

# **CORRECTIONS, PAROLE, AND PROBATION**

## **CHAPTER 115**

HOUSE BILL NO. 1165

(Committee on Judiciary)

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

## **JAIL RULE ADOPTION**

AN ACT to amend and reenact subsection 1 of section 12-44.1-24 of the North Dakota Century Code, relating to the removal of the requirement that the Administrative Agencies Practice Act be complied with in adopting jail rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 12-44.1-24 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Prescribe rules and regulations pursuant to chapter 28-32 establishing minimum standards for the construction, operation, and maintenance of public or private juvenile detention centers, county and city jails, and regional corrections centers.

Approved April 16, 1991

Filed April 18, 1991

## CHAPTER 116

HOUSE BILL NO. 1201  
(Committee on State and Federal Government)  
(At the request of the Department of Corrections and  
Rehabilitation)

**MISSOURI RIVER CORRECTIONAL CENTER**

AN ACT to amend and reenact sections 12-48-03.1, 12-48.1-01, 12-48.1-02, 12-51-01, 12-51-02, 12-51-04, 12-51-05, 12-51-06, 12-51-07, 12-51-09, 12-51-10, 12-51-11, 12-59-05, 12-59-07, subsection 6 of section 12-59-15, section 12-59-16, paragraph 1 of subdivision c of subsection 1 and subsection 9 of section 12.1-32-02, subsection 4 of section 12.1-34-01, section 18-08-12, subsection 1 of section 54-14-03.2, and section 54-23.3-01 of the North Dakota Century Code, relating to changing the name of the North Dakota state farm to the Missouri River correctional center and providing that the department of corrections and rehabilitation is part of the office of the governor; and to repeal section 12-51-03 of the North Dakota Century Code, relating to the location and use of buildings of the North Dakota state farm.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-48-03.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-48-03.1. The director of the department of corrections and rehabilitation may establish and engage in new prison industries. The warden of the state penitentiary, under the direction and with the approval of the director of the department of corrections and rehabilitation, is authorized to establish, and engage in, such new prison industries as the director deems necessary, and which are of greatest benefit to and in the best interest of the state of North Dakota, the state penitentiary, the ~~North Dakota state farm~~ Missouri River correctional center, and the inmates of the institutions. The warden, with the approval of the director, may also discontinue existing industries where such discontinuance is deemed necessary. The director and the warden shall make all rules and regulations and do all things necessary or incidental to the establishing and maintaining of such industries including the manufacture, sale, or distribution of the produce or products therefrom, and, so far as is compatible with the efficient operation of the industry, shall use the inmates and employees of the penitentiary as laborers in such industries. The director and warden shall also do all things necessary and incidental to the discontinuance of those industries no longer deemed necessary or of benefit. Except as provided in subsections 1, 2, and 3, the director may authorize the sale of selected prison industry products to wholesale and retail outlets. All other prison industry products must be limited for sale to nonprofit, charitable, and tax-supported organizations, institutions, and agencies, and to municipal, county, state, or other governmental subdivisions and agencies. All governmental entities may purchase available products from the prison industries unless such

purchase from the prison is impractical or prohibited by law. The warden shall keep a true and accurate account of all receipts from the established industries and deposit the earnings in an account as provided by law. Sales of prison industry products are subject to the following:

1. All hardwood, fiberesin, upholstered, and metal art work products made in the prison by roughrider industries, or other factory that manufactures the above products, may be purchased directly by state agencies and political subdivisions for use in government-owned or rented buildings and by nonprofit organizations excluding trade associations, fraternal organizations, co-ops, and health insurance companies. All other prison-made hardwood, fiberesin, upholstered, and metal art work products may be sold only through wholesale or retail outlets that possess a valid sales tax permit, or through export firms for sale to international markets.
2. Hardwood, fiberesin, upholstered, and metal art work products manufactured by roughrider industries, or other factory that manufactures the above products, and purchased by state agencies, nonprofit organizations, and political subdivisions may not be disposed of or leave the premises of the state agency, nonprofit organization, and political subdivision for a period of ten years from the date of the original purchase without written authorization from the director of the department of corrections and rehabilitation.
3. Subsections 1 and 2 do not prevent the sale of prison-made hardwood, fiberesin, upholstered, or metal art work products to any state institution or facility operated by the director of institutions or by the director of the department of corrections and rehabilitation.

