

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2029

Introduced by

Legislative Council

(Commission on Alternatives to Incarceration)

1 A BILL for an Act to amend and reenact section 54-35-24 of the North Dakota Century Code,
2 relating to the expiration date of the commission on alternatives to incarceration; and to declare
3 an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 54-35-24 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-35-24. (Effective through ~~June 30~~ August 1, 2009 2013) Commission on**
8 **alternatives to incarceration.**

- 9 1. The commission on alternatives to incarceration is composed of:
- 10 a. Three members appointed by the governor, one of whom must be an
11 academic researcher with specialized knowledge of criminal justice
12 sentencing practices and sentencing alternatives;
- 13 b. The attorney general or the attorney general's designee;
- 14 c. Two members appointed by the chief justice of the supreme court;
- 15 d. The director of the department of corrections and rehabilitation;
- 16 e. The director of the department of human services;
- 17 f. Two local law enforcement officers appointed by the attorney general;
- 18 g. One state's attorney appointed by the North Dakota state's attorney's
19 association;
- 20 h. Three members of the house of representatives, two of whom must be
21 selected by the leader representing the majority faction of the house of
22 representatives and one of whom must be selected by the leader
23 representing the minority faction of the house of representatives;

- 1 i. Three members of the senate, two of whom must be selected by the leader
2 representing the majority faction of the senate and one of whom must be
3 selected by the leader representing the minority faction of the senate; and
- 4 j. One representative of the North Dakota association of counties appointed by
5 the association of counties.
- 6 2. The chairman of the legislative council shall select the chairman and vice chairman
7 of the commission from the legislative members of the commission.
- 8 3. The commission shall meet at the times and places as determined by the
9 chairman. The legislative council shall provide staffing for the commission.
- 10 4. The commission shall study sentencing alternatives, mandatory sentences,
11 treatment options, the expanded use of problem-solving courts, home monitoring,
12 and other related issues. If the commission determines that consultant services
13 are necessary to assist the commission in conducting its assigned studies, the
14 commission may request funding for consultant services from the legislative
15 council and other interested entities. The commission shall provide to the
16 governor information and recommendations for the governor's consideration in
17 time for inclusion of the recommendations in the biennial executive budget. The
18 commission shall report its findings and recommendations together with any
19 legislation required to implement those recommendations to the legislative council.
- 20 5. The members of the commission who are not state employees or members of the
21 legislative assembly are entitled to mileage and expenses as provided by law for
22 state officers and employees. Unless otherwise provided in this subsection, the
23 expenses of appointed members are to be paid by the legislative council. A state
24 employee who is a member of the commission must receive that employee's
25 regular salary and is entitled to mileage and expenses, to be paid by the employing
26 agency. The members of the commission who are members of the legislative
27 assembly are entitled to compensation from the legislative council for attendance
28 at commission meetings at the rate provided for members of the legislative
29 assembly for attendance at interim committee meetings and are entitled to
30 reimbursement for expenses incurred in attending the meetings in the amounts
31 provided by law for other state officers.

1 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.