

February 10, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1549

Introduced by

Representatives Klemin, Hanson, Stemen

Senators Larson, Davison

1 | A BILL for an Act to create and enact a new section to chapter 12-44.1; ~~a new section to chapter~~  
2 | ~~27-02~~; and three new sections to chapter 54-23.3 of the North Dakota Century Code, relating to  
3 | the correctional facility grant program, Native American re-entry program, housing task force,  
4 | and criminal justice data collection; to amend and reenact section 12-47-31 of the North Dakota  
5 | Century Code, relating to offenders released from the department of corrections and  
6 | rehabilitation; to provide for a statement of legislative intent; to provide for a legislative  
7 | management study; and to provide an appropriation.

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

9 |       **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created  
10 | and enacted as follows:

#### 11 |       **Correctional facility grant committee - Correctional facility grant program - Report.**

12 |       1. The department of corrections and rehabilitation shall establish a correctional facility  
13 |       grant committee consisting of two members appointed by the director of the  
14 |       department of corrections and rehabilitation, two members appointed by the North  
15 |       Dakota association of counties, and the director of the behavioral health division of the  
16 |       department of health and human services. The director of the department of  
17 |       corrections and rehabilitation shall choose one member to serve as chairman. The  
18 |       committee shall:

19 |       a. Establish criteria for the evaluation of existing re-entry programs, including  
20 |       educational and counseling programs used by existing re-entry programs;

- 1           **b.** Establish criteria for the evaluation of grant applications;
- 2           **c.** Establish policies for screening and implementing grants under this section;
- 3           **d.** Establish criteria and policies for evaluating programs funded under this section;
- 4           **e.** Establish criteria and policies necessary for the successful administration and
- 5                 management of the grant program;
- 6           **f.** Administer grants to county, regional, or tribal correctional facilities; and
- 7           **g.** Provide annual reports to the department of corrections and rehabilitation
- 8                 regarding the status of the correctional facility grant program.
- 9           **2.** The correctional facility grant committee shall administer a grant program to expand
- 10                 access to evidence-based programming in county, regional, and tribal correctional
- 11                 facilities.
- 12           **3.** Grants awarded under this section must prioritize county, regional, or tribal
- 13                 correctional facilities with no existing re-entry, educational, counseling, or other
- 14                 evidence-based programs. Grants may be awarded to support access to culturally
- 15                 responsive treatment alternative programs.

16           **SECTION 2. AMENDMENT.** Section 12-47-31 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **12-47-31. Discharge of offenders –~~Clothing~~ –~~Transportation~~.**

- 19           **1.** The department of corrections and rehabilitation, in coordination with the department
- 20                 of transportation, shall facilitate a process for offenders applying for photo
- 21                 identification, including a driver's license, nondriver identification card, temporary
- 22                 driver's license, or temporary nondriver identification card.
- 23           **2.** The department of corrections and rehabilitation shall provide an offender released
- 24                 from the department appropriate clothing and transportation to a reasonable point as
- 25                 specified in the release plan, based upon need.
- 26           **3.** The department of corrections and rehabilitation, in cooperation with the department of
- 27                 health and human services, shall connect all eligible offenders to Medicaid assistance
- 28                 or other health and human services programs before the offender is released from the
- 29                 department.

30           ~~—SECTION 3. A new section to chapter 27-02 of the North Dakota Century Code is created~~  
31           ~~and enacted as follows:~~

1 ~~— **Supreme court mitigation of racial disparity – Report to legislative management.**~~  
2 ~~— The supreme court shall provide an annual report to the legislative management regarding~~  
3 ~~efforts to mitigate racial disparities in the state court system identified by the minority justice~~  
4 ~~implementation committee, and implemented by the supreme court.~~

5 **SECTION 3.** A new section to chapter 54-23.3 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Native American re-entry program - Report to legislative management.**

- 8 1. The department of corrections and rehabilitation, in cooperation with representatives  
9 from each federally recognized American Indian tribe in the state, and the Indian  
10 affairs commission, shall establish and administer a re-entry program to provide  
11 re-entry services and support tailored to the needs of Native Americans.
- 12 2. The Native American re-entry program shall:
- 13 a. Assess the needs of Native American adult offenders with the goal of reducing  
14 recidivism;
- 15 b. Identify culturally responsive training opportunities and provide training to  
16 department staff;
- 17 c. Designate a Native American liaison to operate within the department regarding  
18 parole and probation services for adult offenders;
- 19 d. Develop oversight and evaluation processes, including outcome-based metrics  
20 related to recidivism reduction.
- 21 3. The department of correction and rehabilitation shall provide an annual report to the  
22 legislative management regarding the status of the Native American re-entry program.

