

SENATE BILL NO. 2148

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 section to chapter 54-23.3 of the North Dakota
2 Century Code, relating to definitions under the department of corrections and rehabilitation
3 governing laws; and to amend and reenact sections 12-46-13, 12-47-01, 12-47-04, 12-47-11,
4 12-47-13, 12-47-17, 12-47-18, 12-47-18.1, 12-47-31, 12-47-34, 12-48-01, 12-48-02, 12-48-03,
5 12-48-03.1, 12-48-07, 12-48-14, 12-48-22, 12-48.1-01, 12-48.1-02, and 12-48.1-03,
6 subsection 1 of section 12-54.1-01, and sections 12-54.1-03 and 29-27-05 of the North Dakota
7 Century Code, relating to placements at the North Dakota youth correctional center, the North
8 Dakota state penitentiary, prison employment and prison industries, training and work release
9 programs, performance-based sentence reduction, meritorious sentence reduction, and transfer
10 of offenders to the department of corrections and rehabilitation.

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

12 **SECTION 1. AMENDMENT.** Section 12-46-13 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **12-46-13. Who may be sent to North Dakota youth correctional center - Court**
15 **procedure.** Whenever a ~~person~~ district court finds an offender under ~~the age of~~ eighteen years
16 ~~is found of age~~ guilty in any district court of a crime or public offense and subsequently placed
17 ~~in~~ and commits the offender to the custody of the department of corrections and rehabilitation,
18 the department may transfer the ~~person~~ offender to the North Dakota youth correctional center;
19 however, the department shall first transfer ~~that person~~ the offender to the North Dakota youth
20 correctional center if the ~~person~~ offender is under sixteen years of age. ~~A person so committed~~
21 ~~who attains the age of eighteen years must be transferred to a penal institution or detention~~
22 ~~facility to serve the balance of the person's sentence. A person so committed who attains the~~
23 ~~age of sixteen years may be transferred~~ The department may transfer an offender who is
24 between sixteen years of age and eighteen years of age to an adult correctional facility after the

1 ~~person has been~~ department has given the offender an administrative hearing to determine if
2 the interests of the department, the safety of other residents, or the interests of the general
3 public justifies the transfer. ~~A person sentenced~~ The department may allow an offender who is
4 between eighteen years of age and twenty years of age to remain at the North Dakota youth
5 correctional center if the department determines that it is in the best interests of the department
6 and the offender and it is not contrary to safety interests of the other residents or the general
7 public. The department shall transfer an offender who has attained twenty years of age to an
8 adult correctional facility. An offender placed by the department at the North Dakota youth
9 correctional center under this section has all the rights to sentence reduction for good and
10 meritorious conduct and all the pardon and parole rights of an adult ~~sentenced to imprisonment~~
11 ~~in a penal institution~~ committed to the legal and physical custody of the department.

12 **SECTION 2. AMENDMENT.** Section 12-47-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **12-47-01. Penitentiary - Location - Purpose.** The penitentiary located at the city of
15 Bismarck in the county of Burleigh is the general penitentiary and prison of this state for the
16 punishment and reformation of offenders against the laws of this state ~~in which all offenders~~
17 ~~who are sentenced to imprisonment therein must be confined securely and employed and~~
18 ~~governed in the manner provided by law.~~ The director of the department of corrections and
19 rehabilitation may establish affiliated facilities at other locations throughout the state within the
20 limits of legislative appropriations. The department shall confine, employ, and govern all
21 offenders committed to the legal and physical custody of the department in the manner
22 provided by law.

23 **SECTION 3. AMENDMENT.** Section 12-47-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **12-47-04. ~~Imprisonment in penitentiary~~ Commitment to the legal and custody of**
26 **the department of corrections and rehabilitation is at hard labor.** In all cases in which a
27 ~~person is sentenced to imprisonment in the penitentiary,~~ district court has committed an
28 offender to the legal and physical custody of the department of corrections and rehabilitation it
29 shall be at hard labor, whether or not so designated by the ~~jury or~~ district court.

30 **SECTION 4. AMENDMENT.** Section 12-47-11 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **12-47-11. Powers and duties of warden.** The warden, under the direction of the
2 director of the ~~division of adult services~~ department of corrections and rehabilitation, shall have
3 the charge, custody, and control of the penitentiary and ~~the persons imprisoned in~~ offenders
4 committed to the legal and physical custody of the department and placed by the department at
5 the penitentiary, together with all lands, buildings, furniture, tools, implements, stock, provisions,
6 and every other species of property pertaining to the penitentiary or within the premises of the
7 penitentiary. The warden shall superintend and be responsible for the policing of the
8 penitentiary and the discipline of the ~~inmates~~ offenders placed by the department at the
9 penitentiary.

