

SB 2128
2-20-25

**SENATE APPROPRIATIONS HUMAN RESOURCE DIVISION COMMITTEE
SENATOR DICK DEVER, CHAIR
FEBRUARY 20, 2025**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY ON SENATE BILL 2128 FISCAL NOTE**

Chairman Dever and members of the Senate Appropriations Human Resource Division Committee, I am Colby Braun, Director of the North Dakota Department of Corrections and Rehabilitation (DOCR). I am here to provide testimony on the fiscal note for Senate Bill 2128.

The Facts of Senate Bill 2128:

1. No matter how restrictive this bill is – 95% of people who come to prison, will be our neighbor.
2. Violence in North Dakota will increase.
 - a. 92% of violent offenders who reenter society through a transitional facility do not commit another violent act returning them to a ND prison.
 - b. 98% of non-violent offenders who reenter society through a transitional facility do not commit a violent act returning them to a ND prison.
 - c. A violent offender released directly to society from prison rather than going through a transitional facility is 39% more likely to return to a ND prison for committing another violent crime.
3. One of the key elements of this bill is to take away one of the best mechanisms we have for reducing violent crime. The result is that if we pass this bill, there will be more victims of crime.
4. Recidivism in North Dakota will increase.
 - a. Regardless of whether the crime is considered violent or non-violent, people who reenter society through a transitional facility are 14% less likely to return to prison in 3 years.

5. North Dakota prison and jail employees will be less safe.
 - a. Removing incentives for making good choices will increase violence in prison. The current design of good time incentivizes personal responsibility. Under this bill individuals who are not yet eligible for treatment will lose their incentive to maintain good behavior within our prison walls.
6. To go directly from prison back to normal life is dramatic. Coaching people through this return to society is what reduces reoffending and the likelihood of violence.
7. Fewer people will be released with drug and alcohol treatment completed. 306 people completed drug and alcohol treatment in a transitional facility last year. DOCR doesn't have the space or personnel to meet the new demand for treatment. Historically, DOCR has had a difficult time to recruit addiction counselors.
8. The specific language of this bill ignores the reality of what we can provide. A person MUST be working AND participating in education AND participating in court-ordered treatment or staff-recommended treatment. We do not have enough jobs for every person, so people are on a waiting list for employment. Approximately 35% of people in prison need a GED. Treatment programs are offered to inmates when they are nearing release, if resources are available. It will be rare that a person will be participating in all three at the same time. This means that the current language of the bill will disincentivize people from participating in education or vocational or treatment programs. The mindset will become, since the state can't support me to do all three, and since I don't benefit from doing 1 or 2, I'll just do nothing at all. As we have said before, idle hands are the devil's workshop.

Fiscal Note SB 2128 Summary

Expense/Saving	FY25-27	FY27-29	Section
Return Transitional Facility Residents to DOCR facilities	\$ 1,254,074		Section 2
Restrict employment, education and rehabilitation	\$ 2,045,192	\$ 2,045,192	Section 3
Development to change good time calculation	\$ 180,000		Section 5
Meritorious Credit	\$ 1,291,200	\$ 1,291,200	Section 6
Preventing Arrest - 184 for 14 days	\$ 381,248	\$ 381,248	Section 7
Simple Assault - 154 for 30 days	\$ 683,760	\$ 683,760	Section 8
Confinement Increase in Cost from Transitional Facilities to DOCR	\$ 6,836,990	\$ 6,836,990	Section 10
Parole Board Restriction - 50% Sentence Served	\$ 10,019,500	\$ 10,019,500	Section 10
LACs to replace those in Transitional Facilities	\$ 1,617,850	\$ 1,617,850	Section 10
Fleeing - 223 for 30 days	\$ 990,120	\$ 990,120	Section 11
TOTAL	\$ 22,691,965	\$ 21,257,890	

Other Societal/State Fiscal Impact	FY25-27	FY27-29	Impacted Entity
Lost fines/fees/restitution from work	\$ 600,000	\$ 600,000	Victim Impact
Lost Taxes (Federal, Social Security & Medicare)	\$ 1,550,727	\$ 1,550,727	Federal & State Impact
Lost Child Support	\$ 1,923,470	\$ 1,923,470	State/Family Impact
TOTAL	\$ 4,074,197	\$ 4,074,197	

Section 3:

Offenders can work in the facilities where they reside.

The work below is done by offenders living at a facility and working at another facility outside of their living space.

These positions would be required to hire from the general public as the work could not longer be completed using inmate labor.

Section 3 Analysis

	Monthly Salary	Monthly Benefits	Total Monthly	# of staff needed	One-time Oper Costs	# months in Biennium	Total for 25-27 BI	
Janitor	\$ 3,200	\$ 1,120	\$ 4,320	1	\$ 4,320	\$10,810	24	\$ 114,490 NDSP
Yard Crew Worker	\$ 3,400	\$ 1,190	\$ 4,590	4	\$ 18,360	\$10,810	24	\$ 451,450 NDSP
Yard Crew Worker	\$ 3,400	\$ 1,190	\$ 4,590	2	\$ 9,180	\$10,810	24	\$ 231,130 YCC
Yard Crew Worker	\$ 3,400	\$ 1,190	\$ 4,590	0.5	\$ 2,295	\$ 10,810	24	\$ 65,890 JRCC/JRMU (other 0.5 is work done for NDSH)
RRI Warehouse/Installers	\$ 5,165	\$ 1,808	\$ 6,973	7	\$ 48,809	\$10,810	24	\$ 1,182,232 Rough Rider
Total Biennial Impact				14.5	\$ 54,050		\$ 2,045,192	

Amendment 10 - Confinement & Parole Board Restrictions

	FY25-27		FY27-29
Confinement - Remove access to Transitional Facilities	\$ 6,836,990	\$	6,836,990
LAC's for 306 people (previously provided at TFs)	\$ 1,617,850	\$	1,617,850
50% of sentence must be served before parole	\$ 10,019,500	\$	10,019,500
Total Fiscal Impact	\$ 18,474,340	\$	18,474,340

	Monthly Salary		Monthly Benefits		Total Monthly	# of staff needed		One-time Oper Costs	# months in Biennium		Total for 25-27 BI	
LACs for 306 people	\$ 6,200	\$	2,170	\$	8,370	8	\$	66,960	\$10,810	24	\$	1,617,850

PAROLE BOARD RESTRICTIONS	Number of Days between Parole Release and 50% of Sentence Served		Cost Per Day		Expense to keep up to 50% of sentence
Released on Parole 2023-2024	100,195	\$	100	\$	10,019,500