

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR
MARCH 24, 2025**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN OPPOSITION OF SENATE BILL 2128**

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 testimony in opposition to Senate Bill 2128. SB 2128 is disastrous to the state's budget and dangerous for DOCR employees and the people of North Dakota.

You have been hearing that SB 2128 allegedly targets violent criminals – I am here to explain today how it in fact targets and greatly reduces our public safety. I agree that violent criminals need serious punishment. In fact, we have laws on the books that legislature has already implemented: violent offenders in North Dakota are already required to serve 85% of their sentences in prison. What SB 2128 does is shut the door on the investments in rehabilitation and redemption that are proven to make our communities safe.

Almost everyone in North Dakota prisons is coming home someday, and we all agree that we want them to come home from prison better than they went in. SB 2128 does two things that will undermine rehabilitation and lead to more crime:

1. SB 2128 takes away time credits that incentivize people in prison to follow the rules and participate in education, treatment, and rehabilitation programs, and

2. SB 2128 bans people in prison from entering a transition center until they reach the last 15% of their sentence, which is often too late for a person to complete and benefit from the treatment and training available there. **SB 2128 denies more than 90% of North Dakotans in prison timely access to the rehabilitation programs and life-changing reentry assistance our transition centers provide.**

In short, SB 2128 denies people the opportunity, incentives, and tools they need to rebuild their lives. This is a disservice to victims of crime. It will lead to more crime and make us less safe.

Some of the people SB 2128 endangers are correctional officers. Any correctional officer will confirm what common sense tells us: "Idle hands are the devil's workshop." People in prison are just like the rest of us: they need incentives to motivate them to do hard work. SB 2128 takes this motivation away. When we put people in prison and give them nothing to do and no incentives to improve themselves, misconduct goes up. Rule-breaking goes up. Violence goes up. Hopelessness goes up. This creates a more unstable, dangerous work environment for correctional officers and the people we are trying to rehabilitate. Our correctional officers want to help the people they supervise to grow and change in positive ways. We already have a hard time recruiting, hiring, and retaining staff. No one wants to work in a place where they don't feel safe and don't feel like they're making a difference.

It gets worse. SB 2128 would also require the DOCR to minimize its use of our most effective crime-fighting tool: our transition centers. **Violent offenders who go through our transition centers are 39% less likely to commit an additional violent crime.**

That's because our transition centers have dedicated staff that provide the one-on-one mentoring and assistance that people need when they are transitioning home. The fact that there are more than zero people who have failed is not a reason to remove this tool because far more people would fail without this tool. I would be delighted to take any one of you to visit our transition centers so you can see for yourself how we empower people to find jobs, stay sober, take care of their families, contribute to our economy, and stop committing crimes.

One Native American man shared with me his story of success at the transition center, and it shows why we should be investing more in rehabilitation instead of just warehousing people longer. He wrote me:

"I have been to prison multiple times for various reasons, which were all caused by decisions I made when I was under the influence of substances and in active addiction. My last stay in a transitional center was what really helped me get a start on my journey of bettering my life. ...

I spent 4 months residing at Grand Forks Centre. ... While at Centre, I was able to use their resources to get a cellphone so that I could apply for jobs and communicate with potential employers, which ended up helping me obtain a job that I am still employed at, even today. The staff at Centre even got me set up with Vocational Rehabilitation, which resulted in them purchasing a bike for me so that I could have transportation to work. Centre helped me learn how to budget my money better, and I was even able to save up almost \$2,000 at the time I discharged from there. I completed treatment in prison, but I was able to maintain my sobriety at Centre ...

Since leaving Centre, I have maintained my recovery, and I am currently 22 months sober. I still have the same job, and I have money in my bank account for the first time in years. ... When I got out of Centre, my care coordinator through that program asked me, “so what now?” and I told her about my goal of getting a bachelor’s degree in cyber security. She helped me apply for the University of North Dakota. I got accepted, and I am currently taking online classes at 41 years old. ... I applied for about 6 different apartments and got denied from all of them due to my criminal history. ... However, my care coordinator pulled some strings for me and found me a 2-bedroom house to rent.”

In contrast to this successful reentry, SB 2128 would send people directly to the community after they have spent years in prison with little or no time in a transition center to sort out sobriety, mental health treatment, housing, or finding a job. Common sense - and all of the evidence - tells us that a person who serves less of their sentence in prison but gets more rehabilitation and preparation will do better and reoffend less than a person who serves much more time isolated from society and is released unprepared, uneducated, untrained, and untreated because of SB 2128. Failing to prepare and support people when they are in prison and coming home leads to failure. Taxpayers will pay for SB 2128 not just in dollars, but in new crimes and new victims.

Transition centers change lives and reduce crime. We need more of this, not less!

The net effect of SB 2128 is to send people home from prison worse off than when they came into prison and give them only minimal help when they reenter our communities. This will lead to increased crime and victimization.

The Federal Government had an 85% law like the one that the Attorney General is proposing. It made the federal prison population and budget explode. President Donald J. Trump passed the First Step Act in 2018 in recognition that people need incentives to improve themselves, and that bill has been a public safety success. It gives **inmates** more time in community transition for completing rehabilitation programs. The Federal Bureau of Prisons is learning what we have known for years that incentivizing behavior and programming while supporting people in their return to society increases public safety and reduces recidivism.

SB 2128 is a disservice to taxpayers. SB 2128 will make taxpayers pay more for less safety. This bill will cost our state \$45 million – and that’s just in the next two biennium. The money that SB 2128 would spend locking up nonviolent people with less rehabilitation would be far better spent on hiring more police – which actually does deter crime – or investing in more rehabilitation.

If anything, the fiscal note’s cost estimate is too low. The fiscal note does not include the increased costs of new crimes and recidivism from failing to rehabilitate people. Those new crimes will bring court and prosecution costs and victim restitution. The math on prisons is simple: keep more people inside longer, and your prison population will eventually increase so much that you need to build more facilities. To put some perspective on this, our new women’s facility will cost taxpayers \$166 million to build. SB 2128 is a recipe for more prison construction.

I take my mandate to protect the public very seriously. Based on my experience and on research and data, I can promise you that locking people up longer with less rehabilitation guarantees more crime and enormous costs. SB 2128 moves North Dakota in the wrong direction on public safety and fiscal responsibility. I urge you to vote no on SB 2128, and I welcome your questions.