

# CRIMES AND PUNISHMENTS

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## CHAPTER 127

S. B. No. 278  
(Ringsak)  
(By request)

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### CAUSING PAROLE VIOLATION

#### AN ACT

Making it unlawful knowingly and willfully to cause persons under parole to violate their parole and providing for a penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) Any person knowing that another person is on parole, who willfully, causes such parolee to violate the terms of his parole is guilty of a misdemeanor.

Approved March 3, 1961.

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## CHAPTER 128

S. B. No. 313  
(Committee on Delayed Bills)  
(Erickson)

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### EQUAL RIGHTS IN PUBLIC PLACES

#### AN ACT

To provide that all persons shall have equal rights in public places in North Dakota, and providing a penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Equal Rights in Public Places—Penalty.)** No person shall be excluded on account of race, color, religion, or national origin from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshment, entertainment, or accommodation. Any person violating any of the provisions of this section or aiding or inciting another person to do the same shall be guilty of a misdemeanor and shall be punished by a fine of not more than

one hundred dollars or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 16, 1961.

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CHAPTER 129

S. B. No. 159  
(Longmire, Wartner)

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DEGREE OF CRIME AND PUNISHMENT, DETERMINATION

AN ACT

To amend and reenact section 12-06-06 of the North Dakota Century Code, relating to the determination of the degree of crime by a jury and the determination of punishment by a judge.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 12-06-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-06-06. When Jury Determines Degree of Crime.)** Whenever a crime is distinguished into degrees, the jury, if it convicts the defendant, must find the degree of the crime of which he is guilty. Whenever a verdict of guilty is rendered against the accused upon a prosecution for homicide, the jury must find the degree thereof by its verdict, and the judge must determine the punishment to be inflicted within the limits prescribed by law.

Approved February 23, 1961.

## CHAPTER 130

S. B. No. 316  
(Committee on Delayed Bills)

## CUSTODY OF PRISONERS

## AN ACT

To amend and reenact section 12-44-29 of the North Dakota Century Code, relating to commitments when no adequate county jail exists within a county and authorizing contracts for the custody of prisoners within jails operated by the United States; and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.**) Section 12-44-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-44-29. Commitment When No Jail in County—Contracts with United States.)** When there is no jail in a county or when the jail is not sufficient, every judicial or executive officer of the county who has power to order, sentence, or deliver a person to the county jail may order, sentence or deliver such person to the jail of an adjoining county, or to a jail operated by the United States or any of its departments or agencies when an agreement or contract exists between the county commissioners of the county not having a sufficient jail and the appropriate officers of an agency of the United States operating such jail. Such judicial or executive officer of the county shall have the same continuing jurisdiction over prisoners placed in a jail operated by an agency of the United States as he has over prisoners placed in a county jail. When the county seat of another county having a suitable jail may be reached more conveniently and with less mileage by rail or automobile than the county seat of the adjoining county having the nearest suitable jail, such officer shall order, sentence, or deliver such person to the jail of the county most conveniently located. The jailer of any such adjoining or other county shall receive and keep the prisoner in the same manner as if he had been ordered, sentenced, or delivered to him by an officer or court of his own county. The county from which such prisoner is taken shall pay all the expenses of maintaining him in such jail.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 16, 1961.

## CHAPTER 131

H. B. No. 545  
(Solberg, Aamoth, Fossum, Halcrow, Saugstad)  
(From LRC Study)

## STATE TRAINING SCHOOL

## AN ACT

To create and enact section 12-46-10.1 and to amend and reenact sections 12-46-01, 12-46-15, 12-52-02, and 54-23-01, relating to the name of the state training school and records of training school students and to create a disciplinary committee.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.**) Section 12-46-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-46-01. State Training School—Location—Purpose—Name.)** The North Dakota industrial school shall be located at the city of Mandan in the county of Morton, and shall be the general reform and industrial school of the state for the detention, instruction, and reformation of juveniles of both sexes who are committed to it according to law.

