

Introduced by

1 A BILL for an Act to amend and reenact sections 12-48.1-02, 12.1-32-02.1, and 12.1-32-09.1 of  
2 the North Dakota Century Code, relating to offender eligibility for release programs.

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

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

6 **12-48.1-02. Conditions of eligibility for release programs.**

- 7 1. An offender, except an offender sentenced to a penalty of life imprisonment without  
8 the opportunity for parole as the result of conviction of a class AA felony under  
9 section 12.1-20-03 or of murder under section 12.1-16-01, may be eligible for  
10 programs outside facilities under the control of the department of corrections and  
11 rehabilitation when the department determines the offender is not a high security  
12 risk, not likely to commit a crime of violence, and is likely to be rehabilitated by  
13 such program. An offender may apply to the director of the department for  
14 permission to participate in such programs.
- 15 2. The director of the department may authorize participation in outside programs for  
16 an offender who has been committed to ten years or less to the legal and physical  
17 custody of the department. The parole board, with the approval of the director of  
18 the department, may authorize participation in outside programs for offenders who  
19 have been committed to the legal and physical custody of the department for more  
20 than ten years.
- 21 3. The offender shall submit a signed application which must include a statement that  
22 the offender agrees to abide by all terms and conditions of the particular plan  
23 adopted for the offender, and must include such other information as the parole  
24 board or the director of the department may require.

1           4. The parole board may approve, disapprove, or defer action on an application  
2           approved by the director of the department. The director of the department or the  
3           parole board may revoke approval of the application at any time after granting the  
4           application. The department shall prescribe rules of conduct and treatment for all  
5           offenders on release programs.

6           5. The director of the department may grant short leaves, not to exceed seventy-two  
7           hours, to offenders who have been committed to the legal and physical custody of  
8           the department for ten years or less. The parole board, upon the approval of the  
9           director of the department, may grant short leaves, not to exceed seventy-two  
10          hours, to offenders committed to the legal and physical custody of the department  
11          for more than ten years.

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

15          **SECTION 2. AMENDMENT.** Section 12.1-32-02.1 of the North Dakota Century Code  
16 is amended and reenacted as follows:

17          **12.1-32-02.1. Mandatory prison terms for armed offenders.**

18          1. Notwithstanding any other provision of this title, a term of imprisonment must be  
19          imposed upon an offender and served without benefit of parole when, in the course  
20          of committing an offense, the offender inflicts or attempts to inflict bodily injury  
21          upon another, threatens or menaces another with imminent bodily injury with a  
22          dangerous weapon, explosive, destructive device, or firearm, or possesses or has  
23          within immediate reach and control a dangerous weapon, explosive, destructive  
24          device, or firearm while in the course of committing an offense under subsection 1,  
25          2, or, except for the simple possession of marijuana, 6 of section 19-03.1-23. This  
26          requirement applies only when possession of a dangerous weapon, explosive,  
27          destructive device, or firearm has been charged and admitted or found to be true in  
28          the manner provided by law, and must be imposed as follows:

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