10 **SECTION 5. AMENDMENT.** Section 12-47-13 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12-47-13. Warden to keep records.** The warden shall ~~keep a correct~~ require that a
13 daily record is kept of all transactions of the ~~office and a correct account of all the warden's~~
14 ~~doings.~~ ~~The warden shall keep a daily journal of the proceedings of the penitentiary in which~~
15 ~~shall be noted all infractions of the rules and regulations thereof by any officer or employee and~~
16 ~~shall enter in such journal a memorandum of every complaint made by any inmate of cruel or~~
17 ~~unjust treatment by any officer or other person, or a want of proper clothing or food, and also~~
18 ~~any infraction of the rules and regulations of the penitentiary by any of the inmates, naming the~~
19 ~~inmate and specifying the offense and the punishment, if any, inflicted therefor, and said journal~~
20 ~~and memorandum must be laid before the director of the division of adult services upon request~~
21 penitentiary. The warden shall require that records are kept for inmate discipline, inmate
22 grievances, and staff discipline. The warden shall provide a report of the penitentiary to the
23 director of the department of corrections and rehabilitation upon the request of the director.

24 **SECTION 6. AMENDMENT.** Section 12-47-17 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **12-47-17. Warden to receive persons** **Offenders committed to department of**
27 **corrections and rehabilitation - Records to be kept.** The ~~warden~~ department of corrections
28 and rehabilitation shall receive any ~~person~~ offender who has been convicted; and committed to
29 the legal and physical custody of the department ~~of corrections and rehabilitation, and assigned~~
30 ~~to the penitentiary~~ when that ~~person~~ the offender has been delivered to the ~~warden~~ department
31 together with a copy of the judgment and sentence of the court ordering the commitment to the

1 custody of the department. The warden, immediately upon the receipt of ~~any person an~~
2 offender assigned by the department to the penitentiary, shall enter in ~~a book kept by the~~
3 ~~warden for that purpose, and as an official~~ the record of the penitentiary, the name, age, sex,
4 color, height, nationality, and every other fact, characteristic, and condition, natural or artificial,
5 that in any way may tend to aid in the identification of the ~~person~~ offender. After an intake,
6 evaluation, and classification process, the ~~warden~~ department shall assign the ~~inmate~~ offender
7 to a the penitentiary, another correctional facility, or other placement.

8 **SECTION 7. AMENDMENT.** Section 12-47-18 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **12-47-18. Warden Director has custody of inmates pursuant to terms of sentence.**

11 The ~~warden shall have the charge and custody of all inmates of the penitentiary~~ director of the
12 department of corrections and rehabilitation shall be responsible for offenders committed to the
13 legal and physical custody of the department. The ~~warden~~ director shall retain, confine, and
14 imprison each ~~person under sentence~~ offender committed to the ~~penitentiary~~ department until
15 the expiration of the ~~inmate's term of~~ offender's sentence or until the ~~inmate otherwise~~ offender
16 is lawfully entitled to release. The ~~warden~~ director shall care for, govern, and make an effort to
17 employ all ~~inmates~~ offenders in conformity with their ~~respective~~ sentences and in the manner
18 prescribed by law and the rules and regulations lawfully adopted for the conduct of the
19 penitentiary and the department.

20 **SECTION 8. AMENDMENT.** Section 12-47-18.1 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12-47-18.1. Transfer of persons between correctional facilities.** The ~~warden~~
23 director of the department of corrections and rehabilitation may transfer an offender to any
24 facility under the ~~warden's~~ department's control or contract to transfer an offender to another
25 correctional facility for purposes of safety, security, discipline, medical care, or when the
26 ~~warden~~ director determines it may be in the best interests of the public, the offender, or the
27 ~~penitentiary~~ department.

