

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED 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 12-47-12, 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,
5 12-48-03, 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
10 transfer 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
16 years ~~is found of age~~ guilty in any district court of a crime ~~or public offense and subsequently~~
17 ~~placed in~~ and commits the offender to the custody of the department of corrections and
18 rehabilitation, the department may transfer the ~~person~~ offender to the North Dakota youth
19 correctional center; however, the department shall first transfer ~~that person~~ the offender to the
20 North Dakota youth correctional center if the ~~person~~ offender is under sixteen years of age. A
21 ~~person so committed who attains the age of eighteen years must be transferred to a penal~~
22 ~~institution or detention facility to serve the balance of the person's sentence. A person so~~
23 ~~committed who attains the age of sixteen years may be transferred~~ The department may
24 transfer an offender who is between sixteen years of age and eighteen years of age to an adult

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

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

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

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

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

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

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

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

14 **12-47-12. Warden to make rules.** The warden, subject to the approval of the director
15 of the ~~division of adult services~~ department of corrections and rehabilitation, shall make rules
16 not in conflict with the laws of this state and shall prescribe penalties for violation of the rules:

- 17 1. For the admission of visitors, but admission of visitors may not be limited to less
18 than four days in each week, subject to the space limitations of the facility.
- 19 2. For the government of officers and employees of the penitentiary.
- 20 3. For the conduct of ~~persons~~ offenders imprisoned in the penitentiary.

21 A printed copy of the rules must be furnished to each ~~person~~ offender imprisoned in the
22 penitentiary at the time of admission and to each official or employee of the penitentiary at the
23 time of hire. Two copies of the rules must be furnished to the state law library for the use of the
24 state officials and the public. The rules must be explained to a ~~prisoner~~ an offender who
25 cannot read English.

26 **SECTION 6. AMENDMENT.** Section 12-47-13 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **12-47-13. Warden to keep records.** The warden shall ~~keep a correct~~ require that a
29 daily record is kept of all transactions of the ~~office and a correct account of all the warden's~~
30 ~~doings.~~ The warden shall keep a daily journal of the proceedings of the penitentiary in which
31 ~~shall be noted all infractions of the rules and regulations thereof by any officer or employee and~~

1 ~~shall enter in such journal a memorandum of every complaint made by any inmate of cruel or~~
2 ~~unjust treatment by any officer or other person, or a want of proper clothing or food, and also~~
3 ~~any infraction of the rules and regulations of the penitentiary by any of the inmates, naming the~~
4 ~~inmate and specifying the offense and the punishment, if any, inflicted therefor, and said journal~~
5 ~~and memorandum must be laid before the director of the division of adult services upon request~~
6 penitentiary. The warden shall require that records are kept for inmate discipline, inmate
7 grievances, and staff discipline. The warden shall provide a report of the penitentiary to the
8 director of the department of corrections and rehabilitation upon the request of the director.

9 **SECTION 7. AMENDMENT.** Section 12-47-17 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-47-17. ~~Warden to receive persons~~ Offenders committed to department of**
12 **corrections and rehabilitation - Records to be kept.** The ~~warden~~ department of corrections
13 and rehabilitation shall receive any ~~person~~ offender who has been convicted, ~~and~~ committed to
14 the legal and physical custody of the department of corrections and rehabilitation, and assigned
15 ~~to the penitentiary when that person~~ the offender has been delivered to the ~~warden~~ department
16 together with a copy of the judgment and sentence of the court ordering the commitment to the
17 custody of the department. The warden, immediately upon the receipt of ~~any person~~ an
18 offender assigned by the department to the penitentiary, shall enter in ~~a book kept by the~~
19 ~~warden for that purpose, and as an official~~ the record of the penitentiary, the name, age, sex,
20 color, height, nationality, and every other fact, characteristic, and condition, natural or artificial,
21 that in any way may tend to aid in the identification of the ~~person~~ offender. After an intake,
22 evaluation, and classification process, the ~~warden~~ department shall assign the ~~inmate~~ offender
23 to a the penitentiary, another correctional facility, or other placement.

