

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 1, line 1, replace the second "section" with "sections"

Page 1, line 2, after "12-59-02" insert "and 12-59-05"

Page 1, line 3, after "compensation" insert "and considerations"

Page 2, after line 5, insert:

**"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.**

1. 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 inmate, including the circumstances of the offense, the presentence report, the inmate's family, educational, and social history and criminal record, the inmate's conduct, employment, participation in education and treatment programs while in the custody of the department of corrections and rehabilitation, and the inmate's medical and psychological records.
2. Notwithstanding section 12.1-32-09.1, if the parole board makes a determination that requiring an inmate to serve eighty-five percent of the inmate's sentence is a manifest injustice, the parole board may consider releasing the inmate after the inmate has served seventy percent of the sentence imposed by the court. In making a determination under this subsection, the parole board shall consider:
  - a. Whether the victim has been notified and given the opportunity to provide input;
  - b. Whether the court that sentenced the inmate has been notified and given the opportunity to provide input;
  - c. The nature of the offense;
  - d. Any instances of institutional offenses, violence, or threats of violence involving the inmate;
  - e. The inmate's participation in institutional programming; and
  - f. Whether the inmate has support in the community and a release plan."

Renumber accordingly

Sixty-seventh  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2178**

Introduced by

Senators Lee, Dwyer, Hogue

Representatives M. Johnson, Klemin, Roers Jones

1 A BILL for an Act to amend and reenact subsection 2 of section 12-48.1-02 and ~~section~~sections  
2 12-59-02 and 12-59-05 of the North Dakota Century Code, relating to eligibility for release  
3 programs and parole board compensation and considerations.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 12-48.1-02 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. The director of the department may authorize participation in outside programs for an  
8 offender who has ten years or less remaining on a sentence and has been committed  
9 ~~to ten years or less~~ to the legal and physical custody of the department. The parole  
10 board, with the approval of the director of the department, may authorize participation  
11 in outside programs for offenders who have more than ten years remaining on a  
12 sentence and have been committed to the legal and physical custody of the  
13 department ~~for more than ten years~~.

14 **SECTION 2. AMENDMENT.** Section 12-59-02 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **12-59-02. Meetings - Compensation - Rules.**

17 The governor shall appoint a member of the parole board to be chairman. The chairman of  
18 the parole board shall designate three members of the parole board for each meeting of the  
19 parole board. Meetings of the parole board must be held in accordance with rules established  
20 by the parole board and must be held as often as required to properly conduct the business of  
21 the board, but in any event not less than six times per year. The parole board may only take  
22 action upon the concurrence of at least two members who participated in the same meeting.  
23 The final decision of at least two parole board members who participated in the same parole  
24 board meeting constitutes the decision of the parole board. Members are entitled to be



1 compensated at the same rate of ~~seventy-five dollars per day for each day actually and~~  
2 ~~necessarily spent in the performance of their duties as board members~~ paid to members of the  
3 legislative assembly for attendance at interim committee meetings plus the same mileage and  
4 expenses as are authorized for state officials and employees. The director of the department of  
5 corrections and rehabilitation or the director's designee is the clerk for the parole board.

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

8 **12-59-05. Consideration by board.**

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

16 2. Notwithstanding section 12.1-32-09.1, if the parole board makes a determination that  
17 requiring an inmate to serve eighty-five percent of the inmate's sentence is a manifest  
18 injustice, the parole board may consider releasing the inmate after the inmate has  
19 served seventy percent of the sentence imposed by the court. In making a  
20 determination under this subsection, the parole board shall consider:

21 a. Whether the victim has been notified and given the opportunity to provide input;

22 b. Whether the court that sentenced the inmate has been notified and given the  
23 opportunity to provide input;

24 c. The nature of the offense;

25 d. Any instances of institutional offenses, violence, or threats of violence involving  
26 the inmate;

27 e. The inmate's participation in institutional programming; and

28 f. Whether the inmate has support in the community and a release plan.