

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1115
(Judiciary Committee)
(At the request of the State Parole Board)

AN ACT to amend and reenact sections 12-59-03, 12-59-04, 12-59-05, 12-59-07, 12-59-08, 12-59-09, and 12-59-10 of the North Dakota Century Code, relating to parole.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-59-03 of the North Dakota Century Code is amended and reenacted as follows:

12-59-03. Supplies - Regulations governing parole.

The board shall ~~provide books of record, application blanks, and such other supplies as are necessary to the performance of its duties. It shall~~ formulate rules and regulations governing the manner in which inmates may become eligible to apply for discharge on parole.

SECTION 2. AMENDMENT. Section 12-59-04 of the North Dakota Century Code is amended and reenacted as follows:

12-59-04. Parole records - Inspection.

All parole records of the department of corrections and rehabilitation obtained in the discharge of official duty by any member of the parole board or employee of a division or department of the department of corrections and rehabilitation on behalf of the parole board may not be disclosed except in the manner provided under section 12-47-36. ~~An application for parole and the decision~~The decisions of the parole board ~~on the application to grant or deny parole~~ are open records.

SECTION 3. AMENDMENT. Section 12-59-05 of the North Dakota Century Code is amended and reenacted as follows:

12-59-05. Consideration by board.

~~Applications~~Every inmate's eligibility for parole must be reviewed in accordance with the rules adopted by the parole board. The board shall consider all pertinent information regarding each ~~applicant~~inmate, including the circumstances of the offense, the presentence report, the ~~applicant's~~inmate's family, educational, and social history and criminal record, the ~~applicant's~~inmate's conduct, employment, participation in education and treatment programs while in the custody of the department of corrections and rehabilitation, and the ~~applicant's~~inmate's medical and psychological records.

SECTION 4. AMENDMENT. Section 12-59-07 of the North Dakota Century Code is amended and reenacted as follows:

12-59-07. Requirements precedent to parole.

The parole board may grant ~~an application for parole to an inmate~~ if the board is convinced the ~~applicant~~inmate will conform to the terms and conditions of parole the board or the department of corrections and rehabilitation may establish for the ~~applicant~~inmate. The department of corrections and rehabilitation may establish intermediate conditions of parole, including incarceration for a period of seventy-two hours and restitution, subject to the subsequent approval of the parole board.

SECTION 5. AMENDMENT. Section 12-59-08 of the North Dakota Century Code is amended and reenacted as follows:

12-59-08. ~~Application for parole~~ - Emergency paroles.

~~An applicant for parole shall file an application with the department of corrections and rehabilitation. The parole board may consider the application whether an inmate may receive an emergency parole at a meeting scheduled by the chairman. The board may request an applicant the inmate to personally appear before the board before the board makes a decision on an application whether to grant the inmate an emergency parole. The board may grant or deny an emergency parole, or grant a conditional emergency parole, or continue its consideration to another meeting. In the event of an application for emergency parole, two~~Two members of the parole board may grant emergency parole, subject to terms and conditions of emergency parole that may be established by the two members of the parole board, or by the department of corrections and rehabilitation with the approval of the parole board. An applicant inmate who receives an emergency parole remains in the legal custody of the department of corrections and rehabilitation under the jurisdiction of the parole board until the expiration of the maximum term or terms of imprisonment for which the applicant inmate was sentenced, less any sentence reduction the applicant inmate has received.

SECTION 6. AMENDMENT. Section 12-59-09 of the North Dakota Century Code is amended and reenacted as follows:

12-59-09. ~~Contents of application for parole~~ Inmates subject to jurisdiction of parole board.

~~An application for parole must be in writing, addressed to the department of corrections and rehabilitation, and must be signed by the applicant or some person in the applicant's behalf. All inmates sentenced to the legal and physical custody of the department of corrections and rehabilitation are subject to the jurisdiction of the parole board, except when parole for the inmate is prohibited by statute.~~

SECTION 7. AMENDMENT. Section 12-59-10 of the North Dakota Century Code is amended and reenacted as follows:

12-59-10. Notice of application for parole.

The department of corrections and rehabilitation shall provide written notice ~~of an application for parole~~ to the district court and state's attorney's office in the county or counties where judgment of conviction was entered against the applicant inmate when the parole board is reviewing whether an inmate may be released on parole. The notice must include the name of the applicant inmate, the date of entry and docket number of the criminal judgment, ~~the crime or crimes stated in the criminal judgment,~~ and the date and place for the parole board's meeting on the application to review whether an inmate may be released on parole.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1115.

House Vote: Yeas 89 Nays 0 Absent 5

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State