

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2357

Introduced by

Senators Nelson, Lyson

Representatives Gruchalla, Koppelman

1 A BILL for an Act to amend and reenact section 12-44.1-09 of the North Dakota Century Code,
2 relating to the housing of inmates.

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

4 **SECTION 1. AMENDMENT.** Section 12-44.1-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-44.1-09. Housing of inmates.** Each correctional facility shall adopt a classification
7 system for inmates to provide for the security, safety, and order of the correctional facility and
8 for the safety and security of the community. If the correctional facility has adopted a
9 classification system approved by the department of corrections and rehabilitation, the
10 correctional facility is not required to comply with subsections 3, 4, and 5 of this section. In
11 grade one and grade two correctional facilities and, where practicable, in grade three
12 correctional facilities, the following groups of inmates must be housed separately from each
13 other:

- 14 1. Female inmates from male inmates.
- 15 2. Juveniles from adults, except that an adult held under a delinquency proceeding
16 may be held with juveniles and a juvenile transferred or waived to adult court on a
17 felony criminal offense may be housed with adults in a jail or regional correctional
18 facility.
- 19 3. Persons detained for hearing or trial from inmates under sentence of
20 imprisonment, unless authorized to be housed together by the administrator for
21 security, order, or rehabilitation.
- 22 4. Persons detained for hearing or trial or under sentence of imprisonment from
23 persons otherwise detained by order of the court, unless authorized to be housed
24 together by the administrator for security, order, or rehabilitation.

- 1 5. Inmates who may have special needs as determined by the correctional facility or
- 2 whose behavior may present a serious threat to the safety or security of the
- 3 correctional facility, the staff, the inmate, or other inmates.