

**HOUSE BILL NO. 1104**

Introduced by

Representatives Dobervich, Buffalo, Ista, Kading, Roers Jones, Schneider

Senator Mathern

1 A BILL for an Act to amend and reenact section 12.1-32-09.1 of the North Dakota Century  
2 Code, relating to sentencing violent offenders; and to provide for retroactive application.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12.1-32-09.1. Sentencing of violent offenders.**

7 1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the  
8 department of corrections and rehabilitation, an offender who is convicted of a crime in  
9 violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section  
10 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section  
11 12.1-20-03, section 12.1-20-03.1 and the offender is at least twenty-two years of age  
12 at the time of the offense, section 12.1-22-01, subdivision b of subsection 2 of section  
13 12.1-22-02, subsection 3 of section 12.1-41-02, subsection 3 of section 12.1-41-03,  
14 subdivision a of subsection 1 of section 12.1-41-04, or an attempt to commit the  
15 offenses, and who receives a sentence of imprisonment is not eligible for release from  
16 confinement on any basis until ~~eighty-five~~sixty-five percent of the sentence imposed by  
17 the court has been served or the sentence is commuted.

18 2. In the case of an offender who is sentenced to a term of life imprisonment with  
19 opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence  
20 imposed" means the remaining life expectancy of the offender on the date of  
21 sentencing. The remaining life expectancy of the offender must be calculated on the  
22 date of sentencing, computed by reference to a recognized mortality table as  
23 established by rule by the supreme court.

- 1           3.   Notwithstanding this section, an offender sentenced under subsection 1 of section  
2           12.1-32-01 may not be eligible for parole until the requirements of that subsection  
3           have been met.
- 4           4.   An offender who is convicted of a class C felony in violation of section 12.1-17-02, or  
5           an attempt to commit the offense, and who has received a sentence of imprisonment  
6           or a sentence of imprisonment upon revocation of probation before August 1, 2015, is  
7           eligible to have the offender's sentence considered by the parole board.
- 8           5.   Notwithstanding subsection 4, this section does not apply to a sentence imposed upon  
9           revocation of probation.

10           **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to judgments of  
11 conviction for offenses subject to section 12.1-32-09.1 entered after July 31, 1995.