

# CORRECTIONS, PAROLE, AND PROBATION

## CHAPTER 113

SENATE BILL NO. 2244  
(Senators Tallackson, Freborg)  
(Representatives Grosz, Kilichowski)

### INMATE CONFINEMENT TIME IN JAILS

AN ACT to amend and reenact section 12-44.1-06 of the North Dakota Century Code, relating to the length of time inmates may be confined in grade one and grade two jail facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 12-44.1-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**12-44.1-06. Grades of jail facilities.**

1. The department of corrections and rehabilitation 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- a. "Grade one" means a jail for confining inmates not more than one year.
  - 2- b. "Grade two" means a jail for confining inmates not more than ninety days.
  - 3- c. "Grade three" means a jail for confining inmates not more than ninety-six hours.
2. The length of confinement of a prisoner may be temporarily increased on a case-by-case basis in grade one and grade two jails upon the request of the jail administrator and the approval of the department of corrections and rehabilitation.

Approved April 12, 1993  
Filed April 12, 1993

## CHAPTER 114

SENATE BILL NO. 2150  
(Judiciary Committee)(At the request of the Department of Corrections and  
Rehabilitation)**INMATES' RIGHTS, RECORDS, AND PROBATION**

AN ACT to amend and reenact sections 12-47-12, 12-47-36, and subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the authority of the warden to make rules and regulations, confidentiality of inmates' records, and supervision of a probationer.

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

**SECTION 1. AMENDMENT.** Section 12-47-12 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**12-47-12. Warden to make rules and regulations.** The warden, subject to the approval of the director of the division of adult services, shall make rules and regulations not in conflict with the laws of this state and shall prescribe penalties for the violation thereof:

1. For the admission of visitors, but admission of visitors shall not be limited to less than four days in each week.
2. For the government of officers and employees of the penitentiary.
3. For the conduct of prisoners committed to the state penitentiary.

A printed copy of the rules and regulations must be furnished to each person committed to the penitentiary at the time of admission and to each official or employee thereof at the time of hire. Two copies of such rules must be furnished to the state law library for the use of the state officials and the public. Such rules must be explained to ~~each a prisoner in the prisoner's native language if the prisoner who~~ cannot read English.

**SECTION 2. AMENDMENT.** Section 12-47-36 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**12-47-36. Certain penitentiary inmates' records confidential.** The clinical, behavioral, treatment, medical, and social records and materials of a penitentiary inmate, regardless of source, are confidential and privileged and may not be disclosed directly or indirectly to ~~the inmate or~~ anyone other than the parole board, a public or private treatment facility, a recognized law enforcement agency, and others entitled by law to receive such information. A state or federal court may order the inspection of such confidential and privileged records and materials, or parts thereof, by individuals or organizations having shown a proper legitimate purpose and reason to inspect such records and materials.

<sup>1</sup> **SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-32-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. When the court imposes probation upon conviction for a felony, the court shall place the defendant under the supervision and management of the department of corrections and rehabilitation. In ~~all other class A misdemeanor~~ cases, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation or other responsible party selected by the court. In all other cases, the court may place the defendant under the supervision and management of a responsible party selected by the court.

Approved March 16, 1993  
Filed March 16, 1993

---

<sup>1</sup> NOTE: Section 12.1-32-07 was also amended by section 1 of House Bill No. 1044, chapter 130; by sections 1 and 2 of House Bill No. 1078, chapter 132; and by sections 1 and 2 of Senate Bill No. 2144, chapter 131.

## CHAPTER 115

SENATE BILL NO. 2148  
(Government and Veterans Affairs Committee)  
(At the request of the Department of Corrections and  
Rehabilitation)

**PENITENTIARY INMATE ACCOUNTS**

AN ACT to amend and reenact subsections 1 and 4 of section 12-48-15 of the North Dakota Century Code, relating to penitentiary inmate accounts.

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

**SECTION 1. AMENDMENT.** Subsections 1 and 4 of section 12-48-15 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The warden of the penitentiary shall keep an account for each inmate. ~~Fifty~~ Not more than fifty percent of ~~the an inmate's penitentiary earnings of inmates, as provided by penitentiary rules, must be deposited to the credit of their account until they have accumulated in that account in a separate account for the inmate to accumulate a sum of money as provided by penitentiary rules and regulations from their earnings at the penitentiary, and the other fifty percent until the inmate's release from the penitentiary. The remainder of the an inmate's earnings must be paid to the inmates inmate on a regular basis. All moneys in the inmate's account must be paid to the inmate in full when discharged.~~ the an inmate's penitentiary earnings of inmates, as provided by penitentiary rules, must be deposited to the credit of their account until they have accumulated in that account in a separate account for the inmate to accumulate a sum of money as provided by penitentiary rules and regulations from their earnings at the penitentiary, and the other fifty percent until the inmate's release from the penitentiary. The remainder of the an inmate's earnings must be paid to the inmates inmate on a regular basis. All moneys in the inmate's account must be paid to the inmate in full when discharged.
4. The warden, through the staff, is responsible for guiding inmates in making proper use of their funds to pay their obligations, including the payment of court costs, court-appointed counsel fees, and court-ordered restitution, and to provide for their dependent relatives or to provide for their own medical, surgical, or dental treatment or services not generally provided by the state. The sum of money as provided by penitentiary rules ~~and regulations~~ from each inmate's earnings required to be deposited and accumulated by this section ~~shall is not be available to the inmate until discharge, unless authorized by the warden.~~ is not be available to the inmate until discharge, unless authorized by the warden. The remainder of the inmate's earnings, including interest earned, ~~shall be is~~ is available to the inmate under the supervision and control of the warden or designee.

Approved April 7, 1993  
Filed April 8, 1993

## CHAPTER 116

SENATE BILL NO. 2141  
(Judiciary Committee)  
(At the request of the Department of Corrections and  
Rehabilitation)

### DETAINDER FOR PAROLE

AN ACT to amend and reenact section 12-59-07 of the North Dakota Century Code, relating to elimination of detainer as a requirement precedent to parole.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 12-59-07 of the 1991 Supplement to 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 the Missouri River correctional center unless:

- 1- He the person has maintained a good record at the penitentiary or 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.~~

Approved March 4, 1993  
Filed March 5, 1993