

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1238

Page 1, line 1, after "to" insert "create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the housing of out-of-state inmates by correctional facilities; to"

Page 1, line 19, overstrike "A" and insert immediately thereafter "Subject to the requirements of section 2 of this Act, a"

Page 1, line 21, replace "Before a correctional facility may accept an inmate from" with "The state may not assume jurisdiction or custody of an out-of-state inmate brought into the state as a result of a contract between the governing body of a correctional facility and another state or a county or city of another state."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 4

Page 2, after line 15, insert:

"SECTION 2. A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Contracts for out-of-state inmates - Requirements. The governing authority of a correctional facility which contracts with another state or a county or city of another state for the confinement of lawfully committed state, county, or city inmates from the other state is subject to the following conditions:

1. Before a correctional facility may accept an inmate from another state, the governing authority of the correctional facility shall approve and sign the contract that authorizes the housing of the inmate.
2. Before accepting an inmate from another state, the administrator of the correctional facility shall review the inmate's file. The administrator may not accept:
 - a. Any inmate with an escape history from a penal institution; or
 - b. Any inmate with a history of institutional violence, including any violence against staff or other inmates.
3. Out-of-state inmates may not be permitted to leave the premises of the correctional facility to comply with a court order or to receive medical care.
4. The correctional facility may not house out-of-state inmates in the same cellblock with inmates of the department of corrections and rehabilitation.
5. The governing body of the correctional facility may not accept an out-of-state inmate unless the out-of-state jurisdiction agrees that, if the out-of-state inmate commits a criminal offense while confined in the correctional facility in this state, is convicted of or pleads guilty to that offense, and is sentenced to a term of confinement for that offense, the

out-of-state jurisdiction shall return the inmate to the out-of-state jurisdiction for completion of the time remaining under the out-of-state sentence for which the inmate was confined in this state before starting service of the term of confinement imposed for the offense committed while confined in this state. If the out-of-state inmate is confined in a facility operated by the department of corrections and rehabilitation for the offense committed while confined in this state in the contracting correctional facility, the correctional facility that housed the out-of-state inmate shall reimburse the department of corrections and rehabilitation at the per diem cost of confinement for the duration of the incarceration.

6. If a political subdivision of this state incurs any cost in the investigation or prosecution of an offense committed by an out-of-state inmate housed in a contracting correctional facility, the correctional facility shall reimburse the political subdivision for the costs incurred.
7. Upon the release, discharge, or placement on probation or parole of the out-of-state inmate, the out-of-state jurisdiction shall transport the out-of-state inmate back to the other state's respective legal authority. For purposes of this section, "out-of-state inmate" means an individual who is convicted of a crime in a state other than North Dakota."

Renumber accordingly