**SECTION 2. AMENDMENT.** Section 12-48.1-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-48.1-01. Director may provide certain services for inmates. The director of the department of corrections and rehabilitation may participate in programs under which inmates sentenced to the penitentiary ~~and the state farm~~ or the Missouri River correctional center may be gainfully employed or participate in an educational or other rehabilitation program either in or outside the institution. The director may obtain separate facilities with minimum security for the housing of inmates granted release privileges. In areas where facilities are not within reasonable proximity of the place of employment or training of an inmate so released, the director may arrange for the housing of the inmate in local confinement facilities.

**SECTION 3. AMENDMENT.** Section 12-48.1-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-48.1-02. Conditions of eligibility for release programs. An inmate is 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. An inmate may make application to the warden for permission to participate in such programs. The warden, with the approval of the director of the department of corrections and rehabilitation, may authorize participation in outside programs for an inmate who has been sentenced to ten years or less to the

state penitentiary or ~~state farm~~ the Missouri River correctional center. In sentences of more than ten years, the parole board, after approval by the warden, may authorize participation in outside programs. The application must include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for him, and must state the name and address of the proposed employer, if any, and must 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 must 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 warden, with the approval of the director of the department of corrections and rehabilitation, to inmates with sentences of ten years or less and by the parole board, with the warden's approval to inmates with sentences of more than ten years and upon recommendation by the warden, to all inmates of the ~~state farm and to penitentiary or the Missouri River correctional center~~ 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 must conform, to the extent allowable by law, with executive order No. 11755 issued by the President of the United States.

SECTION 4. AMENDMENT. Section 12-51-01 of the North Dakota Century Code is amended and reenacted as follows:

12-51-01. Establishment of ~~North Dakota state farm~~ Missouri River correctional center. There is established a correctional institution for male and female violators of the law, to be known as the ~~North Dakota state farm~~ Missouri River correctional center.

SECTION 5. AMENDMENT. Section 12-51-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-51-02. Purpose of ~~state farm~~ Missouri River correctional center. It is the purpose of the ~~state farm~~ Missouri River correctional center to employ in manual labor the prisoners committed or transferred thereto. Said ~~farm center~~ must be administered as a work ~~farm and treatment center~~ for the purpose of assisting in the rehabilitation of the prisoners committed thereto, and with the purpose of furnishing to them labor, instruction, and supervision that will accomplish the purpose sought in this chapter. The director of the department of corrections and rehabilitation may provide for such labor, instruction, and supervision for the persons committed to the ~~state farm~~ Missouri River correctional center.

SECTION 6. AMENDMENT. Section 12-51-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-51-04. ~~Farm Center~~ operated with penitentiary - Warden to be superintendent - Employment of help. The director of the department of corrections and rehabilitation shall have charge and control of the ~~state farm~~ Missouri River correctional center, and all property which said director has received or acquired, or hereafter may receive or acquire, in connection with the establishment and operation of said ~~farm center~~. For administrative and operational purposes, the said ~~farm center~~ must be deemed a facility of the state penitentiary and must be operated in connection therewith. The

warden of the penitentiary must be the superintendent or chief administrative officer of the farm center. Machinery, equipment, livestock, and other property of the penitentiary and of the farm center may be used interchangeably. The warden may employ such employees as may be necessary and as available funds will permit, and may prescribe their duties and fix their compensation. ~~The warden may assign to said farm, in any capacity, persons employed in connection with the operation of the penitentiary. Such persons may be assigned either for full-time or part-time work, and, in the judgment of the warden, the compensation of such persons may be continued to be paid and charged as before they were assigned to work at said state farm.~~

SECTION 7. AMENDMENT. Section 12-51-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-51-05. Laws governing management of state farm Missouri River correctional center. The laws relating to the government and management of, and parole from, the penitentiary, so far as the same may be applicable and not inconsistent with the provisions of this chapter, in all respects shall apply to the government and management of, and parole from, the state farm Missouri River correctional center as to the duties and authority of the director of the department of corrections and rehabilitation and the director's employees used at said state farm Missouri River correctional center.

