

*Court Services Administration Committee*  
*- An Advisory Committee of the Supreme Court -*

Judge Steven E. McCullough, Chair  
Cass County Courthouse  
211 S. 9th St.  
Fargo, ND 58108-2806

August 2, 2022

Honorable Jon J. Jensen  
Chief Justice  
North Dakota Supreme Court  
600 E. Boulevard Ave Dept 180  
Bismarck, ND 58505-0530

Re: Administrative Rule 51 – Life Tables

Dear Chief Justice Jensen:

You had requested that Court Services Administration Committee review Administrative Rule 51 and consider whether the life table referenced should be updated and how often the table should be updated going forward.

When AR 51 was first enacted in 2005, the 2002 United States Life Tables was referenced. No change was made until August 11, 2021 when style changes were made and the table was updated to the 2008 version. In March of 2022, the table reference was corrected from Table A to Table B. The Life Tables are typically released annually, but at the time of the Committee's review at its April 11, 2022 meeting, the 2019 version was the most recent available.

At its April 11, 2022 meeting, the Committee voted to update the reference to the 2019 version of the United States Life Tables. Additionally, the Committee recommends that the rule be reviewed every other year to determine if an update is needed. Staff to the Court Services Administration Committee will be in charge of adding the review to the agenda every other year.

I am pleased to submit the Court Services Administration Committee's proposed amendments to AR 51 to the Supreme Court for its consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SEM', with a long horizontal line extending to the right.

Judge Steven E. McCullough, Chair  
Court Services Administration Committee

SEM/sb

Enclosure

# Administrative Rule 51 - SENTENCING OFFENDERS — MORTALITY TABLE

Effective Date: 3/2/2022

## **Section 1. Authority and Purpose.**

In accordance with N.D. Const. art. VI, § 3 and N.D.C.C. § 12.1-32-09.1, the supreme court adopts this administrative rule relating to mortality tables in determining the sentence imposed upon certain offenders.

## **Section 2. Applicable Mortality Table.**

In determining the sentence imposed upon a violent offender in accordance with N.D.C.C. § 12.1-32-09.1, the trial court must compute the remaining life expectancy of the offender by reference to the Total All origins and races column of Table B A (Expectation of life by age, race, sex and Hispanic origin) of the *United States Life Tables, 2008 2019*, included in the *National Vital Statistics Reports, Volume 70, No. 19, p. 3, March 20, 2022*, prepared by the National Center for Health Statistics (Center for Disease Control and Prevention) [https://www.cdc.gov/nchs/products/life\\_tables.htm](https://www.cdc.gov/nchs/products/life_tables.htm)  
<https://www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-19.pdf>.

## **Section 3. Effective Date.**

This rule is effective February 9, 2005.

## **Explanatory Note**

This rule is effective February 9, 2005; amended effective August 11, 2021; March 2, 2022; \_\_\_\_\_, 2022.