

CORRECTIONS, PAROLE, AND PROBATION

CHAPTER 159

SENATE BILL NO. 2066
(Legislative Council)
(Interim Political Subdivisions Committee)

JAIL GRADES AND STANDARDS

AN ACT to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to jail standards; and to amend and reenact section 12-44.1-06 of the North Dakota Century Code to allow inmates to be confined for not more than ninety days in a grade two jail and for not more than ninety-six hours in a grade three jail.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-44.1-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-06. Grades of jail facilities. The attorney general shall, following inspection pursuant to section 12-44.1-24, grade jails as to length of allowable inmate confinement based upon construction, size, and usage, as follows:

1. "Grade one" means a jail for confining inmates not more than one year.
2. "Grade two" means a jail for confining inmates not more than ~~thirty~~ ninety days.
3. "Grade three" means a jail for confining inmates not more than ~~ninety~~ ninety-six hours.

SECTION 2. A new section to chapter 12-44.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Jail facilities standards. Grade two and grade three jails do not need to provide outdoor recreation areas, contact visitation areas, or exercise rooms separate from dayrooms.

Approved April 14, 1983

CHAPTER 160

HOUSE BILL NO. 1171
(Committee on Judiciary)
(At the request of the Director of Institutions)

PRISONER PROVISIONS

AN ACT to amend and reenact sections 12-47-03, 12-48.1-02, 12-54.1-03, 39-01-02, and 54-21-25 of the North Dakota Century Code, relating to the service of process in the penitentiary by law enforcement officers or the warden's designee, short leaves for state farm inmates, good time for penitentiary inmates as a control and security measure, penitentiary vehicles and cars, contracts for services with private or other correctional facilities, and the exchange and transfer of prisoners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-47-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-47-03. Who may serve process within penitentiary. All process to be served within the grounds or premises of the penitentiary, either upon persons confined therein or committed thereto, or upon persons or officers, ~~except the warden,~~ employed within the grounds or premises thereof, shall be served and returned by ~~the warden~~ any authorized law enforcement officer or by the warden or his designee. All persons committed to the penitentiary, and all persons or officers in charge of or caring for any inmates or persons committed thereto, at any place, shall be deemed to be within the grounds and premises thereof.

SECTION 2. AMENDMENT. Section 12-48.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48.1-02. Conditions of eligibility for release programs. An inmate shall be eligible for programs outside the institution when the warden determines the inmate is not a high security risk, not likely to commit a crime of violence, and is likely to be rehabilitated by such program. The parole board, after a determination by the warden as provided above, may authorize participation in outside programs, notwithstanding the fact that the inmate has not yet completed a

minimum sentence imposed for an offense committed prior to July 1, 1975. An inmate may make application to the warden for permission to participate in such programs. If the warden approves or disapproves the application, he shall forward it to the parole board. The application shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for him, and shall state the name and address of the proposed employer, if any, and shall contain such other information as the parole board may require. The parole board may approve, disapprove, or defer action on an application approved by the warden. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for any reason by the warden or the parole board at any time after being granted. The parole board and warden shall prescribe rules of conduct and treatment for all inmates on release programs. Short leaves, not to exceed seventy-two hours, may be granted, by the parole board, upon recommendation by the warden, to all inmates of the state farm and to penitentiary inmates who have been on work or education release programs for at least thirty days. All rules adopted by the parole board and the warden relating to release programs and short leaves shall conform, to the extent allowable by law, with executive order No. 11755 issued by the President of the United States.

SECTION 3. AMENDMENT. Section 12-54.1-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-54.1-03. Meritorious conduct sentence reduction. In addition to sentence reductions under sections 12-54.1-01 and 12-54.1-02, offenders sentenced to the state penitentiary or state farm may be awarded lump-sum or a monthly rate of meritorious conduct sentence reductions for outstanding performance or heroic acts at a rate ~~not to exceed two days per month for these months already served or as a special control and security measure.~~ Such sentence reductions may be made only after a written recommendation by a staff member who has witnessed or has knowledge of the performance or act followed by review and recommendations by a classification committee, ~~recommendations is made~~ by the warden, and ~~approval approved~~ by the director of institutions.