SECTION 8. AMENDMENT. Section 12-51-06 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-51-06. Warden and the director of the department of corrections and rehabilitation to establish rules for control of state farm Missouri River correctional center and prisoners committed thereto. The warden with the approval of the director of the department of corrections and rehabilitation may establish, adopt, and enforce proper rules and regulations consistent with the provisions of this chapter for the control and administration of the state farm Missouri River correctional center and the prisoners committed thereto.

SECTION 9. AMENDMENT. Section 12-51-07 of the North Dakota Century Code is amended and reenacted as follows:

12-51-07. Prisoners eligible for commitment to state farm Missouri River correctional center. The judges of the district courts and county courts may commit to the state farm Missouri River correctional center, so far as the capacity of the farm center shall permit, all male persons who otherwise would be committed to the county jail or to the penitentiary for violation of any criminal law of this state, where the sentence is more than thirty days but not more than one year provided that no person shall be committed to the state farm Missouri River correctional center who:

1. Has at any time been convicted of a sexual offense;
2. Has served a sentence or portion thereof in a correctional facility upon conviction of a felony; or
3. Has a history of moral or sexual degeneration or of violent assaultive behavior which has resulted in physical injury or serious psychological harm to others.

SECTION 10. AMENDMENT. Section 12-51-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-51-09. Warden may transfer persons from state farm Missouri River correctional center to penitentiary or from penitentiary to state farm Missouri River correctional center. When the warden, either at the time of commitment or at any time thereafter, determines that for purposes of safety of other inmates or of the general public or for the purpose of discipline or medical care it is necessary or proper that any person committed to the state farm Missouri River correctional center should be transferred to the state penitentiary, such transfer may be made for such period as the warden deems proper. Where a person who has been committed to the state farm Missouri River correctional center interferes with the operation of the farm center, or with the welfare or safety of others, and where in the judgment of the warden the best interests of such person or the best interests and welfare of other persons committed to the farm center so require, the warden may direct that such person be removed from the farm center and placed in the penitentiary. The warden also may direct that persons who have been sentenced to the penitentiary be transferred to the farm center, when such action seems desirable and for the best interests of the person so transferred and in no manner detrimental to the welfare of other persons who have been committed to said farm center. The warden may cause persons committed to the said farm center to be assigned for work incident to the operations of the penitentiary or of any other institution or facility under the control of the warden.

SECTION 11. AMENDMENT. Section 12-51-10 of the North Dakota Century Code is amended and reenacted as follows:

12-51-10. Compensation, good time allowance, penalties of persons committed to state farm Missouri River correctional center. The laws relating to compensation, the merit system, good time and extra good time, and the imposition of penalties for misconduct provided by law for persons imprisoned in the penitentiary shall be applicable to persons committed to the state farm Missouri River correctional center, except insofar as they may be inconsistent with the provisions of this chapter.

SECTION 12. AMENDMENT. Section 12-51-11 of the North Dakota Century Code is amended and reenacted as follows:

12-51-11. Prohibition on delivery of alcoholic beverages or controlled substances to or by inmates - Penalties.

1. It shall be unlawful for any person to deliver or administer, whether or not for a consideration, any alcoholic beverage or controlled substance to any inmate of the state farm Missouri River correctional center, or to any other person for redelivery to an inmate of the state farm Missouri River correctional center. This subsection shall not apply to the delivery or administration of controlled substances or alcoholic beverages in accordance with the orders or prescription of a duly licensed physician and the approval, except in emergency circumstances, of the warden.
2. No state farm Missouri River correctional center inmate shall possess any controlled substance or alcoholic beverage unless the substance or beverage was delivered to him or was possessed in accordance with the prescription or orders of a licensed physician.

3. Any person, other than an official or employee of the penitentiary, whether or not he is employed at the state farm Missouri River correctional center, who violates subsection 1 by delivering or administering a controlled substance is guilty of a class B felony. Any official or employee of the penitentiary who violates subsection 1 by delivering or administering a controlled substance is guilty of a class A felony. Any person who violates subsection 1 by delivering alcoholic beverages is guilty of a class A misdemeanor.
4. Any person who violates subsection 2 by possessing a controlled substance shall be guilty of a class B felony. Any person who violates subsection 2 by possessing alcoholic beverages shall be guilty of a class A misdemeanor.
5. As used in this section, "controlled substance" is as defined in subsection 4 of section 19-03.1-01, and includes counterfeit substances as defined in subsection 5 of section 19-03.1-01.