28 **SECTION 9. AMENDMENT.** Section 12-47-31 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **12-47-31. Discharge of inmates offenders - Clothing - Transportation.** ~~Every~~
31 ~~person sentenced to the penitentiary, when discharged or released on parole, may be provided~~

1 ~~as determined by the warden, based upon need, The department of corrections and~~
2 ~~rehabilitation may provide an offender released from the department appropriate clothing and~~
3 ~~transportation to a point within the state, based upon need.~~

4 **SECTION 10. AMENDMENT.** Section 12-47-34 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-47-34. Escapes from ~~warden's~~ director's custody - ~~Warden~~ Director may offer**
7 **reward for recapture - Payment of reward - Use of firearms.**

- 8 1. The ~~warden, with the approval of the~~ director of the department of corrections and
9 rehabilitation, ~~may~~ shall adopt measures necessary for the detection and capture
10 of offenders escaping from the custody of the ~~warden or the~~ department of
11 ~~corrections and rehabilitation.~~ If an offender in the custody of the ~~warden or the~~
12 department of ~~corrections and rehabilitation escapes,~~ the ~~warden may~~ director
13 shall use all lawful means for the apprehension of the offender. The ~~warden~~
14 director may offer a reward not to exceed one thousand dollars and not less than
15 one hundred dollars for information leading to apprehension of an offender who
16 has escaped from the custody of the ~~warden or the~~ department of ~~corrections and~~
17 ~~rehabilitation.~~
- 18 2. The ~~warden~~ director may authorize correctional officers trained in the use of
19 firearms:
- 20 a. To carry firearms when in the course of their duties on penitentiary premises.
21 b. To carry firearms, including keeping and carrying loaded firearms in motor
22 vehicles, when transporting offenders in the custody of the ~~warden or the~~
23 department of ~~corrections and rehabilitation.~~
- 24 c. To carry firearms, including keeping and carrying loaded firearms in motor
25 vehicles, for the prevention of escapes or for the apprehension of offenders
26 who have escaped from the custody of the ~~warden or the~~ department of
27 ~~corrections and rehabilitation.~~
- 28 3. Sections 62.1-02-05, 62.1-02-10, and 62.1-03-01 do not apply to the possession
29 and use of firearms by authorized and trained correctional officers acting in the
30 course of their employment under this section.

1 **SECTION 11. AMENDMENT.** Section 12-48-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12-48-01. Employment of inmates offenders.** All ~~persons~~ offenders committed to the
4 department of corrections and rehabilitation may be employed for the benefit of the state to the
5 extent employment is available.

6 **SECTION 12. AMENDMENT.** Section 12-48-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12-48-02. Director of the department of corrections and rehabilitation to make**
9 **rules regarding employment of inmates offenders.** The director of the department of
10 corrections and rehabilitation shall establish rules and regulations relating to the care,
11 treatment, employment, and management of all ~~prisoners, wherever they may be employed~~
12 offenders committed to the legal and physical custody of the department.

13 **SECTION 13. AMENDMENT.** Section 12-48-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **12-48-03. Manner of employing inmates.** The director of the department of
16 corrections and rehabilitation and the warden of the penitentiary shall attempt to employ all
17 ~~inmates of the penitentiary~~ offenders committed to the legal and physical custody of the
18 department in maintaining the penitentiary and ~~the penitentiary grounds thereof~~, in carrying on
19 the work of the industries established at the penitentiary or at other state institutions, in doing
20 any work necessary to be done in the erection, repair, or improvement of any of the state
21 buildings, including the executive mansion, and the grounds of such buildings, or in the
22 construction and improvement of the public highways of the state. ~~Inmates may also be~~
23 ~~employed~~ department may employ offenders in work projects for county and local governmental
24 agencies and subdivisions. ~~The prisoners must be employed, insofar as~~ department shall
25 employ offenders when practicable; in the work to which they are best adapted and in the work
26 that will make it possible for them to acquire skill so that they will be able to earn a livelihood
27 when they are paroled or discharged from the institution. ~~Inmates may be employed~~ The
28 department may employ offenders outside the yard of the penitentiary in cultivating and
29 improving any ground belonging ~~thereto~~ to the department. The ~~warden~~ department must be
30 held responsible for the escape of any ~~inmate~~ offender notwithstanding that such employment

1 is outside the penitentiary if the escape is made possible through the ~~warden's negligence or~~
2 ~~the negligence of the warden's subordinates~~ of the department.

