

HOUSE BILL NO. 1089

Introduced by

Human Services Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to create and enact a new subsection to section 27-21-02 and a new
2 subsection to section 27-21-12 of the North Dakota Century Code, relating to the powers and
3 duties and files and records of the division of juvenile services; to amend and reenact sections
4 12-46-04, 12-46-09, 12-46-10, 12-46-10.1, 12-46-18, and 12-46-19 of the North Dakota Century
5 Code, relating to the North Dakota youth correctional center; and to repeal sections 12-46-03,
6 12-46-05, 12-46-06, 12-46-11, 12-46-20, and 12-46-22 of the North Dakota Century Code,
7 relating to the North Dakota youth correctional center.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Section 12-46-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-46-04. Appointment and removal of officers.** The director of the division of
12 juvenile services ~~with the approval of the director of the department of corrections and~~
13 ~~rehabilitation shall appoint the superintendent. The superintendent may be removed by the~~
14 ~~director of the division of juvenile services with the approval of the director of the department of~~
15 ~~corrections and rehabilitation for misconduct, neglect of duty, incompetency, or other proper~~
16 ~~cause showing an inability or refusal to properly perform the duties of the office. All other~~
17 ~~officers and employees must be appointed by the superintendent, subject to the approval of the~~
18 ~~director of the division of juvenile services. The superintendent shall show in the record of any~~
19 ~~officer or employee who is discharged by the superintendent the reason therefor is the~~
20 administrator of the North Dakota youth correctional center. The director may designate
21 officers or employees of the North Dakota youth correctional center to carry out the
22 administrator's duties.

23 **SECTION 2. AMENDMENT.** Section 12-46-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **12-46-09. Superintendent Administrator may make rules.**

2 1. The ~~superintendent, subject to the approval of the director of the division of~~
3 ~~juvenile services, shall~~ administrator may make rules and regulations not in conflict
4 with the laws of this state:

5 ~~4.~~ a. For the admission of visitors.

6 ~~2.~~ b. For the government of officers and employees of the North Dakota youth
7 correctional center.

8 ~~3.~~ c. For the conduct of ~~students~~ children committed to the North Dakota youth
9 correctional center.

10 2. A printed copy of the rules and regulations must be furnished to each ~~student~~ child
11 committed to the North Dakota youth correctional center at the time the ~~student~~
12 child is received and to each officer or employee at the time of hire. Two copies of
13 such rules must be furnished to the state law library for the use of the state officials
14 and the public.

15 **SECTION 3. AMENDMENT.** Section 12-46-10 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **12-46-10. Records of institutional transactions, complaints, and rule infractions.**

18 The ~~superintendent administrator shall cause to be kept~~ maintain a correct record of all the
19 transactions of the ~~office and a correct account of all the superintendent's doings.~~ The
20 ~~superintendent shall keep a memorandum of every complaint of cruel and unjust treatment of~~
21 ~~any officer or other person, and also of any infraction of the rules and regulations of the school~~
22 ~~by any of the students committed thereto, naming the student, and specifying the offense and~~
23 ~~the punishment, if any, inflicted therefor, and such record and memorandum must be laid before~~
24 ~~the director of the division of juvenile services upon request~~ North Dakota youth correctional
25 center.

26 **SECTION 4. AMENDMENT.** Section 12-46-10.1 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **12-46-10.1. Disciplinary committee - Members - Duties.** The ~~superintendent of the~~
29 ~~North Dakota youth correctional center~~ administrator shall appoint a disciplinary committee:
30 ~~The membership of this committee should include, including one cottage supervisor, and one~~
31 ~~member of the professional staff, and may include one student and one member of the general~~

1 ~~public, as determined by the superintendent.~~ The committee shall hear all charges of serious
2 ~~breach of discipline~~ violations of North Dakota youth correctional center rules and regulations
3 and recommend to the ~~superintendent~~ administrator what disciplinary action, if any, should be
4 administered. The committee shall maintain records of its actions. These records are subject
5 to review by the director of the ~~division of juvenile services~~ department of corrections and
6 rehabilitation, the attorney general, or any legislative committee upon request. ~~Nothing in this~~
7 ~~section may be construed to prevent the superintendent from placing a child under close~~
8 ~~supervision immediately after that child commits a serious breach of discipline, however, within~~
9 ~~forty eight hours the disciplinary committee shall hear the case and make its recommendations~~
10 ~~to the superintendent concerning further action to be taken, if any.~~

11 **SECTION 5. AMENDMENT.** Section 12-46-18 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **12-46-18. Employment and compensation of ~~persons committed~~ children.** Every
14 ~~person~~ child committed to the custody of the division of juvenile services and ~~transferred to~~
15 placed at the North Dakota youth correctional center ~~or its auxiliary facilities~~ may receive a
16 stipend as determined by the ~~superintendent, and approved by the director of the division of~~
17 ~~juvenile services~~ administrator, within the limits of appropriations made by the legislative
18 assembly for such purpose.

19 **SECTION 6. AMENDMENT.** Section 12-46-19 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **12-46-19. Disposition of moneys earned received.** The ~~superintendent~~
22 ~~administrator~~ of the North Dakota youth correctional center shall keep ~~a students' account~~
23 ~~ledger, in which shall be opened an account with each student~~ an account for each child placed
24 at the North Dakota youth correctional center. The ~~earnings of each student~~ money in each
25 child's account may be used for the child's personal needs as approved by the ~~superintendent~~
26 ~~administrator~~.

27 **SECTION 7.** A new subsection to section 27-21-02 of the North Dakota Century Code
28 is created and enacted as follows:

29 If the division of juvenile services receives any money on behalf of a child
30 committed to its custody and care under this section for child support, payments in
31 excess of foster care maintenance payments, or money received from the social

1 security administration, the division may establish an account for the child and use
2 the money in a manner it determines will serve the best interests of the child,
3 including setting aside any amounts for the child's future needs or making all or
4 part of the money available to the person responsible for meeting the child's daily
5 needs to be used for the child's benefit.

6 **SECTION 8.** A new subsection to section 27-21-12 of the North Dakota Century Code
7 is created and enacted as follows:

8 The records of the division relating to a child who is or has been in the custody of
9 the division may be disclosed to any court or probation staff for use in conducting a
10 presentence investigation in a criminal case in which the child is a defendant.

11 **SECTION 9. REPEAL.** Sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20,
12 and 12-46-22 of the North Dakota Century Code are repealed.