

2025 SENATE JUDICIARY

SB 2067

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2067
1/8/2025

A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-06.1 of the North Dakota Century Code, relating to the commencement date of supervised probation if an alternative to incarceration is court ordered.

9:54 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

Discussion Topics:

- Probation Period Clarification
- Statute Interpretations
- Violations

9:55 a.m. Thomas Erhardt, ND DOCR Chief Parole and Probation Officer, testified in favor and submitted testimony #28132.

10:01 a.m. Chair Larson closed the hearing.

10:02 a.m. Senator Myrdal moved a Do Pass.

10:02 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

Senator Myrdal will carry the bill.

10:04 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2067 ([25.8059.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIR
JANUARY 8, 2025**

**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2067**

Chairwoman Larson and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of Senate Bill 2067.

Senate bill 2067 would clarify North Dakota Century Code §12.1-32-06.1. This section of code provides direction on when the period of probation starts. This bill clarifies that probation starts after the defendant's release from incarceration, or an alternative to incarceration. Alternatives to probation can include house arrest, electronic monitoring, or a completion of an inpatient treatment program. If the court orders probation to start on a specific date in the criminal judgment, that is clear. However if the court does not specify the start

date, the staff entering the probation cases rely on the statute to provide guidance. An example of this is, Defendant 1 is sentenced to two (2) years to the Department of Corrections and Rehabilitation, with all but thirty (30) days suspended for two (2) years. The court orders the thirty days to be served on house arrest with electronic monitoring. Our business practice historically has been to treat any alternative to incarceration as incarceration when it comes to when to start probation, so in the example above the probation starts after the thirty days of house arrest has been completed, and runs for two years. The issue is when the defendant does not comply with the court's order and fails to serve the alternative. There has been confusion over the department's role and authority to file a petition for revocation, and our business practice comes into question. We feel that with this amendment the start date should be driven by law rather than business practice.

Please consider this amendment to support statute clarification.

I will stand to answer any questions I can. Thank you.

2025 HOUSE JUDICIARY

SB 2067

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 2067
2/18/2025

A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-06.1 of the North Dakota Century Code, relating to the commencement date of supervised probation if an alternative to incarceration is court ordered.

11:30 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative McLeod

Discussion Topics:

- Alternatives to probation
- Committee action

11:31 a.m. Thomas Erhardt, Chief Parole and Probation Officer at the North Dakota Department of Corrections and Rehabilitation, testified in favor and provided testimony #37704.

11:34 a.m. Representative Vetter moved a Do Pass.

11:34 a.m. Representative Hoverson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

11:35 a.m. Motion passed 13-0-1

11:35 a.m. Representative Vetter will carry the bill.

11:36 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2067 ([25.8059.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2067 was placed on the Fourteenth order on the calendar.

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR
FEBRUARY 18, 2025**

**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2067**

Chairman Klemin and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of Senate Bill 2067.

Senate Bill 2067 would clarify North Dakota Century Code §12.1-32-06.1. This section of code provides direction on when the period of probation starts. This bill clarifies that probation starts after the defendant's release from incarceration, or an alternative to incarceration. Alternatives to probation can include house arrest, electronic monitoring, or a completion of an inpatient treatment program. If the court orders probation to start on a specific date in the criminal judgment, that is clear. However, if the court does not specify the start

date, the staff entering the probation cases rely on the statute to provide guidance. An example of this is, Defendant 1 is sentenced to two (2) years to the Department of Corrections and Rehabilitation, with all but thirty (30) days suspended for two (2) years. The court orders the thirty days to be served on house arrest with electronic monitoring. Our business practice historically has been to treat any alternative to incarceration as incarceration when it comes to when to start probation, so in the example above the probation starts after the thirty days of house arrest has been completed and runs for two years. The issue is when the defendant does not comply with the court's order and fails to serve the alternative. There has been confusion over the department's role and authority to file a petition for revocation, and our business practice comes into question. If the court wanted the defendant to be on probation during the alternative, the court can order that. Absent the court's direction, we feel that with this amendment the start date would be driven by law rather than business practice.

Please consider this bill to amend N.D.C.C. 12.1-32-06.1 clarifying the statute directing when probation starts. I will stand for questions. Thank you.