3 **SECTION 14. AMENDMENT.** Section 12-48-03.1 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **12-48-03.1. The director of the department of corrections and rehabilitation may**
6 **establish and engage in new prison industries.** The warden of the state penitentiary, under
7 the direction and with the approval of the director of the department of corrections and
8 rehabilitation, is authorized to establish and engage in such new prison industries as the
9 director deems necessary and which are of greatest benefit to and in the best interest of the
10 state of North Dakota, the ~~state penitentiary, the Missouri River correctional center, and the~~
11 ~~inmates of the institutions~~ department, and offenders committed to the legal and physical
12 custody of the department. The warden, with the approval of the director, may also discontinue
13 ~~existing industries where such discontinuance is deemed~~ when necessary. The director and
14 the warden shall make all rules and regulations and do all things necessary or incidental to the
15 establishing and maintaining of ~~such~~ prison industries including the manufacture, sale, or
16 distribution of ~~the prison industries produce or products therefrom~~, and, so far as is compatible
17 with the efficient operation of the industry, shall use ~~the inmates and employees of the~~
18 ~~penitentiary~~ offenders committed to the department as laborers in such industries. The director
19 and warden shall also do all things necessary and incidental to the discontinuance of those
20 industries no longer ~~deemed~~ necessary or ~~of benefit~~ beneficial to the department. Except as
21 provided in subsections 1, 2, and 3, the director may authorize the sale of selected prison
22 industry products to wholesale and retail outlets. All other prison industry products must be
23 limited for sale to nonprofit, charitable, and tax-supported organizations, institutions, and
24 agencies and to municipal, county, state, or other governmental subdivisions and agencies. All
25 governmental entities may purchase available products from the prison industries unless such
26 purchase from the prison industries is impractical or prohibited by law. The ~~warden~~ department
27 shall keep a true and accurate account of all receipts from the established industries and
28 deposit the earnings in an account as provided by law. Sales of prison industry products are
29 subject to the following:

30 1. All hardwood, fiberesin, upholstered, and metal art work products made in the
31 prison by roughrider industries, or other factory that manufactures the above

1 products, may be purchased directly by state agencies and political subdivisions
2 for use in government-owned or rented buildings and by nonprofit organizations,
3 excluding trade associations, fraternal organizations, co-ops, and health insurance
4 companies. All other prison-made hardwood, fiberresin, upholstered, and metal art
5 work products may be sold only through wholesale or retail outlets that possess a
6 valid sales tax permit or through export firms for sale to international markets.

7 2. Hardwood, fiberresin, upholstered, and metal art work products manufactured by
8 roughrider industries, or other factory that manufactures the above products, and
9 purchased by state agencies, nonprofit organizations, and political subdivisions
10 may not be disposed of or leave the premises of the state agency, nonprofit
11 organization, and political subdivision for a period of ten years from the date of the
12 original purchase without written authorization from the director of the department
13 of corrections and rehabilitation.

14 3. Subsections 1 and 2 do not prevent the sale of prison-made hardwood, fiberresin,
15 upholstered, or metal art work products to any state institution or facility operated
16 by the director of the office of management and budget or by the director of the
17 department of corrections and rehabilitation.

18 **SECTION 15. AMENDMENT.** Section 12-48-07 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **12-48-07. Tools and equipment.** The warden, under the direction of the director of the
21 ~~division of adult services~~ department of corrections and rehabilitation, shall procure the
22 machinery, tools, and equipment necessary to carry on and conduct the work and industries of
23 the penitentiary. Procurement must be made by the warden according to chapter 54-44.4 and
24 rules adopted under that chapter.

25 **SECTION 16. AMENDMENT.** Section 12-48-14 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **12-48-14. Compensation of inmates offenders.** ~~Prisoners engaged in carrying on~~
28 ~~the~~ Offenders who work at the penitentiary ~~and or in its prison~~ industries shall receive
29 compensation in an amount to be determined by the warden and approved by the director of
30 the department of corrections and rehabilitation within the limits of legislative appropriations for
31 that purpose. The warden shall assign ~~a reasonable daily task to be performed by each~~

1 ~~prisoner, and the compensation of the prisoner must be determined by the amount of work the~~
2 ~~prisoner performs on such task. All prisoners faithfully performing the daily task assigned shall~~
3 ~~receive daily work to each offender and shall pay the offender based on the amount of work the~~
4 ~~offender performs, up to the maximum compensation determined by the warden, and whenever~~
5 ~~it becomes necessary in carrying on this work for a prisoner to labor. If an offender has worked~~
6 in excess of ten hours per day, the ~~prisoner~~ offender shall receive such additional
7 compensation as ~~is allowed by the warden~~ may allow. All ~~prisoners~~ offenders working at the
8 ~~penitentiary in prison~~ industries may receive pay based upon actual production of salable items
9 as determined by the warden, to be paid out of ~~such funds as may be appropriated by the~~
10 legislative assembly appropriates.

