took it over the top for him in understanding where we're going with this and what we're trying to do and that we're not lengthening the sentence.

Chairman DeKrey: Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Reopened later in the same session).

Representative Maragos: What are the committee's wishes in regard to SB 2125.

Representative Koppelman: I'd appreciate an opportunity to check with LC to check about the wording before we send the bill out.

Representative Klemin: I guess I would agree that it doesn't read very clearly to me.

Representative Kretschmar: I'm not really very happy with this bill, for the same reasons as Representative Klemin listed. I should have asked the people when they were here, in looking at the bill, my first thought was to delete the language, beginning on line 9 to delete more and ending on line 10 with the word from.

Representative Delmore: What lines are you talking about.

Representative Kretschmar: On line 9, start deleting at the word "more" the second to the last word on the line, and then deleting through the word "from" on line 10, that would take those time limits out of there. I think if we did that, they would be back where they are now, and they couldn't extend someone's sentence on parole. My next thought was that maybe there would be a way to lessen those numbers and I think if 2 years for a felony and 1 year for a misdemeanor. Those are the thoughts that I had. I really have concern that the parole board is being given the ability to extend someone's sentence. I think that's the decision of the court in our state.

Representative Koppelman: I had some of those same questions initially, but if I'm understanding the bill correctly, I don't think it does allow for extension of sentence, it allows for extension of supervision on parole, but as I understood the testimony, the most the parole board could do if there is a violation of parole, is revoke the parole and then the person would serve out the remainder of that original sentence. It wouldn't affect the sentence at all.

Representative Maragos: I think you are right. I think if I understand Representative Kretschmar, he is saying extending the parole, not necessarily the sentence, which is by extension part of it.

Representative Kretschmar: A person's freedom is restricted when they are on parole. The bill as it is right now, would give the parole board the authority to do that.

Representative Klemin: I have the same kinds of concerns here. It does seem to me that they are giving them, the parole board has additional control over the offender beyond the amount of time the court sentenced. It's true that it is voluntary, but I mean they could say, well we'll let you out 6 months early if you'll agree to be under our supervision for another 5 years. And the offender can say, well okay, I'll get out six months early if I agree to this. But still it's almost

like a double jeopardy thing, in that they are really extending the period of control, maybe even double what the court had ordered. Hypothetically, it could be up to 1 day less than twice as much, and I think it is giving the parole board the ability to more or less give a second sentence after the fact, the judge gave one upfront at the beginning of the term, when the person was convicted. Now the person that's been in the system for some time, and they look back and say, well, the judge didn't know what the future would hold at the time, but we want to keep him under our control for another five years. Under this bill, they could sort of second guess that and do that. To me, I'm kind of bothered by that.

Representative Maragos: They can to the extent that the person does not want to finish his/her sentence, which that is the max, and then they are totally separated from the issue, I believe. I certainly understand the complexity of your theory there and its applicability.

Representative Klemin: It doesn't do anything for those who want to max out. That would seem to be what Chairman DeKrey was talking about, but that doesn't address our situation.

Representative Zaiser: Are the inmates notified if they were to get out one day early, then they would be subject to five years of probation, whereas serving that additional day they would not be subject to additional probation. Are they notified of that fact.

Representative Klemin: It's parole, not probation.

Representative Maragos: I would say that they have to be informed, otherwise there is a big issue there.

Representative Koppelman: I'm a big believer in individual rights and freedom, I certainly understand the concerns that have been expressed; however, I also understand that as a society, we have a tendency when someone is locked up for a crime, we kind of forget about them. We

might follow a criminal case if it's in the news and we might watch the trial to see what happens and then the sentence comes down and it's kind of "out of sight, out of mind" for the general public. We forget the fact that someday these folks are coming back on the street, and unless they are sentenced to life, they are going to come back. When they come back, the question is how is that going to work, and how do we get them to be as productive a member of society as possible. That's really what parole is there to help them accomplish. We had some bills from the Governor's task force this session that we passed and one of the provisions of one of those bills dealt with supervision of violent sexual offenders when they come out, regardless if they max out or not. The reason we did that is because we felt so strongly that, for these people to assimilate back into society, somebody's got to be watching. I guess I understand the concerns, but I also think that if there is a way we can improve the process, where we supervise people in that transition period, from incarceration to being productive members of society, I think that's a good thing. If it's abused, it can be bad news. I don't think anyone is being let out one day early or would be under this, and I suppose we can watch that.

Representative Klemin: I don't think I would have as much problem with this if it was subject to court approval. The circumstances you are talking about, are going to take court approval for that supervision. Here there is none. There is no court approval, the court said five years, and the parole board says 9.5 years. But if it went back to the court for approval of that, so that the person may have the right to have a counsel explain to him what is really happening here, then sure...

