

1999 SENATE JUDICIARY
SCR 4015

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR4015

Senate Judiciary Committee

Conference Committee

Hearing Date February 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 - 1890
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

SCR4015 is to study the adult correctional system in North Dakota, including its functions, responsibilities, funding, and operation, and the causes of past and projected future increases in the state's adult inmate population, including the impact of sentencing laws.

SENATOR STENEHJEM opened the hearing on SCR4015 at 9:00 a.m.

All were present.

SENATOR NETHING, District 48, testified in support of SCR4015. This came as an outgrowth of an assignment that our Interim Committee had wherein we visited the institutions in the State.

As we gathered information, it seemed that now is the time we look at our correctional systems.

SENATOR STENEHJEM asked about the resolution limiting the study to adult correctional institutions or should we also include the youth correctional institutions.

SENATOR NETHING stated that he had no objection, you could look at the other testimony.

We don't seem to have the problems in the youth correctional institutions.

ELAINE LITTLE, Department of Corrections, testified in support of SCR4015. Testimony attached.

SENATOR TRAYNOR asked about housing some state inmates in Devils Lake, is there any housed there?

ELAINE LITTLE stated she was not sure if there are any there at the present time. We have used Devils Lake at other times.

SENATOR TRAYNOR stated that they could house up to 15 more.

ELAINE LITTLE stated that they have a contract with Appleton, MN and we have to house 50 there to keep up with the contract.

SENATOR TRAYNOR stated that Dickinson will have room for 25 with their renovations that were made.

ELAINE LITTLE stated that they are hoping to utilize local institutions. They are looking at setting up contracts with the local institutions.

SENATOR LYSON asked about the high intensity treatment to release the inmates earlier, where is this going to take place.

ELAINE LITTLE stated that they are contracting with the Stutsman County Jail for 30 beds there and so the confinement will take place in the Stutsman County Jail but the treatment will be provided by the Department of Corrections.

SENATOR LYSON asked how you choose the local jails.

Page 3
Senate Judiciary Committee
Bill/Resolution Number SCR4015
Hearing Date February 1, 1999

ELAINE LITTLE stated the primary reasons for the Stutsman County Jail is that the JRCC is located there but also the State Hospital treatment staff is providing the treatment in the revocation center.

SENATOR STENEHJEM CLOSED the hearing on SCR4015.

SENATOR WATNE made a motion for DO PASS, SENATOR TRAYNOR seconded. Motion carried.

SENATOR TRAYNOR will carry the bill.

6 - 0 - 0

Date: 2-1-99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4015

Senate Judiciary _____ Committee

Subcommittee on _____
 or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS

Motion Made By Watne Seconded By Traynor

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Carolyn Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Traynor

REPORT OF STANDING COMMITTEE (410)
February 1, 1999 12:42 p.m.

Module No: SR-20-1585
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4015: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the
Eleventh order on the calendar.

1999 HOUSE JUDICIARY

SCR 4015


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 4015

House Judiciary Committee

Conference Committee

Hearing Date : March 8, 1999

Tape Number	Side A	Side B	Meter #
2	X		2.9
Committee Clerk Signature 			

Minutes:

ELAINE LITTLE (Dept of Corrections) Presented statistics on the inmate population in the state prison system and highlighted the changes, which are dramatic. Wants a study of treatment programs and how that can be used to shorten sentences and reduce the prison population. The highest rate of recidivism is with thieves.

COMMITTEE ACTION

REP. DEKREY We have been asked to amend this bill to include a study to build a new prison or prisons, knock down the old prison and sell the land for development. He called for a motion to that effect and none was forthcoming.

REP. MARAGOS moved that the committee recommend that the bill DO PASS. Rep. Mahoney seconded and the motion passed on a roll call vote with 12 ayes, 0 nays and 3 absent. Rep.

Mahoney was assigned to carry the bill.

Date: 3/8
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4015

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Maragos Seconded By Mahoney

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓		REP. KELSH	✓	
REP. CLEARY	✓		REP. KLEMIN	✓	
REP. DELMORE	✓		REP. KOPPELMAN		
REP. DISRUD	✓		REP. MAHONEY	✓	
REP. FAIRFIELD	✓		REP. MARAGOS	✓	
REP. GORDER			REP. MEYER	✓	
✓ REP. GUNTER	✓		REP. SVEEN		
REP. HAWKEN	✓				

Total Yes 12 No 0

Absent 3

Floor Assignment Mahoney

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 9, 1999 11:05 a.m.

