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Fifty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT with Senate Amendments

ENGROSSED HOUSE BILL NO. 1016

Introduced by

Appropriations Committee

(At the request of the Governor)

A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for an early release program; to provide an exemption to chapters 48-01.1 and 54-44.7 of the North Dakota Century Code, relating to public improvement contract bids and architect, engineer, and land surveying services; to provide a statement of legislative intent; to provide for legislative council studies; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the department of corrections and rehabilitation, for the biennium beginning July 1, 2003, and ending June 30, 2005, as follows:

Field services	$21,605,127
Prisons division	70,338,308
Juvenile community services	9,635,918
Youth correctional center	11,583,071
Total all funds	$113,162,424
Less estimated income	30,270,459
Total general fund appropriation	$82,891,965

SECTION 2. CRIME VICTIMS RESTITUTION AND GIFT FUND. The sum of $100,000, or so much of the sum as may be necessary, included in the field services line item in section 1 of this Act, is from the crime victims restitution and gift fund and shall be used by

the department of corrections and rehabilitation for the purposes provided in section 54-23.4-05, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 3. STATE PENITENTIARY LAND FUND. The sum of $82,500, or so much of the sum as may be necessary, included in the youth correctional center line item in section 1 of this Act, is from the state penitentiary land fund and shall be used by the department of corrections and rehabilitation for capital projects at the youth correctional center, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. NINETY-DAY EARLY RELEASE. Except as otherwise provided in this section, the department of corrections and rehabilitation shall grant a one-time sentence reduction of ninety days, or the balance of the sentence if the remaining amount of the inmate's sentence to be served in custody is less than ninety days, to each inmate in the custody of the department of corrections and rehabilitation on March 1, 2003. An inmate serving a sentence for a conviction of any sexual offense or attempted sexual offense in violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07 except subdivision a of subsection 1, 12.1-20-11, 12.1-20-12.1, or 12.1-20-12.2, or for an offense in violation of chapter 12.1-27.2, serving a sentence for a conviction of any offense or attempted offense in violation of chapter 12.1-27.2, serving a sentence for a conviction of any offense or attempted offense in violation of section 12.1-16-01, 12.1-16-02, 12.1-17-02, 12.1-18-01, 12.1-22-01, or subdivision b of subsection 2 of section 12.1-22-02, or serving a sentence of nine months or less of imprisonment may not receive the sentence reduction provided by this section.

SECTION 5. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM CHAPTERS 48-01.1 AND 54-44.7. The department of corrections and rehabilitation may purchase within the limits of legislative appropriation provided for that purpose the LaHaug building and surrounding real property for the purpose of a women's prison on the grounds of the state hospital. Ownership of the food service building, the dining facility and attached building 18A, the laundry building, and buildings eight and fifty on the grounds of the state hospital also must be transferred to the department of corrections and rehabilitation. The department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services for construction and renovation relating to the LaHaug building, nurses'

building, food service building, dining facility and attached building 18A, laundry building, and building eight.

SECTION 6. LEGISLATIVE INTENT - ADDITIONAL UNSPENT GENERAL FUND APPROPRIATION AUTHORITY. It is the intent of the fifty-eighth legislative assembly that the department of corrections and rehabilitation have unspent general fund appropriation authority of at least $1,415,895 for the 2001-03 biennium. This includes $242,000 that was previously planned to be used for the remodeling of the state hospital's nurses' building before June 30, 2003, and was not included in the March revised general fund turnback estimate for the 2001-03 biennium.

SECTION 7. LEGISLATIVE COUNCIL STUDY - SOUTHWEST MULTI-COUNTY CORRECTION CENTER. The legislative council shall consider studying, during the 2003-04 interim, the potential uses of the southwest multi-county correction center by the department of corrections and rehabilitation. If chosen, the study must consult with the North Dakota university system and industries, including oil-related industries, regarding the use of the southwest multi-county correction center facilities as a possible transition center, or other use, by the department of corrections and rehabilitation. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 8. LEGISLATIVE COUNCIL STUDY - PRESENTENCE REPORT. The legislative council shall consider studying, during the 2003-04 interim, the effect of the department of corrections and rehabilitation conducting a presentence investigation, preparing a presentence report, making criminal records checks, and including that information in a report for the court. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 9. LEGISLATIVE COUNCIL STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION AUTHORITY FOR PLACEMENT OF OFFENDERS. The legislative council shall consider studying, during the 2003-04 interim, the impact of providing the department of corrections and rehabilitation with additional authority for placement of offenders sentenced to prison. The legislative council shall report its findings and recommendations,

together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 10. EMERGENCY. The prisons division line item in section 1 of this Act includes $95,500 from the general fund and $1,326,227 from other funds for capital construction projects, which amounts are declared to be an emergency measure.