

HOUSE BILL NO. 1076

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 12-46-13 of the North Dakota Century Code,
2 relating to placement of offenders at the North Dakota youth correctional center.

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

4 **SECTION 1. AMENDMENT.** Section 12-46-13 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-46-13. Who may be sent to North Dakota youth correctional center - Court**
7 **procedure.**

8 Whenever a district court finds an offender under eighteen years of age guilty of a crime
9 and commits the offender to the custody of the department of corrections and rehabilitation, the
10 department may transfer the offender to the North Dakota youth correctional center; however,
11 the department shall first transfer the offender to the North Dakota youth correctional center if
12 the offender is under sixteen years of age. ~~The department may transfer an offender who is~~
13 ~~between sixteen years of age and eighteen years of age to an adult correctional facility after the~~
14 ~~department has given the offender an administrative hearing to determine if the interests of the~~
15 ~~department, the safety of other residents, or the interests of the general public justifies the~~
16 ~~transfer.~~ The department may allow an offender who is between eighteen years of age and
17 twenty years of age to remain at the North Dakota youth correctional center if the department
18 determines that it is in the best interests of the department and the offender and it is not
19 contrary to safety interests of the other residents or the general public. The department shall
20 transfer an offender who has attained twenty years of age to an adult correctional facility. An
21 offender placed by the department at the North Dakota youth correctional center under this
22 section has all the rights to sentence reduction for good and meritorious conduct and all the
23 pardon and parole rights of an adult committed to the legal and physical custody of the
24 department.