

SENATE BILL NO. 2116

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to provide for the creation of a pretrial services program pilot project within the
2 department of corrections and rehabilitation.

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

4 **SECTION 1. PRETRIAL SERVICES PROGRAM PILOT PROJECT.** The department of
5 corrections and rehabilitation may establish a pretrial services program pilot project in one or
6 more judicial districts of the state during the biennium beginning July 1, 2015, and ending June
7 30, 2017. The pretrial services program pilot project must involve coordination among the
8 department, the judiciary, and state and local law enforcement agencies. Probation and parole
9 officers shall perform pretrial services for the supervision of individuals who are charged with
10 felonies and class A misdemeanors involving violence or intimidation, including assault,
11 harassment, stalking, violation of a domestic violence restraining order, and violation of a
12 disorderly conduct restraining order, and who are on pretrial release in order to ensure
13 compliance with the terms and conditions imposed by district courts for pretrial release in the
14 above cases. The department and the judiciary shall collaborate to develop guidelines and
15 procedures for the administration of pretrial services for the district courts for individuals on
16 pretrial release in the above cases, including conducting an actuarial risk assessment and
17 investigations concerning the individual's risk of pretrial misconduct, community ties,
18 employment, residency, and criminal history; making recommendations for pretrial release
19 conditions to assure the individual's appearance at all court proceedings; monitoring and
20 supervising individuals on pretrial release to assure compliance with pretrial release conditions
21 imposed by the district courts; and reporting to the district courts any violations of pretrial
22 release conditions and the commission of new offenses. If the probation and parole officer or a
23 law enforcement officer has probable cause to believe an individual has violated pretrial release
24 conditions, or when directed by the district court, the probation and parole officer or law

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- 1 enforcement officer may take the individual into custody and the district court may conduct a
- 2 hearing on the alleged violations. The department and the judiciary shall report and make
- 3 recommendations to the Sixty-fifth Legislative Assembly on the process and outcome measures
- 4 and the performance of the pretrial services program pilot project.