

**HOUSE BILL NO. 1112**

Introduced by

Representatives Heinert, Howe, Jones, Meier, J. Nelson, Roers Jones, Schatz

Senators Dever, Larson, Myrdal

1 A BILL for an Act to amend and reenact section 54-23.3-11 of the North Dakota Century Code,  
2 relating to the prioritization of admission of inmates.

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

4 **SECTION 1. AMENDMENT.** Section 54-23.3-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-23.3-11. Prioritization of admission of inmates - Report to legislative management.**

7 1. The department of corrections and rehabilitation may refuse to admit inmates  
8 sentenced to the physical custody of the department when the admission of inmates  
9 will exceed the maximum operational capacity of the penitentiary and its affiliated  
10 facilities and result in the department exceeding its authorized legislative appropriation  
11 for contracting for housing inmates in other correctional facilities.

12 2. For purposes of this section, maximum operational capacity of the department means  
13 the total number of inmates that may be imprisoned at the same time in the  
14 penitentiary and its affiliated facilities.

15 3. The department shall develop a prison population management plan to prioritize  
16 admissions based on sentences and the availability of space in the penitentiary and its  
17 affiliated facilities. If the plan includes the use of a local jail or correctional facility, the  
18 department shall negotiate the terms of the agreement with each facility. An  
19 agreement under this section must include a minimum daily rate per inmate, including  
20 medical costs, to be paid by the department to the governing body of the jail or  
21 correctional facility beginning the day after the department receives notice from the  
22 district court of an order placing an individual in the care and custody of the  
23 department.

- 1        4.    The department shall report annually to the legislative management on the prison
- 2                    population management plan and inmate admissions and the number of inmates the
- 3                    department has not admitted after sentencing.