CHAPTER 12-48.1
WORK RELEASE PROGRAMS

12-48.1-01. Director may provide certain services for offenders.

The director of the department of corrections and rehabilitation may participate in programs in which offenders committed to the legal and physical custody of the department may be gainfully employed or participate in an educational or other rehabilitation program either in or outside facilities under the control of the department. The director may obtain or contract with separate facilities with minimum security for housing offenders granted release privileges. In areas where facilities are not within reasonable proximity of the place of employment or training of an offender so released, the director may arrange for the housing of the offender in local confinement facilities.

12-48.1-02. Conditions of eligibility for release programs.

1. An offender, except an offender sentenced to a penalty of life imprisonment without the opportunity for parole as the result of conviction of a class AA felony under section 12.1-20-03 or of murder under section 12.1-16-01, may be eligible for programs outside facilities under the control of the department of corrections and rehabilitation when the department determines the offender is not a high security risk, not likely to commit a crime of violence, and is likely to be rehabilitated by such program. An offender may apply to the director of the department for permission to participate in such programs.
2. The director of the department may authorize participation in outside programs for an offender who has ten years or less remaining on a sentence and has been committed to the legal and physical custody of the department. The parole board, with the approval of the director of the department, may authorize participation in outside programs for offenders who have more than ten years remaining on a sentence and have been committed to the legal and physical custody of the department.
3. The offender shall submit a signed application which must include a statement that the offender agrees to abide by all terms and conditions of the particular plan adopted for the offender, and must include such other information as the parole board or the director of the department may require.
4. The parole board may approve, disapprove, or defer action on an application approved by the director of the department. The director of the department or the parole board may revoke approval of the application at any time after granting the application. The department shall prescribe rules of conduct and treatment for all offenders on release programs.
5. The director of the department may grant short leaves, not to exceed seventy-two hours, to offenders who have been committed to the legal and physical custody of the department for ten years or less. The parole board, upon the approval of the director of the department, may grant short leaves, not to exceed seventy-two hours, to offenders committed to the legal and physical custody of the department for more than ten years.
6. All rules adopted by the parole board and the director of the department relating to release programs and short leaves must conform, to the extent allowable by law, with executive order no. 11755 issued by the President of the United States.

12-48.1-03. Use of funds earned on work release.

An offender shall use any funds earned in work release in the following order: support of dependents; for necessary expenses of the offender, including room and board costs of the institution; any administration fee and fine; and restitution if a part of the sentence. Any balance must be deposited in the offender's account to be paid to the offender in accordance with section 12-48-15.

12-48.1-04. Willful failure to return.

Repealed by S.L. 1975, ch. 106, § 673.