

HB 1417
Senate Appropriations: Education & Environment Subdivision
Rep. Lawrence R. Klemin
April 3, 2025

House Bill 1417, relating to parole and probation definitions and criminal justice fees, is the second of the three bills aimed at improving reentry practices in our criminal justice system. The bill was worked on in the Senate Judiciary Committee and received a unanimous “do pass” recommendation as amended.

ND's prison population is increasing while most state prison populations across the US are decreasing. Admissions to prison for community supervision violations have grown significantly over the years. From 2014 to 2023, admissions for probation violations increased 65%, accounting for one-third of admissions in 2023. Together, parole and probation violations comprised about 38% of admissions in 2014 and increased to 48% of all admissions in 2023.

HB 1417 includes several provisions to improve community supervision practices in North Dakota. The bill does the following:

1. Updates and adds definitions to Century Code related to community supervision
2. Eliminates certain fees to improve an individual's opportunity for a successful transition into the community.

Parole Hearings and Definitions

- **Section 1** incorporates the new definition of absconding into the parole hearing statute.
- **Section 2** introduces definitions for two terms relevant to community supervision that are not defined in our state law: "absconded" and "responsivity factors." The bill also updates the existing definition of "risk assessment."

With some individuals returning to prison for “absconding,” having clearly defined terms is crucial for both individuals under supervision and those responsible for enforcing accountability.

It is also worth noting that having definitions helps our state agencies track data better. As I mentioned, the senate just passed HB 1549, which includes a study on improving criminal justice data collection and sharing. Adding key terms to our Century Code helps all criminal justice partners use the same dictionary when tracking data.

- **Section 3** provides a cross reference.

Case Evaluation and Supervision Fees

- **Section 4** allows DOCR to perform a risk assessment and case evaluation before supervision terms are set by a judge – this gives the court the

information it needs to tailor conditions and goals that are appropriate and responsive to both the supervisee's success and the needs of the community.

- **Section 4** also eliminates the \$55 per month supervision fee. This would result in a \$1.5 million decrease in revenue to DOCR over two years. DOCR attempts to collect \$6 million in supervision fees every two years; however, the collection rate is typically 22-25%, resulting in only \$1.5 million being collected. DOCR has said it spends nearly \$1 million administering the fees and trying to collect the fees.

Indigent Defense Best Practices

People have a constitutional right to a public defender when charged with a crime if they can't afford a lawyer. The North Dakota Commission on Legal Counsel for Indigents provides public defenders to eligible individuals.

The American Bar Association says that jurisdictions should not charge an application fee for public defense services, nor should persons who qualify for public defense services be required to contribute or reimburse defense services. The ND Commission on Legal Counsel for Indigents supports these two best practices by eliminating the application fee and the ability for the court to recoup defense costs.

- **Sections 5 and 6** eliminate the ability of the court to request reimbursement of indigent defense costs. Recoupment is rare. In the 2021-23 biennium, the courts collected \$343,000, which was returned to the general fund. The fiscal note on this bill estimates a reduction of \$340,000 for the upcoming biennium.
- **Section 6** eliminates the \$35 application fee for someone to receive a public defender. This fee also generates minimal revenue. In the 2021-23 biennium, our Indigent Defense agency collected \$312,000 from application fees, which is deposited in the indigent defense administrative fund. The fiscal note on this bill estimates a reduction of \$310,000 for the upcoming biennium.

Study Other Fees

- **Section 7** proposes that Legislative Management further study other court fees. Other court fees could include travel permits, pre-sentence investigations, the treatment court program, electronic monitoring, alcohol monitoring, and the 24x7 program.
- **Section 8** of the bill adds an appropriation of \$310,000 to the Commission on Legal Counsel for Indigents to offset the revenue reduction due to the elimination of the application fee.

The goals of this bill are to ensure public safety while saving tax dollars, make the best use of our overcrowded prisons and jails, and improve lives. This bill is supported by the Governor, numerous state agencies, and other organizations.

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