§ 2. **Amendment.**) Section 12-46-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-46-15. Contents of Order of Commitment.)** Every order of commitment to the North Dakota industrial school shall specify the date, as near as may be ascertained by the juvenile court, at which the accused will attain majority. The date so ascertained and specified shall be conclusive for all purposes connected with the state training school. The judge shall cause to be transmitted to the superintendent, with each person committed to the North Dakota industrial school, a statement of the nature of the complaint or charges, the person's social history, and all records of investigation and evaluation concerning such person. These statements and records shall be sent to the North Dakota industrial school at the time of commitment or immediately thereafter.

§ 3. **Amendment.**) Section 12-52-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-52-02. Parole on Recommendation of Superintendent.)** No parole shall be granted to any person committed to the North Dakota industrial school or placed under the guardian-

ship, control and custody of the superintendent thereof unless the superintendent recommends the parole to the board of administration and some suitable person will receive the person paroled under such conditions as may be approved by the superintendent of the school. Nothing in this chapter shall prevent the parole of any person into his own home or into a licensed foster home under one of the welfare programs administered by the public welfare board of North Dakota.

§ 4. **Amendment.)** Section 54-23-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**54-23-01. Institutions Under Control of Board of Administration.)** The board of administration shall have full power to manage, control, and govern, subject only to the limitations contained in this chapter and in title 25, the state hospital, the penitentiary, the school for the blind, the school for the deaf, the Grafton state school, the North Dakota industrial school, the state tuberculosis sanatorium, and such other charitable, reformatory, and penal institutions as have been or may be created or established according to law. The board shall not have the power to manage, control, and govern the soldiers' home. The term "board" as used in this chapter shall mean the board of administration.

§ 5.) Section 12-46-10.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**12-46-10.1. Disciplinary Committee — Members — Duties.)** The disciplinary committee shall consist of the director of treatment or his representative, as chairman, a member of the medical staff, and the director of cottage life or his representative. The committee shall advise the superintendent of North Dakota Industrial School on all disciplinary policies; review all cases involving serious breaches of discipline before punitive action is taken thereon and advise the superintendent in regard to such specific cases; and maintain written records of charges against students for disciplinary violations together with their recommendations thereon. These records shall be subject to review by the board of administration, the attorney general, or any legislative committee at their request. Nothing in this section shall be construed to prevent the superintendent from placing a child under close supervision immediately after that child commits a serious breach of discipline.

Approved March 17, 1961.

## CHAPTER 132

S. B. No. 99  
(Ringsak, Mutch)

## COMPENSATION OF INMATES AT PENITENTIARY

## AN ACT

To amend and reenact section 12-48-14 of the North Dakota Century Code, relating to compensation of inmates at the penitentiary.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 12-48-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-48-14. Compensation of Inmates.)** Prisoners engaged in carrying on the work of the penitentiary and its industries, the work of other state institutions and their industries, or upon public highways, shall receive not less than ten cents nor more than fifty cents per day for work actually performed, the maximum compensation to be determined by the board of administration. The warden shall assign a reasonable daily task to be performed by each prisoner, and the compensation of the prisoner shall be determined by the amount of work he performs on such task. All prisoners faithfully performing the daily tasks assigned shall receive the maximum compensation determined by the board of administration, and whenever it becomes necessary in carrying on this work for a prisoner to labor in excess of ten hours per day, he shall receive such additional compensation as is allowed by the board of administration, not to exceed ten cents per hour. The compensation of all prisoners working at the penitentiary or its industries shall be paid out of such funds as may be appropriated by the legislative assembly for that purpose.

Approved February 25, 1961.

## CHAPTER 133

S. B. No. 205  
(Lips, Luick)

## MEETINGS OF BOARD OF PARDONS

## AN ACT

To amend and reenact section 12-55-03 of the North Dakota Century Code, relating to meetings of the board of pardons.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 12-55-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-55-03. Board Meetings—When and Where Held.)** The board of pardons shall hold at least three regular meetings in each calendar year, and may hold such other special meetings at such times as it shall determine necessary for the proper performance of its official duties. The regular meetings shall be held on the fourth Monday of March, the second Monday of August, and the first Monday of December of each year at the penitentiary. All special and emergency meetings of the board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by the board.

Approved February 25, 1961.