Representative Zaiser: I guess when I asked Mr. Olson about would the courts be involved in this, I guess my question is how much authority do these parole boards have and to me I just feel

that this is really a decision for the courts. I agree with the transition. I totally with the transition. But I'm concerned about the authority of the parole board, and in most cases, there could be on the right side.

Representative Koppelman: Along those same lines, does the court ever get involved in parole decisions. I understand that the court hands out sentence and deals with probation. But my understanding of the parole process, is that it is more of a function of the corrections process.

Ken Sorenson: What happens with parole, and also happens in pardon, is when the case is being considered, the sentencing court is notified, the states attorney or prosecuting attorney is notified, and the victim, if any, are all noticed and they all have opportunity to either present oral or written response to that application for parole or pardon.

Representative Koppelman: But that testimony is taken and considered by the parole board, not by the court, correct.

Ken Sorenson: Correct. The court does have the opportunity to provide input into a parole decision.

Representative Koppelman: The court can provide input to the parole board.

Ken Sorenson: Yes.

Representative Koppelman: Parole board makes a decision.

Representative Delmore: I think a subcommittee would be the way to go, to perhaps offer some amendments.

Representative Maragos: I would like to appoint Representative Klemin, Representative Zaiser and Representative Koppelman. Representative Klemin will chair the committee and bring amendments.

Representative Meyer: When you violate parole, and you've got 6 months left on your sentence. Regardless of what you do, in violating parole, you would have to serve another 6 months.

Representative Maragos: There is no parole after that.

Representative Koppelman: Unless you commit a crime, in which you would be tried for the new crime.

Representative Maragos: With regard to the one set of circumstances, my understanding is that if there were 6 months left on a person's sentence, and they violated parole and went back, the only thing they had left to do, is serve their 6 months and then there was no parole or anything involved. They served their sentence and it was done. They were separated from the system.

Representative Meyer: Unless they commit a new crime.

Representative Maragos: That's a separate issue.

Representative Boehning: On lines 11-13, we are talking about the parole board may allow a parolee, through performance based parole reduction, at a rate of 5 days per month, in accordance with the criteria established by the parole board. Earlier in your testimony, the parole board can let you out as soon as they deem that you are suitable, so why do they have this language in there that says they may allow up to 5 days. I guess being that you guys have the ultimate authority on this to allow them to get out, why not give them 10 days or whatever.

Ken Sorenson: The performance based parole reduction time is just applicable to the period in which they are on parole. That if they do have good behavior, the period in which they are on parole, not their court sentence, but the parole period may be shortened. This actually has been

the practice of the parole board for approximately 8 years, and then that practice was questioned during the performance audit and the decision was made to make it expressed in the statute, like they had been doing all along. But it doesn't shorten up their court-imposed sentence, it just allows for the possibility that if they are doing everything they should on parole, they may earn the right to shorten up their period of parole.

Representative Maragos: Thank you. We will let the subcommittee get together and try to arrive at some consensus on the changes that they feel would really improve the bill. We will close the hearing without action.

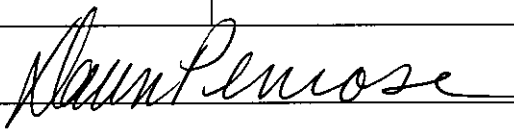
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

House Judiciary Committee

☐ Conference Committee

Hearing Date 2/28/05

Tape Number	Side A	Side B	Meter #
2	xx		4.4-12
Committee Clerk Signature 			

Minutes: 13 members present, 1 member absent (Rep. Bernstein).

Chairman DeKrey: What are the committee's wishes in regard to SB 2125.

Representative Klemin: We have a proposed amendment. I move the Klemin amendment, .0201. The amendment is simply a correction of grammatical language, we're not recommending any substantive changes in the bill. All this does is correct the language on lines 9-11, read a little better and also on line 17, changed one word.

Representative Koppelman: Seconded.

Chairman DeKrey: Motion carried.

Representative Maragos: I move a Do Pass as amended.

Representative Delmore: Seconded.

13 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Koppelman

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

House Judiciary Committee

☐ Conference Committee

Hearing Date 3/7/05

Tape Number	Side A	Side B	Meter #
1		xx	36.9-44.4
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 14 members present.

Chairman DeKrey: First thing we need to do is bring it back to Committee.

Representative Maragos: I move to reconsider our actions in SB 2125.

Representative Delmore: Seconded.

