

HOUSE BILL NO. 1492

Introduced by

Representatives Hager, Boe, Buffalo, Dobervich, M. Nelson, Schneider

Senators Bakke, Heckaman, Hogan, Marcellais, Oban, Oehlke

1 A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota
2 Century Code, relating to the establishment of a pilot program for providing state services to
3 juveniles adjudicated in tribal court; to provide for a report to legislative management; and to
4 provide an expiration date.

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

6 **SECTION 1.** A new section to chapter 27-21 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Tribal juvenile services pilot program - Report to legislative management.**

- 9 1. The department of corrections and rehabilitation, through the division of juvenile
10 services, shall establish a pilot program under which the department offers to
11 negotiate and enter a memorandum of understanding with the tribal government of a
12 federally recognized Indian tribe in the state for the purpose of accepting and providing
13 for, in accordance with chapter 27-20 and this chapter, the custody, care, and
14 treatment of tribal juveniles who have been adjudicated in tribal court in accordance
15 with tribal or federal laws. Under the pilot program and the terms of the memorandum
16 of understanding, the department of corrections and rehabilitation:
- 17 a. Shall require the tribal government to provide the department with tribal court
18 orders, medical and psychiatric reports, law enforcement reports, and other
19 information pertinent to the referral;
 - 20 b. Shall provide services based upon the individualized need of each juvenile
21 referred to and accepted by the department;
 - 22 c. Shall maintain regular contact with the tribe regarding each juvenile from the tribe
23 who has been placed in the custody of the department and shall provide quarterly

1 progress reports on each placement and more frequent reports if the juvenile's
2 behavior warrants;

3 d. May limit the number of tribal juveniles the department is willing to accept based
4 upon criteria developed by the department and upon the availability of state
5 resources and services; and

6 e. May decline acceptance of a referral or return a juvenile to the tribe if the juvenile
7 is a threat to institutional safety or security or if the juvenile fails to adhere to
8 departmental policies or programming.

9 2. Before July first of each even-numbered year, the department of corrections and
10 rehabilitation shall report and make recommendations to the legislative management
11 on the status, effectiveness, performance, and sustainability of the pilot program
12 established under this section.

13 **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that
14 date is ineffective.