

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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 12.1-08-06 of the North
2 Dakota Century Code, relating to escapes and jurisdiction over escapes; to amend and reenact
3 subsection 1 of section 12.1-08-06 of the North Dakota Century Code, relating to escapes; to
4 repeal sections 29-03-15 and 29-03-16 of the North Dakota Century Code, relating to escapes;
5 and to declare an emergency.

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

7 **SECTION 1.** A new subsection to section 12.1-08-06 of the North Dakota Century
8 Code is created and enacted as follows:

9 The jurisdiction of a violation of this section when the person is in the legal custody
10 of the warden of the penitentiary, the department of corrections and rehabilitation,
11 or other lawful authority is in the county where the violation occurred if the violation
12 occurred within this state, and is in Burleigh County or in the county in which the
13 order committing the person to official detention was entered if the violation
14 occurred outside this state.

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

17 1. A person is guilty of escape if, without lawful authority, the person removes or
18 attempts to remove himself from official detention or fails to return to official
19 detention following temporary leave granted for a specified purpose or limited
20 period. A person who is subject to official detention under this section is guilty of
21 escape, if while outside the state of North Dakota and without lawful authority, the
22 person removes or attempts to remove himself from official detention, or fails to
23 return to official detention following temporary leave granted for a specified
24 purpose or limited period, when at the time the person is in the legal custody of the

1 warden of the penitentiary, department of corrections and rehabilitation, or other
2 competent authority by virtue of a lawful commitment to official detention.

3 **SECTION 3. REPEAL.** Sections 29-03-15 and 29-03-16 of the North Dakota Century
4 Code are repealed.

5 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.