SECTION 13. AMENDMENT. Section 12-59-05 of the North Dakota Century Code is amended and reenacted as follows:

12-59-05. Consideration by board - Guarantee. At a meeting to be determined by the parole board, within one year after a prisoner's admission to the penitentiary, or within six months after the prisoner's admission to the state farm Missouri River correctional center, at such intervals thereafter as it may determine and by application pursuant to section 12-59-08, the board may deny or grant parole or continue consideration to another meeting. The board shall consider all pertinent information regarding each prisoner, including the circumstances of the offense, the presentence report, the previous social history and criminal record, the conduct, employment, and attitude in prison, and the reports of such physical and mental examinations as have been made.

SECTION 14. AMENDMENT. Section 12-59-07 of the North Dakota Century Code is amended and reenacted as follows:

12-59-07. Requirements precedent to parole. No parole shall be granted to any person confined in the penitentiary or state farm the Missouri River correctional center unless:

1. He has maintained a good record at the penitentiary or state farm the Missouri River correctional center for a reasonable period prior to his application for a parole and the board is convinced that the applicant will conform to all the rules and regulations adopted by said board; or
2. A detainer has been lodged by another authority.

SECTION 15. AMENDMENT. Subsection 6 of section 12-59-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. If the hearing officer determines there is probable cause, the parolee must be returned to the penitentiary or state farm the Missouri River correctional center, transferred to a county jail or the state hospital, or released from actual custody on the terms of

the parole agreement, pending a final revocation hearing before the parole board. If the board determines, at the final revocation hearing, that the parolee has violated the conditions of the parole agreement, it may order that the parolee be recommitted to the penitentiary or ~~state farm~~ the Missouri River correctional center, as provided in the parolee's sentence, to serve in custody, in the penitentiary or ~~state farm~~ the Missouri River correctional center, all or part of the remaining time of the sentence that has not been served in custody in the penitentiary or ~~state farm~~ the Missouri River correctional center.

SECTION 16. AMENDMENT. Section 12-59-16 of the North Dakota Century Code is amended and reenacted as follows:

12-59-16. Execution of order of recommitment - Fees and payment thereof. The officer executing an order for the recommitment of a prisoner to the penitentiary or ~~state farm~~ the Missouri River correctional center shall endorse a return of his doings thereon, and shall deliver the execution, a copy of the order of recommitment, and his return to the warden, with the person named therein. The warden shall deliver to such officer a certificate acknowledging the receipt of the person, the certified copy of the order, and the return, and such certificate shall be retained by the officer making the return. The fees of an officer for executing such an order shall be the same as are prescribed for the commitment of a person to the penitentiary or the ~~state farm~~ Missouri River correctional center under a sentence of the court, but in no case shall such fees exceed the sum of one hundred dollars.

SECTION 17. AMENDMENT. Paragraph 1 of subdivision c of subsection 1 of section 12.1-32-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (1) In a state correctional facility, a regional corrections center, a county jail, or in the ~~state farm~~ Missouri River correctional center in accordance with section 12-51-07, if convicted of a felony or a class A misdemeanor.

SECTION 18. AMENDMENT. Subsection 9 of section 12.1-32-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9. A court may commit a female offender to the state penitentiary or other suitable facility under the same minimum security restrictions and with the same privileges as ~~state farm~~ Missouri River correctional center inmates when the sentence imposed is more than thirty days but not more than one year.

SECTION 19. AMENDMENT. Subsection 4 of section 12.1-34-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Custodial authority" includes city jail, county jail, juvenile detention center, regional corrections center, halfway house, ~~state farm~~, state penitentiary or Missouri River correctional center, state hospital, or any other inpatient mental health or treatment facility to which a criminal defendant may be sentenced or referred.



