

**MINISTRY ON THE MARGINS****PO Box 3065****201 N 24th St, Bismarck, ND 58501****701-223-6315 • MinistryOnTheMargins.org**

Madam Chair Larson and members of the Senate Judiciary Committee,

My name is Nathan Mickelson, the Prison Reentry Manager at Ministry on the Margins (MOTM), a nonprofit in Bismarck - Mandan started by Sister Kathleen Atkinson. Our reentry program focuses on identifying and delivering the much-needed resources to those re-entering society after a period of incarceration. Since beginning with Ministry, I have worked synergistically with the DOCR in several aspects both inside and outside the walls from teaching classes, attending community resource fairs, pre-release planning with case workers to a reentry supper club, a Bismarck – Mandan prison Re-entry coalition and even a community reentry resource sharing event to identify and streamline organizational resources.

I am writing testimony today in support of HB 1417 which focuses on supervision violations, fees, and indigent defense. Too often, those reentering society already face extreme financial challenges from incarceration alone. Being without meaningful employment, unable to establish credit, and typically coming from a poor financial situation to begin, current supervision fees and application fees for indigent defense are unrealistic in their application and collection. When prioritizing needs and barriers in my area of work, supervision fees receive little to no attention from the PO nor the case manager as they are far from what is needed to survive such as food, employment, housing, and treatment. The last thing on their mind is compliance with an unnecessary \$55 monthly supervision fee. Additionally, focusing on life prioritized barriers takes time, often several months, compounding supervision fees which are rarely ever collected. This then begs the question, what is the purpose of these to begin with? As they say, “you can’t get blood from a turnip.”

Currently, pursuant to NDCC Sec. 29-07-01.1, there is a \$35 application fee which is due at the time an application is filed in a criminal case, in District Court for indigent defense services. The individual requesting services must accomplish two things: the party must have a right to counsel, and they must be “indigent.” This burden of proof is on the applicant and after that criterion is met, they must pay a \$35 application fee. Charging an “indigent” individual seems like an oxymoron. How can we charge someone a fee which, after proving they themselves are indigent, by that definition cannot pay? I support the study of other fees, such as the rate of collection of the aforementioned fees, the impact on revenue and on justice-related individuals for more realistic opportunities.



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Finally, a tiered sentencing approach for technical supervision violations will provide guidance and direction for courts, flexibility in the court's discretion, a more consistent response and updates current definitions.

I strongly encourage the Senate Judiciary Committee to process with a DO PASS of HB 1417.

Thank you for your consideration.

Nate Mickelson

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