23 **SECTION 4.** A new section to chapter 54-23.3 of the North Dakota Century Code is created  
24 and enacted as follows:

25 **Housing task force - Report to legislative management**

- 26 1. The department of corrections and rehabilitation shall establish a task force on  
27 housing to address barriers to accessing housing for probationers, parolees, and other  
28 individuals released from the custody of the department. The housing task force must  
29 include representation from the division of adult services, including parole and  
30 probation services, the housing finance agency, the department of health and human  
31 services, and community housing providers.

- 1       2. The task force shall provide an annual report to the legislative management relating to:
- 2           a. The implementation of a housing assistance program to provide monetary
- 3           assistance to eligible probationers, parolees, and other individuals released from
- 4           the custody of the department of corrections and rehabilitation. The program may
- 5           include expanding eligibility requirements for housing assistance programs to
- 6           include individuals released from incarceration.
- 7           b. The implementation of a housing assistance program for eligible sexual
- 8           offenders, including the desirability and feasibility of using master leases to
- 9           improve accessibility.
- 10          c. Procedures for improving awareness regarding available housing options and
- 11          improving coordination among housing providers, the department of health and
- 12          human services, and the department of corrections and rehabilitation.
- 13          d. The capacity of sober housing and low barrier housing for individuals released
- 14          from the custody of the department of corrections and rehabilitation.

15        **SECTION 5.** A new section to chapter 54-23.3 of the North Dakota Century Code is created  
16 and enacted as follows:

17        **Criminal justice data - Report to legislative management.**

- 18        1. The department of corrections and rehabilitation, in cooperation with the behavioral
- 19        health division of the department of health and human services, representatives from
- 20        each judicial district, and representatives from the adult services division, including
- 21        parole and probation services and local or regional jails, shall examine criminal justice
- 22        data, including data collection, retention, and dissemination.
- 23        2. The department shall provide a report to the legislative management relating to
- 24        procedures for:
- 25           a. Tracking uniform data points;
- 26           b. Standardizing and automating criminal justice data collection, retention, and
- 27           dissemination; and
- 28           c. Improving data connectivity between system partners, including a proposal to
- 29           develop a data sharing portal to alert the department of health and human
- 30           services of changes to the Medicaid status of offenders in custody with the
- 31           department of corrections and rehabilitation.

**SECTION 6. LEGISLATIVE INTENT - FEDERAL GRANTS.** It is the intent of the sixty-ninth legislative assembly that the department of corrections and rehabilitation apply for federal grants from the United States department of justice to fund a temporary justice reinvestment coordinator position and to support the general funds required for the implementation of re-entry programs.

**SECTION 7. LEGISLATIVE MANAGEMENT STUDY - EXPANDING ACCESS TO CRIMINAL RECORD SEALING.** During the 2025-26 interim, the legislative management shall consider studying expanding access to criminal record sealing. The study must include the automation of record sealing for individuals eligible to file a petition to seal a criminal record under chapter 12-60.1-02, the expansion of eligibility for record sealing, and the potential costs and benefits of creating processes for criminal record expungement alongside, or in lieu of, avenues for criminal record sealing. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

**SECTION 8. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND REHABILITATION - CORRECTIONAL FACILITY PROGRAM GRANTS - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of administering correctional facility program grants, for the biennium beginning July 1, 2025, and ending June 30, 2027.

**SECTION 9. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND REHABILITATION - NATIVE AMERICAN RE-ENTRY PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of facilitating the Native American re-entry program, including programming, travel, and operating expenses, for the biennium beginning July 1, 2025, and ending June 30, 2027. ~~The department of corrections and rehabilitation shall apply for federal grants from the United States department of justice to fund a temporary justice reinvestment coordinator position and to support the general funds required for the implementation of re-entry programs.~~