

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1473

Introduced by

Representatives Glassheim, DeKrey

Senators Lyson, Triplett, Warner

1 A BILL for an Act to provide for a commission on alternatives to incarceration; to provide an
2 appropriation; to provide an expiration date; and to declare an emergency.

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

4 **SECTION 1. Commission on alternatives to incarceration.**

- 5 1. The commission on alternatives to incarceration is composed of:
- 6 a. Three members appointed by the governor, one of whom must be an
7 academic researcher with specialized knowledge of criminal justice
8 sentencing practices and sentencing alternatives;
- 9 b. The attorney general or the attorney general's designee;
- 10 c. Two members appointed by the chief justice of the supreme court;
- 11 d. The director of the department of corrections and rehabilitation;
- 12 e. The director of the department of human services;
- 13 f. Two local law enforcement officers appointed by the attorney general;
- 14 g. One state's attorney appointed by the North Dakota state's attorney's
15 association;
- 16 h. Three members of the house of representatives, two of whom must be
17 selected by the leader representing the majority faction of the house of
18 representatives and one of whom must be selected by the leader
19 representing the minority faction of the house of representatives;
- 20 i. Three members of the senate, two of whom must be selected by the leader
21 representing the majority faction of the senate and one of whom must be
22 selected by the leader representing the minority faction of the senate; and
- 23 j. One representative of the North Dakota association of counties appointed by
24 the association of counties.

- 1 2. The chairman of the legislative council shall select the chairman and vice chairman
2 of the commission from the legislative members of the commission.
- 3 3. The commission shall meet at the times and places as determined by the
4 chairman. The legislative council shall provide staffing for the commission.
- 5 4. The commission shall study sentencing alternatives, mandatory sentences,
6 treatment options, the expanded use of problem-solving courts, home monitoring,
7 and other related issues. The commission shall provide to the governor
8 information and recommendations for the governor's consideration in time for
9 inclusion of the recommendations in the biennial executive budget. The
10 commission shall report its findings and recommendations together with any
11 legislation required to implement those recommendations to the legislative council.
- 12 5. The members of the commission who are not state employees or members of the
13 legislative assembly are entitled to mileage and expenses as provided by law for
14 state officers and employees. Unless otherwise provided in this subsection, the
15 expenses of appointed members are to be paid by the legislative council. A state
16 employee who is a member of the commission must receive that employee's
17 regular salary and is entitled to mileage and expenses, to be paid by the employing
18 agency. The members of the commission who are members of the legislative
19 assembly are entitled to compensation from the legislative council for attendance
20 at commission meetings at the rate provided for members of the legislative
21 assembly for attendance at interim committee meetings and are entitled to
22 reimbursement for expenses incurred in attending the meetings in the amounts
23 provided by law for other state officers.

24 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
25 general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of
26 the sum as may be necessary, to the legislative council for the purpose of funding the
27 commission on alternatives to prison as provided in this Act, for the biennium beginning July 1,
28 2005, and ending June 30, 2007.

29 **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through June 30,
30 2009, and after that date is ineffective.

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