



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Testimony Prepared for the
Senate Judiciary Committee

February 2, 2025

By: Kelly Leben, Sheriff

RE: Supportive Testimony for Senate Bill 2365- 24/7 Sobriety Program Fees

My name is Kelly Leben and I currently serve as the elected Sheriff of Burleigh County. In my role as Sheriff, one of the programs our department administers is the 24/7 Sobriety Program. The 24/7 Program was started in the State of North Dakota, by then, Attorney General Wayne Stenehjem, in 2008. The programs main functions are to give people the opportunity to stay out of jail and remain alcohol and/or drug-free. There are participants that are pre-adjudication and are on the program as part of their pre-trial release and participants that are post-conviction and are on the program as part of their sentence. There are many different testing groups as part of the program. The testing programs offered are Twice a Day Breath Test, SCRAM monitoring, which is commonly referred to as the ankle bracelet, Drug Patches, and Remote Breath Testing. Since inception, the intent of the program was to create a program that helped reduce jail populations, ensured accountability of alcohol and drug related offenders, provided for immediate sanctions for violations, and was designed to be self-funded with law violators paying to be on the program.

The fees collected from the participants are as follows;

Twice a Day Breath Test- \$1.00 per test.

SCRAM Monitoring- \$140.00 start-up (\$50.00 activation fee, \$6.00 per day= \$84.00 for 2 weeks.)

Drug Patch- \$60.00 7-14 days

Remote Breath Testing- \$120 Start-up (\$50.00 activation fee, \$5.00 per day= \$70.00 for two weeks.

Of the total fees collected, agencies are required to reimburse the Attorney General's office for expenses they incur by supplying our agency with the SCRAM Bracelets and Remote Breath Testing machines.

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The fees collected by the Burleigh County Sheriff's Department in 2023 is as follows;

Total Fees Collected- \$267,379.00

Fees Sent to Attorney General- \$139,290.00

Refunds to Participants- \$4,398.00

Fees Allocated to BCSD- \$128,089

Of the fees allocated to our agency, we are responsible to administer the program with testing devices, analysis of tests, record-keeping, and personnel. Our agency spends approximately \$52,000 per year on supplies and expenses and also incurs the cost of two full-time employees that administer the program. The fees collected as part of this program are important to the overall administration of the program and help create buy-in and accountability for participants.

I am speaking here today a bit preemptively, as Burleigh County has not experienced any issue with the collection of fees for the program, as it is my understanding other jurisdictions have. I come here today to support this change to NDCC 54-12-30 to clear up any ambiguity in regards to fees collected for the program and the purpose of those fees. The 24/7 Sobriety Program truly has shown positive results overall, but without the associated fees collected, the program could become a financial burden on Sheriff's Departments and ultimately the citizens.

Thank you for your time and consideration!

Sincerely,



Kelly Leben, Sheriff
Burleigh County