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

26 **12-47-18. ~~Warden~~ Director has custody of inmates pursuant to terms of**
27 **sentence.** The ~~warden~~ shall have the charge and custody of all inmates of the penitentiary
28 director of the department of corrections and rehabilitation shall be responsible for offenders
29 committed to the legal and physical custody of the department. The ~~warden~~ director shall
30 retain, confine, and imprison each ~~person under sentence~~ offender committed to the
31 ~~penitentiary~~ department until the expiration of the ~~inmate's term of~~ offender's sentence or until

1 the ~~inmate otherwise~~ offender is lawfully entitled to release. The ~~warden~~ director shall care for,
2 govern, and make an effort to employ all ~~inmates~~ offenders in conformity with their ~~respective~~
3 sentences and in the manner prescribed by law and the rules and regulations lawfully adopted
4 for the conduct of the penitentiary and the department.

5 **SECTION 9. AMENDMENT.** Section 12-47-18.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12-47-18.1. Transfer of persons between correctional facilities.** The ~~warden~~
8 director of the department of corrections and rehabilitation may transfer an offender to any
9 facility under the ~~warden's~~ department's control or contract to transfer an offender to another
10 correctional facility for purposes of safety, security, discipline, medical care, or when the
11 ~~warden~~ director determines it may be in the best interests of the public, the offender, or the
12 ~~penitentiary~~ department.

13 **SECTION 10. AMENDMENT.** Section 12-47-31 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **12-47-31. Discharge of inmates offenders - Clothing - Transportation.** ~~Every~~
16 ~~person sentenced to the penitentiary, when discharged or released on parole, may be provided~~
17 ~~as determined by the warden, based upon need,~~ The department of corrections and
18 rehabilitation shall provide an offender released from the department appropriate clothing and
19 transportation to a point within the state, based upon need.

20 **SECTION 11. AMENDMENT.** Section 12-47-34 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12-47-34. Escapes from warden's director's custody - Warden Director may offer**
23 **reward for recapture - Payment of reward - Use of firearms.**

24 1. The ~~warden, with the approval of the~~ director of the department of corrections and
25 rehabilitation, ~~may~~ shall adopt measures necessary for the detection and capture
26 of offenders escaping from the custody of the ~~warden or the~~ department of
27 ~~corrections and rehabilitation~~. If an offender in the custody of the ~~warden or the~~
28 department of ~~corrections and rehabilitation~~ escapes, the ~~warden may~~ director
29 shall use all lawful means for the apprehension of the offender. The ~~warden~~
30 director may offer a reward not to exceed one thousand dollars and not less than
31 one hundred dollars for information leading to apprehension of an offender who

1 has escaped from the custody of the ~~warden or the department of corrections and~~
2 ~~rehabilitation.~~

3 2. The ~~warden~~ director may authorize correctional officers trained in the use of
4 firearms:

5 a. To carry firearms when in the course of their duties on penitentiary premises.

6 b. To carry firearms, including keeping and carrying loaded firearms in motor
7 vehicles, when transporting offenders in the custody of the ~~warden or the~~
8 ~~department of corrections and rehabilitation.~~

9 c. To carry firearms, including keeping and carrying loaded firearms in motor
10 vehicles, for the prevention of escapes or for the apprehension of offenders
11 who have escaped from the custody of the ~~warden or the department of~~
12 ~~corrections and rehabilitation.~~

13 3. Sections 62.1-02-05, 62.1-02-10, and 62.1-03-01 do not apply to the possession
14 and use of firearms by authorized and trained correctional officers acting in the
15 course of their employment under this section.

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

18 **12-48-01. Employment of ~~inmates~~ offenders.** All ~~persons~~ offenders committed to
19 the department of corrections and rehabilitation may be employed for the benefit of the state to
20 the extent employment is available.

21 **SECTION 13. AMENDMENT.** Section 12-48-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **12-48-02. Director of the department of corrections and rehabilitation to make**
24 **rules regarding employment of ~~inmates~~ offenders.** The director of the department of
25 corrections and rehabilitation shall establish rules and regulations relating to the care,
26 treatment, employment, and management of all ~~prisoners, wherever they may be employed~~
27 offenders committed to the legal and physical custody of the department.

