

Forty-Second Legislative Assembly, State of North Dakota begun and held at the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and seventy-one.

HOUSE CONCURRENT RESOLUTION NO. 3050
(Atkinson, Hilleboe)

A concurrent resolution directing the Legislative Council to carry out a revision of the substantive criminal laws of North Dakota.

WHEREAS, the criminal justice provisions and statutes of the State of North Dakota, and of the other States of the Union, are not adequately serving the needs of society in the areas of protection, the rehabilitation of convicted persons, or the prevention of criminal activity; and

WHEREAS, the North Dakota Judicial Council is in the process of revising the criminal procedures of this State, and, upon completion of the study, will offer for promulgation by the North Dakota Supreme Court a comprehensive set of rules of criminal procedure; and

WHEREAS, North Dakota's present substantive criminal statutes are the product of piecemeal legislation over a substantial period of time; and

WHEREAS, disparities and inequities in sentences and sentencing procedures are among the chief causes of the growing disenchantment with both the national and state criminal justice systems; and

WHEREAS, the system of criminal justice must be viewed as a comprehensive whole embracing every phase from crime prevention through correction and rehabilitation; and

WHEREAS, a revision of the substantive criminal laws of this State, with emphasis on classification of penalties, elimination of criminal provisions having little or no social utility, and consideration of substituting civil for criminal penalties when feasible, would, in conjunction with the pending revision of the rules of criminal procedure, be a large step toward development of a comprehensive criminal justice system for North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council is hereby directed to

review and revise the substantive criminal statutes of the State of North Dakota, or so much thereof as may reasonably be revised during the 1971-1972 legislative interim, with special emphasis on study and revision of the penalty structure established by present law, including the classification of penalties and the elimination of duplicate penalties. The Legislative Council shall also identify and prepare legislation to remove unused and archaic statutes, reconcile ambiguities and conflicting laws, eliminate surplus language, and take such other steps as may be necessary to prepare a substantively and formally complete codification, or so much thereof as may be accomplished during the 1971-1972 legislative interim; and

BE IT FURTHER RESOLVED, that the Legislative Council may, by itself or in conjunction with the Combined Law Enforcement Council, make application for and receive grants from an appropriate federal agency or agencies, and may expend any funds received for the purposes outlined in this resolution. The Legislative Council shall report its recommendations, accompanied by suitable legislation to accomplish the objectives of this study, to the Forty-third Legislative Assembly.