**SECTION 20. AMENDMENT.** Section 18-08-12 of the North Dakota Century Code is amended and reenacted as follows:

**18-08-12.** Annual fire inspection of state buildings and institutions. An annual fire inspection shall be performed at each state institution and building. The state fire marshal shall annually inspect the state penitentiary, ~~the state farm~~ and the Missouri River correctional center, the state industrial school, the state hospital, and san haven. The annual inspection of all other state institutions and buildings shall be made by the fire department of the city or fire protection district in which the institution or building is located, at the direction of the officer in charge of the institution or building, who shall prepare a report based upon the findings of the fire inspection. The report, which shall contain specifications of any violations, shall be submitted to the responsible board, agency, or commission and a copy of the report shall be submitted to the state fire marshal. If the report indicates that any violations can be corrected within the current budget of the responsible board, agency, or commission, action to correct the violations, unless good cause can be demonstrated to the attorney general, shall be initiated within thirty days of receipt of the report by the responsible board, agency, or commission. For purposes of this section, a "fire inspection" is a procedure performed in accordance with standards set forth in the uniform building code, the code of the building officials and code administrators, or the code of the national fire protection association.

**SECTION 21. AMENDMENT.** Subsection 1 of section 54-14-03.2 of the North Dakota Century Code is amended and reenacted as follows:

1. Any individual injured by an act of a resident or an inmate of a state institution may submit a claim to the state institution where the act occurred. As used in this section, "claim" means a monetary demand upon the state for personal injury or property damage arising from an act of a resident or an inmate of a state institution, and "state institution" means the state hospital, developmental center at Grafton, state penitentiary, ~~state farm~~ or Missouri River correctional center, North Dakota industrial school, school for the blind, and school for the deaf.

\* **SECTION 22. AMENDMENT.** Section 54-23.3-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-23.3-01.** Department of corrections and rehabilitation - Creation - Duties - Programs. There is hereby created a department of corrections and rehabilitation in the office of that is responsible to the director of institutions governor. The department is responsible for the direction and general administrative supervision, guidance, and planning of adult and juvenile correctional facilities and programs within the state. The department includes a division of adult services, a division of juvenile services, and such other divisions as are determined necessary for the effective and efficient operation of the department. Programs and facilities included in the department are the North Dakota state penitentiary, ~~state farm~~ or Missouri River correctional center, parole and probation for adult offenders, state industrial school, community programs and services for juvenile offenders under the division of juvenile services, and any other programs developed by the department.

**SECTION 23. REPEAL.** Section 12-51-03 of the North Dakota Century Code is repealed.

Approved April 2, 1991  
Filed April 4, 1991

\* NOTE: Section 54-23.3-01 was also amended by section 40 of Senate Bill No. 2245, chapter 592.

## CHAPTER 117

HOUSE BILL NO. 1141  
(Committee on State and Federal Government)  
(At the request of the Department of Corrections and  
Rehabilitation)

**PRISON INDUSTRY ADVISORY COMMITTEE MEMBERS**

AN ACT to amend and reenact section 12-48-06.1 of the North Dakota Century Code, relating to the appointment of board members to the prison industry advisory committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-48-06.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted 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 the department of corrections and rehabilitation and seven members, who are representative of each type of industry, three of whom are representatives of industries similar to those within the prison, and who are appointed by the governor. Prior to July 1, 1991, the governor shall appoint two board members for a term of one year, two for a term of two years, two for a term of three years, and one for a term of four years. Thereafter appointments must be for four-year terms. Members may not serve more than two consecutive terms. Meetings of the committee must be called not less than twice a year by the director who must be the chairperson of the committee who must be elected from within the membership. The appointed members must be paid mileage and expenses by the prison industry as authorized for state officials and employees.