Module No: HR-42-4317
Carrier: Mahoney
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4015: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

1999 TESTIMONY

SCR 4015

**Testimony on
Senate Concurrent Resolution
No. 4015**

Senate Judiciary Committee
Senator Wayne Stenehjem, Chairman

February 1, 1999
Presented by Elaine Little
Department of Corrections and Rehabilitation



DEPARTMENT OF CORRECTIONS AND REHABILITATION

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Mr. Chairman and members of the committee, the Department of Corrections and Rehabilitation supports the passage of SCR No. 4015.

Attached is information relating to the inmate population and how it has changed over the past few years. I will briefly highlight some of the major changes and then respond to any questions that you might have. Thank you.

NDSP Inmate Population Information

Population on December 31, 1998 is 942

NDSP 518, JRCC 222, MRCC 142 (The NDSP count includes 50 at Appleton, 15 in Jails and 7 on CPP)

Average Inmate Population, Arrivals, Releases and One Day Counts

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
Average Daily Population	567	571	619	707	819	902	59%
Annual New Arrivals	452	482	473	581	572	778	72%
Annual Releases	459	481	451	514	519	657	43%
Inmate Count on June 30	573	592	677	694	770	910	59%

Inmate Admissions of Selected Offenses By Calendar Year

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
Violent (Non-Sexual)	74	90	81	124	109	153	107%
Sex Offenders	41	43	30	37	43	55	34%
Drug Offenders	41	58	74	95	142	232	466%
Property Offenders	234	225	225	256	217	296	26%

Average Sentence (In Months) By Calendar Year

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
All Inmates	42	49	42	43	46	38	-10%
* 85% Truth-in-Sentencing **	47	41	34	60	87	40	-15%
Violent Offenders	58	56	59	59	56	59	2%
Sex Offenders	71	85	99	87	91	93	31%
Drug Offenders	40	42	49	40	48	50	25%

* 85% TIS numbers not included in the Violent Offenders row; ** 85% TIS law passed in 1995 and these numbers reflect the inmates who would have been in this category had the law existed in 1993 and 1994

Current Inmate Count and Average Sentence

Offense	Inmate Count	Average Sentence
Violent Offenders (Excluding Sexual)	263	57 Months
Sex Offenders	123	122 Months
Drug Offenders	187	55 Months

149 Inmates Sentenced for Delivery, Manufacture or Intent

38 Inmates Sentenced for Simple Possession of Drugs

Number of Admissions By Sentence Length (Each Calendar Year)					
	CY 94	CY 95	CY 96	CY 97	CY 98
Less Than One Year	49	50	54	43	68
One Year to Less Than Five Years	299	282	356	329	492
Five Years to Less Than Ten years	115	120	138	156	160
Ten Years to Less Than Twenty Years	30	29	20	31	31
Twenty Years or More	16	9	11	8	8
Current Inmate Population By Sentence Length					
	Percent (Number) of Inmates		Average Sentence		
Less Than One Year	5% (45)		6 Months		
One Year to Less Than Five Years	48% (445)		30 Months		
Five Years to Less Than Ten years	27% (248)		82 Months		
Ten Years to Less Than Twenty Years	11% (101)		131 Months		
Twenty Years or More	9% (85)		413 Months		
Minimum mandatory sentenced inmates break out as follows (on Dec 31, 98):					
Offense	Inmate Count		Average Sentence		
DUI	32		21 Months		
Drug Offenses	67		63 Months		
Aggravated Assault (2 Year)	1		48 Months		
Aggravated Assault (4 Year)	4		42 Months		
Robbery	29		59 Months		
Terrorizing	1		60 Months		
Life With No Parole	4		*** 15% of the inmate population on 12-31-98 had a minimum mandatory sentence.		
Total	*** 138				
85% (Truth-in-Sentence) inmates break out as follows (on Dec 31, 98):					
	Inmate Count		Average Sentence		
	88		77 Months		