Chairman DeKrey: Motion carried. This had technical problems that came to us from Corrections and I've got the amendment here. I'll pass it out. I don't know if I'm comfortable in acting on this until we get somebody in here to explain the amendment to us. It was on the Floor, and was pulled off because Warren Emmer e-mailed us that there were technical problems with the bill. We already had amended line 9.

Representative Delmore: Who offered the amendments.

Lori Fossum, intern: The auditor discovered there was a problem.

Chairman DeKrey: We'll wait until we can get someone to explain the problem. Adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2125

House Judiciary Committee

☐ Conference Committee

Hearing Date 3/8/05

Tape Number	Side A	Side B	Meter #
2	xx		21.4-24.4
2	xx		36.1-39.2
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 12 members present, 2 members absent (Reps. Charging & Onstad).

Chairman DeKrey: We will have Ken Sorenson explain the amendment of Warren Emmer, so that we can get that bill out.

Ken Sorenson, AG's office: Explained the amendment. I'm here regarding SB 2125, which was re-referred back to the committee from the House last Thursday. A question came up by the State Auditor's office, they are tracking some of the bills following their performance audit, and the question related to what was meant by the expiration date of the parolee's court imposed sentence. They felt, in their discussion with me and I agreed with them, that that creates two different dates. One of the maximum expiration date of the court imposed sentence, and the other date is the date at which the sentence would terminate by virtue of sentence reduction that the offender had received, either as performance based sentence reduction for good time, and sentence reduction for meritorious based. The concern was that we could have two different expiration dates, a maximum date and a good time release date, and what is actually going to be

the parole expiration date. I said that when we had first drafted it, we just had in mind that it was going to be the expiration based on sentence reduction. In our initial discussions, I was actually saying that there was only one date, the sentence expires, there's not going to be any more penalty attached once the sentence expires after good time. But the auditor's office felt that it could still create an issue for offenders, as to what date is the applicable date, and rather than having to go through the eventuality of having an AG's opinion drafted to clarify whether we are dealing with the maximum date or a sentence reduction expiration date, under 12-54.1, we're adding the extra language in line 9, after sentence, providing that the expiration date will be less sentence reduction received under chapter 12-54.1. That way we will only have one parole expiration date.

Chairman DeKrey: Does that track with the amendment that we've already put on the bill, that was also on line 9.

Ken Sorenson: Yes it does. In fact, it follows, it's on line 9, after the word sentence, it will say, less sentence reduction received under chapter 12-54.1.

Chairman DeKrey: Thank you.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2125.

Representative Delmore: I move the amendments on SB 2125.

Representative Boehning: Seconded.

Chairman DeKrey: It has been moved and seconded for the AG's amendment, that reads, on line 9, after "sentence" insert ", less sentence reduction received under chapter 12-54.1".

Representative Koppelman: I missed Mr. Sorenson. Can you tell me, I'm carrying the bill, what is the amendment.

Chairman DeKrey: It came up during an audit they just had, what they determined is that they basically had two ways that they could go. The concern was that they could have two different expiration dates, a maximum date and a good time release date, and what is actually going to be the parole expiration date. Ken Sorenson came in and told us that they had always intended it to be under good time, so that was the purpose of this amendment then was to get out of trouble with the state auditor's office.

Representative Klemin: I think the point was that there could be potentially two different dates, and now they've clarified it to make sure that there is one possible date.

Chairman DeKrey: Motion carried.

Representative Koppelman: I move a Do Pass as amended.

Representative Zaiser: Seconded.

11 YES 0 NO 3 ABSENT DO PASS AS AMENDED CARRIER: Rep. Koppelman

House Amendments to Engrossed SB 2125 - Judiciary Committee 02/28/2005

Page 1, line 9, replace "extend beyond" with "be extended"

Page 1, line 10, replace "from" with "beyond" and replace "when" with "that"

Page 1, line 17, replace "less" with "earlier"

Renumber accordingly

Date: 2/28/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2125

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	A		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemm	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2125, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "extend beyond" with "be extended"

Page 1, line 10, replace "from" with "beyond" and replace "when" with "that"

Page 1, line 17, replace "less" with "earlier"

Renumber accordingly

Date: 3/8/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2125

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Koppelman Seconded By Rep. Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	A	
Representative Bernstein	✓		Representative Onstad	A	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	A				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2125, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 860 of the House Journal, Engrossed Senate Bill No. 2125 is amended as follows:

Page 1, line 9, after "sentence" insert ", less sentence reduction received under chapter 12-54.1" and replace "extend beyond" with "be extended"

Page 1, line 10, replace "from" with "beyond" and replace "when" with "that"

Page 1, line 17, replace "less" with "earlier"

Renumber accordingly

2005 TESTIMONY

SB 2125

#1

**SENATE JUDICIARY COMMITTEE
SENATOR JOHN T. TRAYNOR, CHAIRMAN
January 5, 2005**

**JOHN OLSON, CHAIRPERSON
NORTH DAKOTA PAROLE BOARD
PRESENTING TESTIMONY RE: SB 2125**

My name is John Olson and I am the Chairperson for the North Dakota Parole Board. I am here to testify in support of Senate Bill 2125 with amendments.