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

30 **12-48-03. Manner of employing inmates.** The director of the department of
31 corrections and rehabilitation and the warden of the penitentiary shall attempt to employ all

1 ~~inmates of the penitentiary~~ offenders committed to the legal and physical custody of the
2 department in maintaining the penitentiary and ~~the penitentiary~~ grounds thereof, in carrying on
3 the work of the industries established at the penitentiary or at other state institutions, in doing
4 any work necessary to be done in the erection, repair, or improvement of any of the state
5 buildings, including the executive mansion, and the grounds of such buildings, or in the
6 construction and improvement of the public highways of the state. ~~Inmates may also be~~
7 ~~employed~~ The department may employ offenders in work projects for county and local
8 governmental agencies and subdivisions. ~~The prisoners must be employed, insofar as~~
9 department shall employ offenders when practicable; in the work to which they are best
10 adapted and in the work that will make it possible for them to acquire skill so that they will be
11 able to earn a livelihood when they are paroled or discharged from the institution. ~~Inmates may~~
12 ~~be employed~~ The department may employ offenders outside the yard of the penitentiary in
13 cultivating and improving any ground belonging ~~thereto~~ to the department. The ~~warden~~
14 department must be held responsible for the escape of any ~~inmate~~ offender notwithstanding
15 that such employment is outside the penitentiary if the escape is made possible through the
16 ~~warden's negligence or the negligence of the warden's subordinates~~ of the department.

17 **SECTION 15. AMENDMENT.** Section 12-48-03.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **12-48-03.1. The director of the department of corrections and rehabilitation may**
20 **establish and engage in new prison industries.** The warden of the state penitentiary, under
21 the direction and with the approval of the director of the department of corrections and
22 rehabilitation, is authorized to establish and engage in such new prison industries as the
23 director deems necessary and which are of greatest benefit to and in the best interest of the
24 state of North Dakota, the ~~state penitentiary, the Missouri River correctional center, and the~~
25 ~~inmates of the institutions~~ department, and offenders committed to the legal and physical
26 custody of the department. The warden, with the approval of the director, may also discontinue
27 ~~existing industries where such discontinuance is deemed~~ when necessary. The director and
28 the warden shall make all rules and regulations and do all things necessary or incidental to the
29 establishing and maintaining of ~~such~~ prison industries including the manufacture, sale, or
30 distribution of ~~the prison industries~~ produce or products ~~therefrom~~, and, so far as is compatible
31 with the efficient operation of the industry, shall use ~~the inmates and employees of the~~

1 ~~penitentiary offenders committed to the department~~ as laborers in such industries. The director
2 and warden shall also do all things necessary and incidental to the discontinuance of those
3 industries no longer ~~deemed~~ necessary or ~~of benefit~~ beneficial to the department. Except as
4 provided in subsections 1, 2, and 3, the director may authorize the sale of selected prison
5 industry products to wholesale and retail outlets. All other prison industry products must be
6 limited for sale to nonprofit, charitable, and tax-supported organizations, institutions, and
7 agencies and to municipal, county, state, or other governmental subdivisions and agencies. All
8 governmental entities may purchase available products from the prison industries unless such
9 purchase from the prison industries is impractical or prohibited by law. The ~~warden~~ department
10 shall keep a true and accurate account of all receipts from the established industries and
11 deposit the earnings in an account as provided by law. Sales of prison industry products are
12 subject to the following:

- 13 1. All hardwood, fiberesin, upholstered, and metal art work products made in the
14 prison by roughrider industries, or other factory that manufactures the above
15 products, may be purchased directly by state agencies and political subdivisions
16 for use in government-owned or rented buildings and by nonprofit organizations,
17 excluding trade associations, fraternal organizations, co-ops, and health insurance
18 companies. All other prison-made hardwood, fiberesin, upholstered, and metal art
19 work products may be sold only through wholesale or retail outlets that possess a
20 valid sales tax permit or through export firms for sale to international markets.
- 21 2. Hardwood, fiberesin, upholstered, and metal art work products manufactured by
22 roughrider industries, or other factory that manufactures the above products, and
23 purchased by state agencies, nonprofit organizations, and political subdivisions
24 may not be disposed of or leave the premises of the state agency, nonprofit
25 organization, and political subdivision for a period of ten years from the date of the
26 original purchase without written authorization from the director of the department
27 of corrections and rehabilitation.
- 28 3. Subsections 1 and 2 do not prevent the sale of prison-made hardwood, fiberesin,
29 upholstered, or metal art work products to any state institution or facility operated
30 by the director of the office of management and budget or by the director of the
31 department of corrections and rehabilitation.