* **SECTION 4. AMENDMENT.** Section 39-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-01-02. State-owned motor vehicles to have name painted on side of vehicles - Exceptions - Penalty for failure. All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry, except the official vehicle for use by the governor, shall have ~~painted placed~~ on each front door the following words: NORTH DAKOTA, in letters four inches [10.16 centimeters] in height. Two and one-half inches [6.35 centimeters] directly below such words shall be printed in letters one and one-half inches [3.81 centimeters] in height the name of the department, institution, or industry of the state owning or

* NOTE: Section 39-01-02 was also amended by section 1 of Senate Bill No. 2454, chapter 417.

operating such motor vehicle. The width of the lettering required by this section shall be proportionate to the required height and the color of such lettering shall be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce the provisions of this section. The state auditor, in the course of spot-checking or verifying the inventory of any department, institution, or industry, shall include in his report to the governor and the legislative assembly any instance of noncompliance with this section that shall come to his attention. The above requirements shall not apply to cars owned and operated by the attorney general's office, the bureau of criminal investigation, the cars used for drivers education at state institutions or by the department of public instruction, the state highway patrol, or cars used principally in juvenile, parole and placement service, or selected cars or vehicles of the state penitentiary approved by the director of institutions; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a class B misdemeanor.

SECTION 5. AMENDMENT. Section 54-21-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-25. Authority to contract with other governmental agencies for prisoners. If the director of institutions determines that suitable state facilities or services are not available for adult inmates under his control he may contract for same with the proper authorities of the United States, Canada, and any of its governmental subdivisions, another state, another agency in this state or a political subdivision of this state, ~~and the Swiftbird Project of South Dakota or its equivalent~~ or with any private or public correctional or treatment facility or agency. The director may also contract, without cost to the state, to provide services or facilities for persons held by any of the jurisdictions mentioned in this section. An inmate who is considered for transfer to another jurisdiction as herein provided, and who does not consent to the transfer, will be given notice of the pending transfer and an administrative hearing to determine the need and justification for a transfer. If a treaty is in effect between the United States and a foreign country for the transfer and exchange of offenders the director of institutions, upon recommendation of the warden and the approval of the governor, may on behalf of the state under the terms of the treaty transfer or exchange offenders and take any action necessary for the state to participate in the treaty.

Approved February 9, 1983

CHAPTER 161

HOUSE BILL NO. 1239
(Committee on State and Federal Government)
(At the request of the Director of Institutions)

PRISON INDUSTRY ADVISORY COMMITTEE

AN ACT to create and enact section 12-48-06.1 of the North Dakota Century Code, authorizing the governor to appoint a penitentiary industry advisory committee; and to amend and reenact section 12-48-06 of the North Dakota Century Code, providing for the disposition of the penitentiary farming, ranching, industry, and inmate hobby products.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-48-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-48-06. Labor of inmates - Sale of articles produced. Inmate labor may be used by the state in carrying on farming and ranching operations, or in any industry established at the penitentiary, and the state may dispose of the products of ~~such~~ the farming and ranching enterprises. The industry products may be disposed as provided in section 12-48-03.1. Sales to visitors and the general public by inmates of articles made by them in hobby shall be permitted under such rules and regulations as may be established by the ~~director of institutions~~ warden.

SECTION 2. Section 12-48-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-48-06.1. Prison industry advisory committee. There is hereby established a prison industry advisory committee which consists of the director of institutions and seven members appointed by the governor. Meetings of the committee shall be called not less than twice a year by the director of institutions who shall be the chairman of the committee. The appointed members shall be paid mileage and expenses by the prison industry as authorized for state officials and employees.

Approved March 4, 1983