21.0412.03000

Sixty-seventh
Legislative Assembly
of North Dakota

Introduced by

Representatives Roers Jones, Hanson, Jones

Senators Bakke, Dwyer

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1177

1   A BILL for an Act to create and enact subsection 3 of section 12.1-32-07.1 of the North Dakota

2   Century Code, relating to probation termination.

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

4   **SECTION 1.** Subsection 3 of section 12.1-32-07.1 of the North Dakota Century Code is

5   created and enacted as follows:

6   3.   a.   Except for an individual on probation for an offense under chapters 12.1-20 or

7   12.1-27.2 or who is participating in a drug court, the department of corrections

8   and rehabilitation shall file a petition to terminate probation when an individual:

9   (1)   Has served the longer of fifteen months of probation or the minimum

10   mandatory probation period;

11   (2)   Has satisfactorily met the following conditions of probation:

12   (a)   Has not had the current period of probation revoked; and

13   (b)   Has not been subject to intermediate measures during the six-month

14   period before the petition to terminate probation was filed;

15   (3)   Has no pending extraditable criminal charges; and

16   (4)   Is in satisfactory compliance with restitution and reparation, if applicable.

17   b.   If the prosecuting attorney does not file a petition for a hearing within thirty days

18   of the filing of the petition to terminate probation and the court does not schedule

19   a petition for a hearing within forty-five days of the filing of the petition to

20   terminate probation, the court shall issue a final discharge from further

21   supervision to the individual.