11 **SECTION 17. AMENDMENT.** Section 12-48-22 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **12-48-22. Fines for misconduct of ~~prisoner~~ offender.** The warden, with the
14 approval of the director of the department of corrections and rehabilitation, shall institute and
15 maintain a uniform system of fines and penalties to be deducted from the compensation
16 credited to any ~~prisoner~~ offender for misconduct or refusal to perform the daily task assigned
17 ~~him~~.

18 **SECTION 18. AMENDMENT.** Section 12-48.1-01 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **12-48.1-01. Director may provide certain services for ~~inmates~~ offenders.** The
21 director of the department of corrections and rehabilitation may participate in programs ~~under in~~
22 ~~which inmates sentenced to the penitentiary or the Missouri River correctional center~~
23 offenders committed to the legal and physical custody of the department may be gainfully
24 employed or participate in an educational or other rehabilitation program either in or outside ~~the~~
25 ~~institution~~ facilities under the control of the department. The director may obtain or contract
26 with separate facilities with minimum security for ~~the housing of inmates~~ offenders granted
27 release privileges. In areas where facilities are not within reasonable proximity of the place of
28 employment or training of an ~~inmate~~ offender so released, the director may arrange for the
29 housing of the ~~inmate~~ offender in local confinement facilities.

30 **SECTION 19. AMENDMENT.** Section 12-48.1-02 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **12-48.1-02. Conditions of eligibility for release programs.** An ~~inmate is~~ offender
2 may be eligible for programs outside the institution facilities under the control of the department
3 of corrections and rehabilitation when the warden department determines the inmate offender
4 is not a high security risk, not likely to commit a crime of violence, and is likely to be
5 rehabilitated by such program. An inmate may make application to the warden offender may
6 apply to the director of the department for permission to participate in such programs. The
7 ~~warden, with the approval of the~~ director of the department of corrections and rehabilitation,
8 may authorize participation in outside programs for an inmate offender who has been
9 sentenced committed to ten years or less to the state penitentiary or the Missouri River
10 ~~correctional center. In sentences of more than ten years, the~~ legal and physical custody of the
11 department. The parole board, after approval by the warden with the approval of the director of
12 the department, may authorize participation in outside programs for offenders who have been
13 committed to the legal and physical custody of the department for more than ten years. The
14 application must include a statement that the inmate offender agrees to abide by all terms and
15 conditions of the particular plan adopted for him the offender, and must state include the name
16 and address of the proposed employer, if any, and must contain such other information as the
17 parole board or the director of the department may require. The parole board may approve,
18 disapprove, or defer action on an application approved by the warden director of the
19 department. The plan must be signed by the inmate offender shall sign the application prior to
20 participation in the program. Approval may be revoked for any reason by the warden The
21 director of the department or the parole board may revoke approval of the application at any
22 time after being granted granting the application. The parole board and warden the director of
23 the department shall prescribe rules of conduct and treatment for all inmates offenders on
24 release programs. Short leaves, not to exceed seventy two hours, may be granted, by the
25 ~~warden, with the approval of the director of the department of corrections and rehabilitation, to~~
26 ~~inmates with sentences of ten years or less and by the parole board, with the warden's approval~~
27 ~~to inmates with sentences of more than ten years and upon recommendation by the warden, to~~
28 ~~all inmates of the penitentiary or the Missouri River correctional center inmates who have been~~
29 ~~on work or education release programs for at least thirty days. The director of the department~~
30 may grant short leaves, not to exceed seventy-two hours, to offenders who have been
31 committed to the legal and physical custody of the department for ten years or less. The parole

1 board, upon the approval of the director of the department, may grant short leaves, not to
2 exceed seventy-two hours, to offenders committed to the legal and physical custody of the
3 department for more than ten years and to offenders who have been on work or education
4 release programs for at least thirty days. All rules adopted by the parole board and the ~~warden~~
5 director of the department relating to release programs and short leaves must conform, to the
6 extent allowable by law, with executive order No. 11755 issued by the President of the United
7 States.

8 **SECTION 20. AMENDMENT.** Section 12-48.1-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **12-48.1-03. Use of funds earned on work release.** ~~The plan for the inmate~~ An
11 offender shall ~~provide that use~~ any funds earned in ~~outside employment will be used in work~~
12 release in the following order: support of dependents; for necessary expenses of the ~~inmate~~
13 offender, including room and board costs of the institution; any administration fee and fine; and
14 restitution if a part of the sentence; ~~necessary support of dependents; and credited to inmate's~~
15 ~~personal.~~ Any balance must be deposited in the offender's account to be paid the inmate on
16 release to the offender in accordance with section 12-48-15.

