

FIRST ENGROSSMENT  
with House Amendments

Fifty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2087

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact sections 12-59-01, 12-59-02, subsection 2 of section  
2 12-59-15, subsection 17 of section 12.1-34-02 of the North Dakota Century Code, relating to  
3 membership, meetings, and compensation of the parole board, parole revocation proceedings,  
4 and fair treatment standards for victims and witnesses of crimes; and to delcare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 12-59-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **12-59-01. State parole board - Membership.** The state parole board ~~shall consist~~  
9 consists of three six members, who ~~shall~~ must be qualified electors of the state, appointed by  
10 the governor for terms of three years, arranged so that the term of ~~one member shall~~ two  
11 members must expire on December thirty-first of each year. One of the members ~~shall~~ must be  
12 a person experienced in law enforcement, which may include experience as a prosecuting  
13 attorney, one ~~shall~~ must be a licensed attorney, and ~~one shall~~ four must be ~~a person~~ persons  
14 qualified by special experience, education, or training. ~~Members shall be removable by the~~ The  
15 governor may only remove a member of the parole board for disability, inefficiency, neglect of  
16 duty, or malfeasance in office.

17 **SECTION 2. AMENDMENT.** Section 12-59-02 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **12-59-02. Meetings - Compensation - Rules.** The ~~board~~ governor shall ~~organize by~~  
20 ~~selecting a~~ appoint a member of the parole board to be chairman. The chairman of the parole  
21 board shall designate three members of the parole board for each meeting of the parole board.  
22 Meetings of the parole board must be held in accordance with rules established by the parole  
23 board and must be held as often as required to properly conduct the business of the board, but  
24 in any event not less than six times per year. The parole board may only take action upon the

1 concurrence of at least two members who participated in the same meeting. The final decision  
2 of at least two parole board members who participated in the same parole board meeting  
3 constitutes the decision of the parole board. Members are entitled to be compensated at the  
4 rate of sixty-two dollars and fifty cents per day for each day actually and necessarily spent in  
5 the performance of their duties as board members plus the same mileage and expenses as are  
6 authorized for state officials and employees. The director of the division of parole and  
7 probation, or the director's designee, ~~shall be~~ is the clerk for the parole board.

8 **SECTION 3. AMENDMENT.** Subsection 2 of section 12-59-15 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 2. Upon issuance of a warrant of arrest for a parole violation, the running of the time  
11 period of parole must be suspended until the ~~parolee is in the custody of a law~~  
12 ~~enforcement agency~~ parole board issues a final order under this section. The  
13 parolee is entitled to credit for time spent in physical custody from the time of  
14 arrest until the time the parole board issues a final order.

15 **SECTION 4. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 17. Participation in parole board and pardon decision. Victims may submit a written  
18 statement for consideration by the parole board, the governor, or the pardon  
19 advisory board, if one has been appointed, prior to the parole board, the governor,  
20 or the pardon advisory board taking any action on a defendant's request for parole  
21 or pardon. Victims of violent crimes may at the discretion of the parole board, the  
22 governor, or the pardon advisory board personally appear and address the parole  
23 board, the governor, or the pardon advisory board. ~~Notice~~ If the offender will make  
24 a personal appearance, notice must be given by the parole board or pardon clerk  
25 informing the victim of the pending review and of the victim's rights under this  
26 section. The victim must be provided notice of the decision of the parole board or  
27 of the governor and the recommendations of the pardon advisory board, if any,  
28 and, if applicable, notice of the date of the prisoner's release on parole or the  
29 prisoner's pardon, conditional pardon, reprieve, commutation, or remission of fine.  
30 Notice must be given within a reasonable time after the parole board or the

- 1                   governor makes a decision but in any event before the parolee's or pardoned
- 2                   prisoner's release from custody.
- 3                   **SECTION 5. EMERGENCY.** Sections 1 and 2 of this Act are declared to be an
- 4 emergency measure.