1 **SECTION 16. AMENDMENT.** Section 12-48-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12-48-07. Tools and equipment.** The warden, under the direction of the director of
4 the ~~division of adult services~~ department of corrections and rehabilitation, shall procure the
5 machinery, tools, and equipment necessary to carry on and conduct the work and industries of
6 the penitentiary. Procurement must be made by the warden according to chapter 54-44.4 and
7 rules adopted under that chapter.

8 **SECTION 17. AMENDMENT.** Section 12-48-14 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **12-48-14. Compensation of inmates offenders.** ~~Prisoners engaged in carrying on~~
11 ~~the~~ Offenders who work at the penitentiary ~~and or in its prison~~ industries shall receive
12 compensation in an amount to be determined by the warden and approved by the director of
13 the department of corrections and rehabilitation within the limits of legislative appropriations for
14 that purpose. The warden shall assign ~~a reasonable daily task to be performed by each~~
15 ~~prisoner, and the compensation of the prisoner must be determined by the amount of work the~~
16 ~~prisoner performs on such task. All prisoners faithfully performing the daily task assigned shall~~
17 receive work to each offender and shall pay the offender based on the amount of work the
18 offender performs, up to the maximum compensation determined by the warden, and whenever
19 ~~it becomes necessary in carrying on this work for a prisoner to labor.~~ If an offender has worked
20 in excess of ten hours per day, the prisoner offender shall receive such additional
21 compensation as is allowed by the warden may allow. All ~~prisoners~~ offenders working ~~at the~~
22 ~~penitentiary in prison~~ industries may receive pay based upon actual production of salable items
23 as determined by the warden, to be paid out of ~~such funds as may be appropriated by the~~
24 legislative assembly appropriates.

25 **SECTION 18. AMENDMENT.** Section 12-48-22 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **12-48-22. Fines for misconduct of prisoner offender.** The warden, with the
28 approval of the director of the department of corrections and rehabilitation, shall institute and
29 maintain a uniform system of fines and penalties to be deducted from the compensation
30 credited to any ~~prisoner~~ offender for misconduct or refusal to perform the daily task assigned
31 ~~him~~.

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

3 **12-48.1-01. Director may provide certain services for inmates offenders.** The
4 director of the department of corrections and rehabilitation may participate in programs ~~under in~~
5 which ~~inmates sentenced to the penitentiary or the Missouri River correctional center~~ offenders
6 committed to the legal and physical custody of the department may be gainfully employed or
7 participate in an educational or other rehabilitation program either in or outside ~~the institution~~
8 facilities under the control of the department. The director may obtain or contract with separate
9 facilities with minimum security for ~~the housing of inmates~~ offenders granted release privileges.
10 In areas where facilities are not within reasonable proximity of the place of employment or
11 training of an ~~inmate~~ offender so released, the director may arrange for the housing of the
12 ~~inmate~~ offender in local confinement facilities.

13 **SECTION 20. AMENDMENT.** Section 12-48.1-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **12-48.1-02. Conditions of eligibility for release programs.** An ~~inmate is~~ offender
16 may be eligible for programs outside the institution facilities under the control of the department
17 of corrections and rehabilitation when the ~~warden~~ department determines the ~~inmate~~ offender
18 is not a high security risk, not likely to commit a crime of violence, and is likely to be
19 rehabilitated by such program. An ~~inmate may make application to the warden~~ offender may
20 apply to the director of the department for permission to participate in such programs. The
21 ~~warden, with the approval of the director of the department of corrections and rehabilitation,~~
22 may authorize participation in outside programs for an ~~inmate~~ offender who has been
23 ~~sentenced~~ committed to ten years or less to the ~~state penitentiary or the Missouri River~~
24 ~~correctional center.~~ In sentences of more than ten years, the legal and physical custody of the
25 department. The parole board, ~~after approval by the warden~~ with the approval of the director of
26 the department, may authorize participation in outside programs for offenders who have been
27 committed to the legal and physical custody of the department for more than ten years. The
28 offender shall submit a signed application which must include a statement that the ~~inmate~~
29 offender agrees to abide by all terms and conditions of the particular plan adopted for ~~him~~ the
30 offender, and must ~~state the name and address of the proposed employer, if any, and must~~
31 ~~contain~~ include such other information as the parole board or the director of the department