17 **SECTION 21. AMENDMENT.** Subsection 1 of section 12-54.1-01 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 1. Except as provided under section 12.1-32-09.1, offenders ~~sentenced to the~~
20 ~~penitentiary or any of its affiliated facilities~~ committed to the legal and physical
21 custody of the department of corrections and rehabilitation are eligible to earn
22 sentence reductions based upon performance criteria established through
23 department and penitentiary rules. Performance criteria includes participation in
24 court-ordered or staff-recommended treatment and education programs and good
25 work performance. ~~While incarcerated in the penitentiary or any of its affiliated~~
26 ~~facilities, an inmate may earn five days good time per month except~~ The
27 department may credit an offender committed to the legal and physical custody of
28 the department who is eligible for sentence reduction five days good time per
29 month for each month of the sentence imposed. The department may not credit an
30 offender with any sentence reduction for time spent in custody prior to sentence

1 and commitment, for time under supervised probation, or for any sentence where
2 the incarceration time is six months or less.

3 **SECTION 22. AMENDMENT.** Section 12-54.1-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **12-54.1-03. Meritorious conduct sentence reduction.** Except as provided under
6 section 12.1-32-09.1, offenders ~~sentenced to the state penitentiary or any of its affiliated~~
7 ~~facilities may be awarded~~ committed to the legal and physical custody of the department of
8 corrections and rehabilitation may receive a lump sum or a monthly rate of meritorious conduct
9 sentence reduction for outstanding performance or heroic acts or as a special control and
10 security measure, as provided by penitentiary and department rules and upon written
11 recommendation of a ~~penitentiary~~ department multidisciplinary team, ~~lump sum or a monthly~~
12 ~~rate of meritorious conduct sentence reductions for outstanding performance or heroic acts or~~
13 ~~as a special control and security measure.~~ Such Meritorious sentence reductions are in
14 addition to sentence reductions under section 12-54.1-01 and may be made only after a written
15 recommendation is made by the warden and approved by the director of the department of
16 ~~corrections and rehabilitation~~. Any sentence reduction for special control or security measures
17 may not exceed two days good time per month per ~~inmate~~ offender.

18 **SECTION 23. AMENDMENT.** Section 29-27-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **29-27-05. Judgment of imprisonment in ~~penitentiary~~ department of corrections**
21 **and rehabilitation.** If the judgment is for ~~imprisonment in the penitentiary~~ commitment to the
22 legal and physical custody of the department of corrections and rehabilitation, the sheriff of the
23 county, upon receipt of a certified copy thereof, shall take and deliver the defendant to the
24 ~~warden of the penitentiary.~~ He correctional facility designated by the department. The sheriff
25 also shall deliver to the ~~warden or other proper officer~~ department a certified copy of the
26 judgment and take from ~~such warden or other proper officer~~ the department a receipt for the
27 defendant, and make return thereof to the court.

28 **SECTION 24.** A new section to chapter 54-23.3 of the North Dakota Century Code is
29 created and enacted as follows:

30 **Definitions.** As used in this chapter:

- 1 1. "Director" means the director of the department of corrections and rehabilitation.
2 The director may designate officers of the department to assist in carrying out the
3 director's duties.
- 4 2. "Inmate" means an offender who the district court has committed to the legal and
5 physical custody of the department of corrections and rehabilitation and who is
6 confined in the North Dakota state penitentiary or its affiliated facilities or is
7 confined in another state's correctional facility, a federal correctional facility, a
8 county correctional facility or regional corrections center, a private correctional
9 facility, or has been placed in a community placement program, treatment facility,
10 or transitional center by the department.
- 11 3. "Juvenile offender" means an offender who is supervised by an officer of the
12 juvenile court or has been adjudicated unruly or delinquent by the juvenile court
13 and placed in the custody of the division of juvenile services.
- 14 4. "Offender" means a person who has been committed to the legal and physical
15 custody of the department of corrections and rehabilitation, or placed under the
16 supervision and management of the department by a district court, by the parole
17 board, or through the interstate compact for the supervision of adult offenders.
- 18 5. "Parolee" means an offender who has been placed under the supervision and
19 management of the department of corrections and rehabilitation by the parole
20 board or through the interstate compact for the supervision of adult offenders.
- 21 6. "Probationer" means an offender who has been placed under the supervision and
22 management of the department of corrections and rehabilitation by a district court
23 or through the interstate compact for the supervision of adult offenders.