

CHAPTER 29-33

UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT

29-33-01. Request for disposition of pending charges - Duty to inform prisoner - Dismissal.

1. Any person who is imprisoned in a penal or correctional institution of this state may request final disposition of any untried indictment, information, or complaint pending against that person in this state. The request must be in writing addressed to the court in which the indictment, information, or complaint is pending and to the prosecuting official charged with the duty of prosecuting it and must set forth the place of imprisonment.
2. The warden or other official having custody of prisoners shall promptly inform each prisoner in writing of the source and nature of any untried indictment, information, or complaint against a prisoner of which the warden or other official had knowledge or notice and of the prisoner's right to make a request for final disposition thereof.
3. Failure of the warden or other official to inform a prisoner, as required by this section, within one year after a detainer has been filed at the institution, entitles the prisoner to a final dismissal of the indictment, information, or complaint with prejudice.

29-33-02. Duty to inform court and prosecuting official. The request must be delivered to the warden or other official having custody of the prisoner, who shall forthwith:

1. Certify the term of commitment under which the prisoner is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole board relating to the prisoner; and
2. Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting official to whom it is addressed.

29-33-03. When charges brought to trial - Dismissal. Within ninety days after the receipt of the request and certificate by the court and prosecuting official or within such additional time as the court for good cause shown in open court may grant, the prisoner or the prisoner's counsel being present, the indictment, information, or complaint must be brought to trial, but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for the attorney to be heard. If, after such a request, the indictment, information, or complaint is not brought to trial within that period, no court of this state any longer has jurisdiction thereof, nor may the untried indictment, information, or complaint be of any further force or effect, and the court shall dismiss it with prejudice.

29-33-04. Request voided by escape. Escape from custody by any prisoner subsequent to the prisoner's execution of a request for final disposition of an untried indictment, information, or complaint voids the request.

29-33-05. Exclusions. This chapter does not apply to any person while under commitment to an institution for the mentally ill or mentally deficient.

29-33-06. Prisoners to be informed of chapter. The warden or other official having custody of prisoners shall arrange for all prisoners to be informed in writing of the provisions of this chapter and for a record thereof to be placed in the prisoner's file.

29-33-07. Application and construction. This chapter must be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

29-33-08. Citation of chapter. This chapter may be cited as the Uniform Mandatory Disposition of Detainers Act.