

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR
FEBRUARY 5, 2025**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1417**

Chair Klemin and members of the House Judiciary Committee, I am Colby Braun, Director of the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written testimony in support of House Bill 1417.

While most state prison populations across the country are decreasing, North Dakota's prison population is increasing. A significant number of North Dakota's prison admissions stem from community supervision violations and alcohol and drug offenses. House Bill 1417 addresses issues related to supervision violations and financial obligations.

Section 1 proposes that in response to an alleged violation of the terms and conditions of parole the DOCR director may issue a warrant for arrest after considering graduated sanctions and incentives used in response to a violation. This approach is consistent with best practices outlined in the DOCR's Managing Behavior - Field Manual for Behavior Change, which provides a framework for responding to both prosocial and noncompliant behaviors, including supervision violations. This section also establishes tiered periods of incarceration that may be applied for technical violations of parole, allowing for more severe sanctions when appropriate.

Section 2 provides definitions for "Absconded," and "Technical Violations." Under current law, there are no consistent definitions for these terms. By providing clear definitions, this section will improve the identification and tracking of supervision failures related to absconding and technical violations. It will also ensure greater consistency when responding to such violations.

Section 4 proposes the removal of supervision fees as a condition of probation. The DOCR currently bills approximately \$6 million in supervision fees per biennium with a collection rate around 25%, amounting to roughly \$1.5 million. Many individuals under supervision face

other financial obligations, such as fines, fees, and restitution, and also encounter challenges in securing stable housing and employment. By eliminating the assessment of supervision fees, this bill allows supervising staff to focus on addressing more critical issues that support positive behavior change and reduce recidivism.

Additionally, Section 4 grants the DOCR the authority to issue an "authority to hold" when a probationer has absconded from supervision. This provision would enable the individual to be held upon apprehension and allow supervising staff to meet with the individual, to determine the appropriate course of action including the possibility of dismissing the authority to hold, implementing intermediate measures, or initiating a petition for revocation.

Section 4 also proposes that, upon the revocation of probation for a technical violation only, the court may impose a tiered period of incarceration based on the number of prior revocations. While this provision encourages graduated responses, it does not preclude the court from imposing a longer period of incarceration if the circumstances warrant it.

Finally, Section 4 indicates the DOCR shall use a matrix system of graduated sanctions and incentives and apply the presumptive sanctions and incentives for the appropriate supervision violation and success. This approach is consistent with best practices outlined in the DOCR's Managing Behavior - Field Manual for Behavior Change.

Section 7 proposes that legislative management consider studying court fines and fees, and the overall impact on a defendant. Justice-involved individuals often face financial challenges that make it difficult to meet basic needs. While paying restitution is crucial, competing financial obligations can complicate this. The Department of Corrections and Rehabilitation (DOCR) supports the proposed study on court fines and fees to better understand and address these issues.

House Bill 1417 provides a thoughtful approach to addressing the challenges within our correctional system, particularly regarding supervision violations and financial obligations. By considering graduated sanctions, defining technical violations more clearly, and eliminating

supervision fees, this bill creates opportunities for more effective supervision and promotes behavior change. This concludes my testimony on House Bill 1417, I will stand for any questions.