

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1016

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 corrections and rehabilitation; and to amend and reenact subsection 2 of section 12.1-32-07 of
3 the North Dakota Century Code, relating to the supervision of probationers.

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

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
6 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
7 the state treasury, not otherwise appropriated, and from special funds derived from federal
8 funds and other income, to the department of corrections and rehabilitation for the purpose of
9 defraying the expenses of its various divisions, for the biennium beginning July 1, 1999, and
10 ending June 30, 2001, as follows:

11 Subdivision 1.

12 CENTRAL OFFICE

| | |
|-------------------------------------|---------------|
| 13 Salaries and wages | \$865,070 |
| 14 Operating expenses | 115,000 |
| 15 Equipment | <u>20,200</u> |
| 16 Total general fund appropriation | \$1,000,270 |

17 Subdivision 2.

18 JUVENILE SERVICES

| | |
|--------------------------------------|----------------|
| 19 Salaries and wages | \$9,552,045 |
| 20 Operating expenses | 4,229,174 |
| 21 Equipment | 104,321 |
| 22 Capital improvements | 35,000 |
| 23 Grants | 2,870,900 |
| 24 Delinquency prevention consortium | <u>200,000</u> |

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| | | |
|---|----------------------------------|------------------|
| 1 | Total all funds | \$16,991,440 |
| 2 | Less estimated income | <u>5,674,504</u> |
| 3 | Total general fund appropriation | \$11,316,936 |

4 Subdivision 3.

5 ADULT SERVICES

| | | |
|----|---|-------------------|
| 6 | Victim services | \$2,609,036 |
| 7 | Institutional offender services | 821,649 |
| 8 | Community offender services | 9,635,277 |
| 9 | Support services | 16,699,252 |
| 10 | Program services | 3,833,361 |
| 11 | Security and safety | 20,341,166 |
| 12 | Roughrider industries | <u>7,521,794</u> |
| 13 | Total all funds | \$61,461,535 |
| 14 | Less estimated income | <u>12,660,179</u> |
| 15 | Total general fund appropriation | \$48,801,356 |
| 16 | Grand total general fund appropriation H.B. 1016 | \$61,118,562 |
| 17 | Grand total special funds appropriation H.B. 1016 | \$18,334,683 |
| 18 | Grand total all funds appropriation H.B. 1016 | \$79,453,245 |

19 **SECTION 2. TRANSFER AUTHORITY - BUDGET SECTION APPROVAL.** Upon
20 approval of the budget section, the director of the department of corrections and rehabilitation
21 may transfer appropriation authority contained in the various subdivisions in section 1 of this
22 Act.

23 **SECTION 3. LINE ITEM TRANSFERS - EMERGENCY COMMISSION AND BUDGET**
24 **SECTION APPROVAL.** Upon approval of the emergency commission, the director of the
25 department of corrections and rehabilitation may transfer between the various line items in
26 subdivision 3 of section 1 of this Act, appropriation authority of up to ten percent of a given line
27 item to adjust for changing circumstances in meeting established performance measures. Any
28 further transfers must be approved by the budget section.

29 **SECTION 4. LEGISLATIVE INTENT - RENOVATION OF THE JAMES RIVER**
30 **CORRECTIONAL CENTER FIFTH AND SIXTH FLOORS - REPORT TO LEGISLATIVE**
31 **COUNCIL.** It is the intent of the fifty-sixth legislative assembly that during the 1999-2001

1 biennium, the department of corrections and rehabilitation monitor changes in the inmate
2 population and the number of correctional cells at public and private correctional institutions
3 available to house state inmates through contractual agreements. Prior to the 2001 legislative
4 session, the director of the department of corrections and rehabilitation shall present a report to
5 the legislative council, or a committee determined by the legislative council, on actual and
6 projected changes in the inmate population, the number of correctional cells at public and
7 private correctional institutions available to house state inmates through contractual
8 agreements, and proposals for the renovation of the fifth and sixth floors of the residential
9 building of the James River correctional center.

10 **SECTION 5. LEGISLATIVE INTENT - PROGRAMS PROVIDING ALTERNATIVES TO**
11 **INCARCERATION - REPORT TO BUDGET SECTION.** It is the intent of the fifty-sixth
12 legislative assembly that during the 1999-2001 biennium, the department of corrections and
13 rehabilitation implement and operate programs to provide alternatives to the incarceration of
14 inmates, including a revocation center and other intermediate measure intervention programs,
15 community placement programs, jail placement for parole violators, house arrest and home
16 detention, halfway house confinement, day reporting, and other programs as determined by the
17 department. The purpose of such programs shall be to remove inmates from incarceration and
18 prevent the return to incarceration of parole and probation violators. The director of the
19 department of corrections and rehabilitation, periodically during the 1999-2001 biennium, shall
20 provide reports to the budget section of the legislative council on the effectiveness of these
21 programs and the actual and projected impact on the state inmate population.

22 **SECTION 6. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 2. The conditions of probation must be such as the court in its discretion deems
25 reasonably necessary to ensure that the defendant will lead a law-abiding life or to
26 assist the defendant to do so. The court shall provide as an explicit condition of
27 every probation that the defendant not commit another offense during the period
28 for which the probation remains subject to revocation. The court shall order
29 supervision costs and fees of not less than ~~thirty~~ thirty-five dollars per month
30 unless the court makes a specific finding on record that the imposition of fees will
31 result in an undue hardship.