

House Judiciary Committee
Representative Lawrence Klemin, CHAIR
January 27, 2025

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING NEUTRAL TESTIMONY ON HOUSE BILL 1344

Chair Klemin and members of the House Judiciary Committee, I am Colby Braun, Director of the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written neutral testimony on House Bill 1344.

During this biennium our male inmate population was over capacity starting on July 1, 2023. In collaboration with county jail partners and DOCR wardens, we managed the overcrowding issue until October 28, 2024, when we enacted prioritization pursuant to N.D.C.C. § 29-27-11. In September 2024, the DOCR had to reduce male admission capacity due to limited space in the orientation unit. This forced counties to hold inmates in county jails longer than when they originally requested to transport the inmate to the North Dakota State Penitentiary. We worked with the counties to ensure they were paid for the days a person was declined admission due to space.

The current practice for counties to bring a sentenced person to the DOCR is through our scheduling calendar. Oftentimes, a sheriff may wait to transport to the DOCR for various reasons such as, waiting for a full transport, working with another county to transport, no deputy to transport, or the inmate has additional cases to resolve. The county is responsible to transport the person to the DOCR, NDSP for men and Dakota Women's Correctional Rehabilitation Center for women. The DOCR wants to ensure the intent of this bill is to have the DOCR begin payments on the date of denying admission, which may be different than the day the department receives notification from the district court. In addition, the DOCR has a calendar to help the counties organize transports as well as to ensure the DOCR is informed

and prepared for new admissions. This tool has worked well for all parties, but I believe this bill needs clarification on the denial of admission. We want to clarify what denial of admission means. A county should not be able to choose a date that has already been filled to trigger this payment process. We believe the intent of this bill is triggered when the DOCR refuses admission due to lack of bed space.

The DOCR often admits inmates with one sentence resolved to the DOCR, while they still have pending cases with the county of record. The burden is placed on the DOCR to do electronic court hearings to resolve the remaining county cases. This increased significantly during COVID and the practice has continued. This bill makes DOCR financially responsible when we are full, but not in prioritization contemplated by N.D.C.C. § 29-27-11. I recognize that a sentence to the DOCR is what is required for the admission, but we want to ensure that this bill considers the responsibility of the county when a person has unresolved felony cases in the county. I ask that there is some clarification on this scenario during your review and work on this bill.

I appreciate the time you have provided me for this testimony. We are willing to work with the committee to help clarify any of these points I discussed. I will stand for any questions.