

HB 1549 House Appropriations Rep. Lawrence R. Klemin Feb. 19, 2025

House Bill 1549 is the final bill completing the package of reentry-focused criminal justice reform in North Dakota. As I mentioned about HB 1425 and HB 1417, these bills continue our state's work to reform our criminal justice system – to maximize public safety, use taxpayer dollars more efficiently, and help people who are justice-involved become more productive citizens

The proposals in HB 1549 stem from an interim study to improve ND's reentry outcomes. Here's a recap of the key findings from the Reentry Work Group's Final Report:

- ND's prison population is rising while nationally it is declining.
- Admissions to prison have grown, and drug and alcohol offenses and revocations are the primary drivers of the increase.
- People of color are disproportionately represented.
- People leaving incarceration face barriers to success such as affordable housing, behavioral healthcare, gaps in Medicaid access, and a lack of state-issued IDs.

Overview of HB 1549

HB 1549 aims to better prepare justice-involved people for a transition back to the community. This includes focusing on programming and practices inside of corrections and detention centers that promote rehabilitation, as well as bolstering the prison release and reentry process to ensure people leaving prison have the support they need to access housing, medical care, and other resources that are critical to their reentry success and reduce the likelihood that they will recidivate.

Correctional Facility Reentry Programming Grants

Most people in jail will return to the community after a relatively short period of confinement. Even a short detention term can cause a person to lose employment, housing, miss medication, and other unintended consequences that could put them at risk for returning to criminal behavior.

Section 1 of this bill aims to improve the availability of reentry services in jails by creating a committee to oversee the administration of grants to support evidence-based reentry programming and services in jails, and outlining a process for evaluating such programs, screening applicants, and administering grant money to applicants.

State Identification and Access to Medicaid

Section 2 of this bill solidifies the partnership between DOCR and the Department of Transportation in their efforts to provide people leaving prison with identification. Without an ID, people leaving the system face problems with accessing housing, public benefits, employment, and banking. In 2023, 37% of people released from custody did not have a driver's license. This bill directs DOCR to coordinate with the Department of Transportation to facilitate a process for incarcerated individuals to apply for state-issued identification.

Having medical coverage is another critical element of reentry. There are often delays in coverage between someone's release from prison and their re-enrollment for Medicaid benefits. **Section 2** of this bill directs DOCR, in coordination with DHHS, to connect all eligible individuals with Medicaid assistance, or other health and human services programs, prior to release from incarceration.

Mitigation of Racial Disparities

Data collected shows the overrepresentation of Black and Native American people in ND's criminal justice system. Admissions to prison have generally increased over the past decade, but the increase has been most significant for these two populations. From 2014 to 2023, prison admissions for Native American people increased by over 60%, and prison admissions for Black individuals increased by 120%.

Section 3 of this bill relates to reentry programming that is tailored to the needs of this population. According to the American Probation and Parole Association's national supervision standards, case planning, interventions, and treatment options should be chosen for individuals based on their "responsivity factors," including cultural background. Given the growth of the Native American population inside of DOCR facilities, and the intention of DOCR to prepare people for release and successful reentry, DOCR must work in partnership with the tribes to develop reentry initiatives that align with tribal culture.

The bill directs DOCR to establish this program in coordination with North Dakota's five tribes and the Indian Affairs Commission and requires an annual report to Legislative Management. This section outlines requirements including that the program assess the needs of participants with the goal of recidivism reduction, identify and provide culturally responsive training to department staff, designate a Native American liaison to operate within DOCR's Adult Parole and Probation Services, and include oversight and evaluation processes.

Housing

To remain stable and law-abiding, people need to be able to access basic needs, like safe housing. **Section 4** of the bill directs DOCR to establish a task force that includes representation from other system stakeholder and housing providers, to examine housing for individuals leaving incarceration, housing for individuals with sex offenses, sober housing, and processes to improve coordination between system partners. These findings will be captured in an annual report to Legislative Management.

Data-Sharing

Section 5 of this bill directs DOCR to coordinate with DHHS, regional jails, and other criminal justice entities to examine current criminal justice data collection, retention, and dissemination practices. The bill also directs DOCR to provide recommendations for improving these practices, as well as improving data connectivity between system partners, in an annual report to Legislative Management.

Legislative Intent – Federal Grants

Section 6 requires the DOCR to apply for federal grants for the purpose of implementing reentry programs and creating a temporary coordinator position within DOCR to help oversee elements of the reentry improvements proposed in this bill. The intention is to use federal funding opportunities to support the implementation of the reentry policies that are included in the three bills.

Study Other Opportunities to Reduce Reentry Barriers

Section 7 relates to a study of criminal record sealing and opportunities that may exist to automate the sealing process or expand the eligibility for record sealing. North Dakota currently has a process for record sealing that certain people can apply for depending on the severity of their conviction and the amount of time that has elapsed since the conviction took place. Other states have automated this process.

A public criminal record can have a lasting effect on people who have turned their lives around following a conviction, specifically the complications it creates for obtaining employment and housing. This section provides for an interim study to evaluate the potential costs and benefits of automating this process in North Dakota or to determine if there are other avenues to expanding record sealing opportunities.

Section 8 is the appropriation of \$1,500,000 to DOCR for the purpose of administering the correctional facility program grants described in **Section 1**. DOCR estimate.

Section 9 appropriates \$25,000 to DOCR to facilitate the Native American reentry program described in **Section 3**. DOCR estimate.

Closing

In summary, HB 1549 aims to reduce recidivism by better preparing people who are involved in the justice system for a transition back to the community.