

HOUSE BILL NO. 1291

Introduced by

Representatives Delmore, Dahl, DeKrey, S. Meyer

Senators Lyson, Schneider

1 A BILL for an Act to amend and reenact sections 12-67-01 and 12-67-02 of the North Dakota
2 Century Code, relating to the use of electronic monitoring for individuals who are the subject of
3 a domestic violence protection order.

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

5 **SECTION 1. AMENDMENT.** Section 12-67-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12-67-01. Definitions.** As used in this chapter:

- 8 1. "Approved electronic monitoring device" means a global positioning system device
9 or other electronic monitoring device approved by the department or the court
10 which is primarily intended to actively or passively monitor, record, and transmit
11 confirmation of a participant's location or the participant's presence or nonpresence
12 in the home.
- 13 2. "Court" means the district or municipal court having criminal or juvenile jurisdiction
14 to place a participant in electronic home detention or global positioning system
15 monitoring.
- 16 3. "Department" means the department of corrections and rehabilitation.
- 17 4. "Home detention" means the confinement of an individual adjudicated, convicted,
18 or charged with an offense to the individual's place of residence under the terms
19 and conditions established by the court or the department.
- 20 5. "Participant" means an adult or juvenile offender or an individual who is the subject
21 of a domestic violence protection order under section 14-07.1-02 who is placed into
22 an electronic monitoring program.

23 **SECTION 2. AMENDMENT.** Section 12-67-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

- 1 **12-67-02. Application.** Except for an offense for which the law requires mandatory
2 incarceration, electronic home detention or global positioning system monitoring may be used
3 for adult and juvenile offenders as selected by the court, the parole board, or the department for
4 adult offenders as an intermediate measure of supervised probation, and for delinquent juvenile
5 offenders in the custody of the division of juvenile services as a condition of community
6 placement. Electronic home detention or global positioning system monitoring also may be
7 used for an individual, as selected by the court, who is the subject of a domestic violence
8 protection order under section 14-07.1-02 and who has been assessed by law enforcement as
9 a domestic violence offender who is at high risk to reassault the victim. Electronic home
10 detention and global positioning system monitoring may be used for the following:
- 11 1. Pretrial or preadjudicatory detention.
 - 12 2. Probation.
 - 13 3. Community corrections approved by the court.
 - 14 4. Parole.
 - 15 5. Work release under chapter 12-44.1 or approved by the parole board.
 - 16 6. Institutional release approved by the court or the parole board.
 - 17 7. County jail diversion approved by the court.
 - 18 8. Sex offender containment.