Sixty-third  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1115

Introduced by  
Judiciary Committee  
(At the request of the State Parole Board)

1 A BILL for an Act to amend and reenact sections 12-59-03, 12-59-04, 12-59-05, 12-59-07, 
2 12-59-08, 12-59-09, and 12-59-10 of the North Dakota Century Code, relating to parole.

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

4 SECTION 1. AMENDMENT. Section 12-59-03 of the North Dakota Century Code is 
amended and reenacted as follows:

5 \textbf{12-59-03. Supplies - Regulations governing parole.}  
The board shall provide books of record, application blanks, and such other supplies as are 
necessary to the performance of its duties. It shall formulate rules and regulations governing the 
manner in which inmates may become eligible to apply for discharge on parole.

6 SECTION 2. AMENDMENT. Section 12-59-04 of the North Dakota Century Code is 
amended and reenacted as follows:

7 \textbf{12-59-04. Parole records - Inspection.}  
All parole records of the department of corrections and rehabilitation obtained in the 
discharge of official duty by any member of the parole board or employee of a division or 
department of the department of corrections and rehabilitation on behalf of the parole board 
may not be disclosed except in the manner provided under section 12-47-36. An application for 
parole and the decision of the parole board on the application to grant or deny 
parole are open records.

8 SECTION 3. AMENDMENT. Section 12-59-05 of the North Dakota Century Code is 
amended and reenacted as follows:

9 \textbf{12-59-05. Consideration by board.}  
Every inmate's eligibility for parole must be reviewed in accordance with the 
rules adopted by the parole board. The board shall consider all pertinent information regarding 
each applicant, including the circumstances of the offense, the presentence report, the
applicant's family, educational, and social history and criminal record, the
applicant's conduct, employment, participation in education and treatment programs
while in the custody of the department of corrections and rehabilitation, and the
applicant's medical and psychological records.

SECTION 4. AMENDMENT. Section 12-59-07 of the North Dakota Century Code is
amended and reenacted as follows:

12-59-07. Requirements precedent to parole.

The parole board may grant an application for parole to an inmate if the board is convinced
the applicant will conform to the terms and conditions of parole the board or the
department of corrections and rehabilitation may establish for the applicant. The
department of corrections and rehabilitation may establish intermediate conditions of parole,
including incarceration for a period of seventy-two hours and restitution, subject to the
subsequent approval of the parole board.

SECTION 5. AMENDMENT. Section 12-59-08 of the North Dakota Century Code is
amended and reenacted as follows:


An applicant for parole shall file an application with the department of corrections and
rehabilitation. The parole board may consider the application whether an inmate may receive an
emergency parole at a meeting scheduled by the chairman. The board may request an-
applicant to personally appear before the board before the board makes a decision
on an application whether to grant the inmate an emergency parole. The board may grant or
deny an emergency parole, or grant a conditional emergency parole, or continue its
consideration to another meeting. In the event of an application for emergency parole, two
members of the parole board may grant emergency parole, subject to terms and conditions of
emergency parole that may be established by the two members of the parole board, or by the
department of corrections and rehabilitation with the approval of the parole board. An
applicant who receives an emergency parole remains in the legal custody of the
department of corrections and rehabilitation under the jurisdiction of the parole board until the
expiration of the maximum term or terms of imprisonment for which the applicant was
sentenced, less any sentence reduction the applicant has received.
SECTION 6. AMENDMENT. Section 12-59-09 of the North Dakota Century Code is amended and reenacted as follows:

12-59-09. Contents of application for parole.

Inmates subject to jurisdiction of parole board.

An application for parole must be in writing, addressed to the department of corrections and rehabilitation, and must be signed by the applicant or some person in the applicant's behalf. All inmates sentenced to the legal and physical custody of the department of corrections and rehabilitation are subject to the jurisdiction of the parole board, except when parole for the inmate is prohibited by statute.

SECTION 7. AMENDMENT. Section 12-59-10 of the North Dakota Century Code is amended and reenacted as follows:


The department of corrections and rehabilitation shall provide written notice of an application for parole to the district court and state's attorney's office in the county or counties where judgment of conviction was entered against the applicant inmate when the parole board is reviewing whether an inmate may be released on parole. The notice must include the name of the applicant inmate, the date of entry and docket number of the criminal judgment, the crime or crimes stated in the criminal judgment, and the date and place for the parole board's meeting on the application to review whether an inmate may be released on parole.