Seventieth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Representative Vetter

A BILL for an Act to amend and reenact section 54-23.3-11 of the North Dakota Century Code, relating to management of inmate populations; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The department of corrections and rehabilitation may refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the penitentiary and its affiliated facilities and result in the department exceeding its authorized legislative appropriation for contracting for housing inmates in other correctional facilities.
2. For purposes of this section, maximum operational capacity of the department means the total number of inmates that may be imprisoned at the same time in the penitentiary and its affiliated facilities.
3. The department shall develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the penitentiary and its affiliated facilities. If the plan includes the use of a local jail or correctional facility, the department shall negotiate the terms of the agreement with each facility. An agreement under this section must include a minimum daily rate per inmate, including medical costs, to be paid by the department to the governing body of the jail or correctional facility beginning the day after the department receives notice from the district court of an order placing an individual in the care and custody of the department and ending on the admission date provided by the department.
4. The department shall report annually to the legislative management on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing. <u>The report must identify each correctional facility or other facility contracted by the department for inmate placement</u>

and include the number of inmates housed at each correctional facility categorized by the type of offense for which the offender was convicted.