1 may require. The parole board may approve, disapprove, or defer action on an application
2 approved by the ~~warden~~ director of the department. ~~The plan must be signed by the inmate~~
3 ~~prior to participation in the program. Approval may be revoked for any reason by the warden~~
4 The director of the department or the parole board may revoke approval of the application at
5 ~~any time after being granted~~ granting the application. ~~The parole board and warden~~
6 department shall prescribe rules of conduct and treatment for all inmates ~~offenders~~ on release
7 programs. ~~Short leaves, not to exceed seventy two hours, may be granted, by the warden, with~~
8 ~~the approval of the director of the department of corrections and rehabilitation, to inmates with~~
9 ~~sentences of ten years or less and by the parole board, with the warden's approval to inmates~~
10 ~~with sentences of more than ten years and upon recommendation by the warden, to all inmates~~
11 ~~of the penitentiary or the Missouri River correctional center inmates who have been on work or~~
12 ~~education release programs for at least thirty days.~~ The director of the department may grant
13 short leaves, not to exceed seventy-two hours, to offenders who have been committed to the
14 legal and physical custody of the department for ten years or less. The parole board, upon the
15 approval of the director of the department, may grant short leaves, not to exceed seventy-two
16 hours, to offenders committed to the legal and physical custody of the department for more
17 than ten years. All rules adopted by the parole board and the ~~warden~~ director of the
18 department relating to release programs and short leaves must conform, to the extent allowable
19 by law, with executive order No. 11755 issued by the President of the United States.

20 **SECTION 21. AMENDMENT.** Section 12-48.1-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12-48.1-03. Use of funds earned on work release.** ~~The plan for the inmate~~ An
23 offender shall ~~provide that~~ use any funds earned in ~~outside employment will be used~~ in work
24 release in the following order: support of dependents; for necessary expenses of the ~~inmate~~
25 offender, including room and board costs of the institution; any administration fee and fine; and
26 restitution if a part of the sentence; ~~necessary support of dependents; and credited to inmate's~~
27 ~~personal.~~ Any balance must be deposited in the offender's account to be paid ~~the inmate on~~
28 release to the offender in accordance with section 12-48-15.

29 **SECTION 22. AMENDMENT.** Subsection 1 of section 12-54.1-01 of the North Dakota
30 Century Code is amended and reenacted as follows:

1 1. Except as provided under section 12.1-32-09.1, offenders ~~sentenced to the~~
2 penitentiary or any of its affiliated facilities committed to the legal and physical
3 custody of the department of corrections and rehabilitation are eligible to earn
4 sentence reductions based upon performance criteria established through
5 department and penitentiary rules. Performance criteria includes participation in
6 court-ordered or staff-recommended treatment and education programs and good
7 work performance. ~~While incarcerated in the penitentiary or any of its affiliated~~
8 ~~facilities, an inmate may earn five days good time per month except~~ The
9 department may credit an offender committed to the legal and physical custody of
10 the department who is eligible for sentence reduction five days good time per
11 month for each month of the sentence imposed. The department may not credit
12 an offender with any sentence reduction for time spent in custody prior to sentence
13 and commitment, for time under supervised probation, or for any sentence where
14 the incarceration time is six months or less.

15 **SECTION 23. AMENDMENT.** Section 12-54.1-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

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

30 **SECTION 24. AMENDMENT.** Section 29-27-05 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **29-27-05. Judgment of imprisonment in penitentiary department of corrections**
2 **and rehabilitation.** If the judgment is for ~~imprisonment in the penitentiary~~ commitment to the
3 legal and physical custody of the department of corrections and rehabilitation, the sheriff of the
4 county, upon receipt of a certified copy thereof, shall take and deliver the defendant to the
5 ~~warden of the penitentiary.~~ He correctional facility designated by the department. The sheriff
6 also shall deliver to the ~~warden or other proper officer~~ department a certified copy of the
7 judgment and take from ~~such warden or other proper officer~~ the department a receipt for the
8 defendant, and make return thereof to the court.

9 **SECTION 25.** A new section to chapter 54-23.3 of the North Dakota Century Code is
10 created and enacted as follows:

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

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

- 1 6. "Probationer" means an offender who has been placed under the supervision and
2 management of the department of corrections and rehabilitation by a district court
3 or through the interstate compact for the supervision of adult offenders.