

HOUSE BILL NO. 1092

Introduced by

Judiciary Committee

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

1 A BILL for an Act to create and enact a new subsection to section 12-47-34 and a new
2 subsection to section 12.1-08-06 of the North Dakota Century Code, relating to escapes from
3 the custody of the warden and jurisdiction over escapes; to amend and reenact subsection 1 of
4 section 12.1-08-06 of the North Dakota Century Code, relating to escapes; to repeal sections
5 29-03-15 and 29-03-16 of the North Dakota Century Code, relating to escapes; and to declare
6 an emergency.

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

8 **SECTION 1.** A new subsection to section 12-47-34 of the 1999 Supplement to the
9 North Dakota Century Code is created and enacted as follows:

10 The warden of the penitentiary may issue a warrant for the arrest of an offender in
11 official detention and in the legal custody of the warden or the department of
12 corrections and rehabilitation who the warden has reasonable cause to believe
13 escaped or who attempted to escape from official detention, regardless whether
14 the escape or attempted escape occurs within or without this state. As used in this
15 section, "official detention" has the same meaning as in section 12.1-08-06.

16 **SECTION 2.** A new subsection to section 12.1-08-06 of the North Dakota Century Code
17 is created and enacted as follows:

18 The jurisdiction of a violation of this section when the person is in the legal custody
19 of the warden of the penitentiary, the department of corrections and rehabilitation,
20 or other lawful authority, is in the county where the violation occurred if the violation
21 occurred within this state and in Burleigh County if the violation occurred outside
22 this state. In all other cases, the jurisdiction of a violation of this section is within
23 the county where the violation occurred or in the county in which the order
24 committing the person to official detention was entered.

1 **SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-08-06 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 1. A person is guilty of escape if, without lawful authority, the person removes or
4 attempts to remove himself from official detention or fails to return to official
5 detention following temporary leave granted for a specified purpose or limited
6 period. A person who is subject to official detention under this section is guilty of
7 escape, if while outside the state of North Dakota and without lawful authority, the
8 person removes or attempts to remove himself from official detention, or fails to
9 return to official detention following temporary leave granted for a specified
10 purpose or limited period, when at the time the person is in the legal custody of the
11 warden of the penitentiary, department of corrections and rehabilitation, or other
12 competent authority by virtue of a lawful commitment to official detention.

13 **SECTION 4. REPEAL.** Sections 29-03-15 and 29-03-16 of the North Dakota Century
14 Code are repealed.

15 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.