

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2185

Introduced by

Senators Watne, Lyson, W. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 12-56 of the North Dakota
2 Century Code, relating to the violation by parolees and probationers of the interstate compact
3 for out-of-state supervision; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 12-56 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Violation of compact - Penalty.** An individual who is on parole or probation in another
8 state, who is present in this state without the permission of the officer of this state designated
9 under subsection 5 of section 12-56-01, and who does not leave this state within seven days
10 after being notified in writing by a law enforcement officer that the individual may not remain in
11 this state without the permission of the designated officer is guilty of a class C felony. Within
12 twenty-four hours after a law enforcement officer has notified an individual that the individual
13 may not remain within the state without the permission of the designated officer, the law
14 enforcement officer shall report the notification to the designated officer. An individual who is
15 on parole or probation in another state may not remain in this state without the permission of
16 the officer of this state designated under subsection 5 of section 12-56-01. In a prosecution for
17 an offense under this section, an individual's good-faith belief that the individual received
18 permission to be present in this state is an affirmative defense if the individual acted in
19 reasonable reliance upon the statements of an authorized officer of this state. This defense is
20 not available to a person who remains present in this state after being notified in writing by the
21 designated officer of this state that the individual does not have permission to be present.