As the bill is written, it will clearly define the authority of the parole board to establish parole expiration dates as well as set parole expiration dates beyond the inmate's good time release date and terminate parole earlier than the inmates' court imposed release date.

I am recommending amendments to the bill that will place this bill on solid legal grounds while enhancing the effectiveness of paroling in North Dakota. The net results of the amendments are enhanced public safety, efficient use of state resources, and the advancement of offender rehabilitation. There are three primary provisions to the amendments:

1. The parole board will have the authority to set parole expiration dates no sooner than the end of the court imposed sentence less performance-based-sentence-reduction. The board may grant up to five (5) days of performance-based-sentence reduction, which is in line with what the prison may grant.
 - a. Significance:
 - i. Clear definition of who has the authority to set parole expiration dates and parameters for setting the dates.
2. The board may set parole expiration dates beyond the court-imposed sentence. This includes up to 5 years for felony offenses and 2 years for misdemeanor offenses.
 - a. Significance:
 - i. This may aid in the offenders transition from the prison to the community while enhancing public safety.
 - ii. Provides for lengthier community supervision in cases that there is no probation to follow. (i.e., sex offenders, violent offenders, and other high risk offenders).
3. The board may terminate parole early in those cases that a parole expiration date was set beyond the court-imposed sentence.
 - a. Significance:
 - i. Allows the board the discretion to terminate parole early in cases where the offender has met the expectations of board.

In closing, this bill is not intended to be punitive; instead, the goal is to provide the board with the necessary tools to further advance the rehabilitation and risk reduction of criminal offenders while enhancing public safety.

Att #2

Department of Corrections and Rehabilitation
Proposed Amendment to Senate Bill No. 2125

Page 1, line 7, after "cases." insert: "The parole board may not establish an initial parole expiration date that is earlier than the expiration date of the parolee's court-imposed sentence. The length of the period of parole may not extend beyond more than five years for a felony and two years for a misdemeanor from the date when the court imposed sentence would have otherwise expired had parole not been granted. The parole board may allow a parolee to earn performance-based parole reduction at the rate up to five days per month in accordance with performance criteria established by the parole board."

Page 1, line 7, remove "the parole board may not set a parole"

Page 1, remove line 8

Page 1, line 9, remove "from the date of parole to the parolee's earliest projected expiration of sentence."

Renumber accordingly

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE DUANE DEKREY, CHAIRMAN
FEBRUARY 15, 2005**

**JOHN OLSON, CHAIRPERSON
NORTH DAKOTA PAROLE BOARD
PRESENTING TESTIMONY RE: SB 2125**

My name is John Olson and I am the Chairperson for the North Dakota Parole Board. I am here to testify in support of Senate Bill 2125.

As the bill is written, it will clearly define the authority of the parole board to establish parole expiration dates, set parole expiration dates beyond the inmate's good time release date and terminate parole earlier than the inmates' court imposed release date.

There are three primary provisions to this bill:

1. The parole board will have the authority to set parole expiration dates no sooner than the end of the court imposed sentence less performance-based-sentence-reduction. The board may grant up to five (5) days of performance-based-sentence reduction, which is in line with what the prison may grant.
 - a. Significance:
 - i. Clear definition of who has the authority to set parole expiration dates and parameters for setting the dates.
2. The board may set parole expiration dates beyond the court-imposed sentence. This includes up to 5 years for felony offenses and 2 years for misdemeanor offenses.
 - a. Significance:
 - i. This may aid in the offenders transition from the prison to the community while enhancing public safety.
 - ii. Provides for lengthier community supervision in cases that there is no probation to follow. (i.e., sex offenders, violent offenders, and other high risk offenders).
3. The board may terminate parole early in those cases that a parole expiration date was set beyond the court-imposed sentence.
 - a. Significance:
 - i. Allows the board the discretion to terminate parole early in cases where the offender has met the expectations of board.

In closing, this bill is not intended to be punitive; instead, the goal is to provide the board with the necessary tools to further advance the rehabilitation and risk reduction of criminal offenders while enhancing public safety.