

HOUSE BILL NO. 1195

Introduced by

Representatives Klemin, Maragos, Schneider

Senators Hogue, D. Larson, Mathern

1 A BILL for an Act to create and enact a new ~~subsection to section 12.1-32-02~~section to chapter
2 12.1-32 of the North Dakota Century Code, relating to ~~life~~-imprisonment of minors; and to
3 provide a penalty.

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

5 ~~SECTION 1. A new subsection to section 12.1-32-02 of the North Dakota Century Code is~~
6 ~~created and enacted as follows:~~

7 ~~Notwithstanding any other provision of law, if a person convicted of a crime punishable~~
8 ~~by life imprisonment without parole was under eighteen years of age at the time of the~~
9 ~~commission of the crime, the maximum punishment a court may impose is life~~
10 ~~imprisonment with an opportunity for parole.~~

11 **SECTION 1.** A new section to chapter 12.1-32 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Juveniles - Sentencing - Reduction.**

14 1. Notwithstanding any other provision of law, a court may reduce a term of imprisonment
15 imposed upon a defendant convicted as an adult for an offense committed and
16 completed before the defendant was eighteen years of age if:

17 a. The defendant has served at least twenty years in custody for the offense;

18 b. The defendant filed a motion for reduction in sentence; and

19 c. The court has considered the factors provided in this section and determined the
20 defendant is not a danger to the safety of any other individual, and the interests
21 of justice warrant a sentence modification.

22 2. A defendant whose sentence is reduced under this section must be ordered to serve a
23 period of supervised release of at least five years upon release from imprisonment.

1 The conditions of supervised release and any modification or revocation of the term of
2 supervised release must be in accordance with this chapter.

3 3. When determining whether to reduce a term of imprisonment under this section, the
4 court shall consider:

5 a. The factors provided in section 12.1-32-04, including the nature of the offense;

6 b. The age of the defendant at the time of the offense;

7 c. A report and recommendation from the department of corrections and
8 rehabilitation, including information relating to the defendant's ability to comply
9 with the rules of the institution and whether the defendant completed any
10 educational, vocational, or other prison programming;

11 d. A report and recommendation from the state's attorney for any county in which
12 the defendant was prosecuted;

13 e. Whether the defendant has demonstrated maturity, rehabilitation, and a fitness to
14 re-enter society sufficient to justify a sentence reduction;

15 f. A statement by a victim or a family member of a victim who was impacted by the
16 actions of the defendant;

17 g. A report of a physical, mental, or psychiatric examination of the defendant
18 conducted by a licensed health care professional;

19 h. The defendant's family and community circumstances at the time of the offense,
20 including any history of abuse, trauma, or involvement in the child welfare
21 system;

22 i. The role of the defendant in the offense and whether an adult also was involved
23 in the offense;

24 j. The diminished culpability of juveniles compared to adults and the level of
25 maturity and failure to appreciate the risks and consequences; and

26 k. Any additional information the court determines relevant.

27 4. A defendant may make a second motion for a reduction in sentence under this section
28 no earlier than five years after the initial motion for reduction.

29 5. A defendant may make a final motion for a reduction in sentence no earlier than five
30 years after the order for a second motion was filed.