Approved March 27, 1991  
Filed March 28, 1991

## CHAPTER 118

HOUSE BILL NO. 1212  
(Committee on Judiciary)

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

## INMATE SENTENCE REDUCTIONS

AN ACT to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the North Dakota Century Code, relating to the sentence reduction provisions for inmates at the state penitentiary and its affiliated facilities; and to repeal section 12-54.1-02 of the North Dakota Century Code, relating to good conduct sentence reduction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-54.1-01 of the North Dakota Century Code is amended and reenacted as follows:

12-54.1-01. Good conduct Performance based sentence reduction. Offenders sentenced to the penitentiary or ~~state farm~~ any of its affiliated facilities shall be eligible to earn good conduct sentence reductions-

~~Whenever two or more sentences have been imposed upon an offender, the aggregate of the several sentences shall be the basis for determining the rate of reduction. Sentences may be reduced at the following rates:~~

- ~~1- Five days per month on a sentence of more than three months but less than one year.~~
- ~~2- Six days per month on a sentence of one year or more but less than three years.~~
- ~~3- Seven days per month on a sentence of three years or more but less than five years.~~
- ~~4- Eight days per month on a sentence of five years or more but less than ten years.~~
- ~~5- Ten days per month on a sentence of ten years or more.~~

based upon performance criteria established through penitentiary rules. Performance criteria includes participation in court ordered or staff recommended treatment and education programs and good work performance. While incarcerated in the penitentiary or any of its affiliated facilities, an inmate may earn five days good time per month except for any sentence where the incarceration time is six months or less.

SECTION 2. AMENDMENT. Section 12-54.1-03 of the North Dakota Century Code is amended and reenacted as follows:

12-54.1-03. Meritorious conduct sentence reduction. In addition to sentence reductions under ~~sections~~ section 12-54.1-01 and 12-54.1-02, offenders sentenced to the state penitentiary or ~~state farm~~ any of its affiliated facilities may be awarded, as provided by penitentiary rules and regulations upon written recommendation of a penitentiary multidisciplinary team, lump-sum or a monthly rate of meritorious conduct sentence reductions for outstanding performance or heroic acts or as a special control and security measure. Such sentence reductions may be made only after a written recommendation is made by the warden, and approved by the director of ~~institutions~~ the department of corrections and rehabilitation. Any sentence reduction for special control or security measures may not exceed two days good time per month per inmate.

SECTION 3. AMENDMENT. Section 12-54.1-04 of the North Dakota Century Code is amended and reenacted as follows:

12-54.1-04. Basis for meritorious conduct sentence reduction. Meritorious conduct sentence reductions may be awarded for any of the following performances or acts:

1. Exceptional quantity and quality of work far beyond normal expectations for the job assignment.
2. Beneficial suggestions resulting in substantial savings to the state.
3. Acts of outstanding heroism.
4. Acts which protect the lives of employees or other inmates or the property of the institution.

Meritorious conduct sentence reductions shall be awarded upon written recommendation of the warden and approved by the director of the department of corrections and rehabilitation on a lump-sum basis resulting from separate recommendations and approvals. Such reductions may not be awarded on a continuing days-per-month basis beyond the month in which a reduction award is made. Such sentence reductions may not be granted for any month in which good conduct the performance sentence reductions reduction under ~~sections~~ section 12-54.1-01 and 12-54.1-02 were was withheld or forfeited.

SECTION 4. REPEAL. Section 12-54.1-02 of the North Dakota Century Code is repealed.

Approved March 25, 1991  
Filed March 26, 1991

## CHAPTER 119

SENATE BILL NO. 2150

(Committee on Judiciary)

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

### PROBATION OFFICER AS PEACE OFFICER

AN ACT to create and enact a new section to chapter 12-59 of the North Dakota Century Code, relating to probation and parole officers having authority to enforce probation and parole laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12-59 of the North Dakota Century Code is created and enacted as follows:

Probation and parole officers as peace officers. Probation and parole officers have the power of a peace officer for the purpose of enforcing probation and parole laws, and shall provide assistance to and receive assistance from other law enforcement officers in securing and jailing probation and parole violators and other offenders and in preventing and controlling of criminal activity.

Approved March 11, 1991

Filed March 11, 1991

## CHAPTER 120

SENATE BILL NO. 2190  
(Committee on Judiciary)  
(At the request of the Attorney General)

### PEACE OFFICER CERTIFICATION REPEAL

AN ACT to repeal sections 12-62-04 and 12-62-08 of the North Dakota Century Code, relating to certification and training of peace officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 12-62-04 and 12-62-08 of the North Dakota Century Code are repealed.

Approved March 11, 1991  
Filed March 11, 1991