

SENATE BILL NO. 2105

Introduced by

Judiciary Committee

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

1 A BILL for an Act to amend and reenact section 12-65-02 of the North Dakota Century Code,
2 relating to warrant and probable cause requirements.

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

4 **SECTION 1. AMENDMENT.** Section 12-65-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-65-02. Custody and detention of offender for violation of terms and conditions of**
7 **compact supervision - Hearing and waiver - Report to sending state.**

8 1. Whenever it is alleged that an offender under compact supervision by the state has
9 violated any terms and conditions of supervision under the compact for the supervision
10 of adult offenders, the compact administrator may issue a warrant to take the offender
11 into custody and detain the offender and request that the sending state retake the
12 offender. The warrant must be entered into the national crime information center file
13 with nationwide extradition and no bond amount. If there is probable cause to believe
14 an offender has violated any of the terms or conditions of supervision under the
15 compact for the supervision of adult offenders, a parole and probation officer or any
16 peace officer directed by a parole and probation officer ~~may~~shall take the offender into
17 custody and detain the offender in a correctional facility pending application for a
18 warrant of arrest and authority to detain. The offender may not be released on bail
19 pending the probable cause hearing under this chapter. The offender is entitled to a
20 hearing to be held in accordance with this chapter within a reasonable time after being
21 taken into custody to determine whether there is probable cause to find that the
22 offender violated any of the terms and conditions of parole or probation while under
23 compact supervision. The offender may waive the hearing and admit there is probable
24 cause to find that the offender violated any of the terms and conditions of parole or

1 probation while under compact supervision. As soon as practical after the hearing or
2 waiver of the hearing, the compact administrator shall furnish a copy of the hearing
3 record and make a report to the sending state with findings of fact regarding the
4 violations of the terms and conditions of parole or probation while under compact
5 supervision and shall make recommendations regarding the disposition of the
6 offender. If it appears to the compact administrator that the sending state will retake
7 the offender, the compact administrator may detain the offender for a reasonable
8 period after the hearing or waiver in order for the sending state to arrange for retaking
9 the offender.

10 2. Whenever a receiving state that is supervising an offender for the state issues a
11 mandatory retaking of that offender, the parole board or the court with jurisdiction shall
12 issue a warrant. The warrant must be entered into the national crime information
13 center file with nationwide extradition and no bond amount. If requested by the state,
14 the receiving state shall establish probable cause when the offender is apprehended.