

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3047

2005 HOUSE JUDICIARY

HCR 3047

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3047

House Judiciary Committee

Conference Committee

Hearing Date 2/23/05

Tape Number	Side A	Side B	Meter #
1	xx		0-4.5
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 13 members present, 1 member absent (Rep. Maragos).

**Chairman DeKrey:** We will open the hearing on HCR 3047.

**Rep. Ralph Metcalf:** Sponsor (see written testimony).

**Chairman DeKrey:** Thank you. Further testimony in support, testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HCR 3047.

**Representative Delmore:** I move a Do Pass, Consent calendar.

**Representative Koppelman:** Seconded.

13 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Delmore

Date: 2/23/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3047

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass - Consent Calendar

Motion Made By Rep. Delmore Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Delmore

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

**REPORT OF STANDING COMMITTEE (410)**  
February 23, 2005 2:17 p.m.

**Module No: HR-33-3512**  
**Carrier: Delmore**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.**

2005 SENATE JUDICIARY

HCR 3047

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3047

Senate Judiciary Committee

Conference Committee

Hearing Date March 23, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 920
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: A resolution directing LC to study sentencing alternatives with an emphasis on rehabilitation over incarceration treatment options and funding of programs.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

Rep. Ralph Metcalf, Dist. #24 Introduced the House Concurrent Resolution and gave testimony - Att. #1.

Sen. Traynor asked if Rep. Metcalf was aware of HB 1473 to provide for a Commission on Alternative Incarceration? I have heard but do not have the detail. Committee discussed it. If both bill and study passes LC may combine the two into one. This bill has to do with rehabilitation and the other bill does not.

Page 2

Senate Judiciary Committee

Bill/Resolution Number HCR 3047

Hearing Date March 23, 2005

**Sen. Nelson** made the motion to Do Pass and **Senator Hacker** seconded the motion. All members were in favor and the motion passes.

Carrier: **Senator Syverson**

**Testimony in Opposition of the Bill**

None

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing



Date: 3/23  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 3047

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Nelson Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) \_\_\_\_\_ 6 No \_\_\_\_\_ 0

Absent \_\_\_\_\_ 0

Floor Assignment Sen Syverson

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

**REPORT OF STANDING COMMITTEE (410)**  
March 24, 2005 9:28 a.m.

**Module No: SR-54-5994**  
**Carrier: Syverson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
**(6 YEAS; 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the**  
**Fourteenth order on the calendar.**

2005 TESTIMONY

HCR 3047

TESTIMONY CONCERNING HCR 3047  
HOUSE JUDICIARY COMMITTEE  
February 23, 2005

Good afternoon Chairman DeKrey and members of the House Judiciary Committee. I am Rep Ralph Metcalf from the Greater District 24 representing North Dakotans living in 22 townships in western Barnes County and 10 townships in northwestern Ransom County.

House Concurrent Resolution 3047 requests the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs. It is not easy to admit that we have a serious drug problem in this state but all we have to do is look at the increase in the number of our younger citizens that are being imprisoned for the use of drugs and methamphetamine appears to be the major problem. Not only is this drug highly addictive but it is easily manufactured and very difficult to treat with a high probability of recidivism. Although the major concern appears to be meth we must include all mind altering drugs especially alcohol and marijuana which appear to be the entry drugs of choice.

Our prisons are at or near capacity in both our male and female facilities. Our county jail facilities are full a great majority of the time and many counties are enlarging their facilities or making plans to build in the near future. Our judge's dockets are overloaded with cases waiting months before an initial appearance. Our probation officers are grossly overloaded with as many as 70 or 80 cases assigned to each officer. Communications between probation officers and the offenders are difficult to say the least.

We are at a cross road and we must be prepared to make some drastic changes in our treatment policies for drug offenders or be prepared to be swallowed up in red ink. To proceed without a definitive plan or goal is hazardous to the future of this state.

This study does only half the job, the correction and rehabilitation. More importantly it is necessary to understand why our youth seem to have an increasing need to experiment and use mood altering drugs and what we must do to keep this from happening. Stopping the problem before it starts may be the best route to take and if you feel this study should be changed to a more meaningful

direction I would welcome your amendments. The use of drugs must be stopped before it consumes our society.

Chairman DeKrey, as you can see I believe this to be a very important study that has the potential to be of great benefit to our state and country. This ends my testimony on this matter and I will try to answer any questions you or your committee may have.

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ND NEWSPAPER  
CLIPPING SERVICE  
1435 Interstate Loop  
Bismarck, ND 58503

OCT 17 2004

Bismarck Tribune

# THE BISMARCK TRIBUNE

## Editorial Board

Julie Bechtel, Publisher  
Dave Bundy, Editor  
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Frederic Smith, Opinion Page Editor

## Needed: a roundtable study of corrections

The reminders keep coming that corrections issues will necessarily take up a lot of time at the 2005 Legislature.

Ten days ago, the Southwest Multi-County Correction Center said it is losing money on the contract operation it provides the state at New England and will seek a 12 percent bump in the next biennium. New England already costs the state \$78 per prisoner day, versus \$57 for prisoners at the state penitentiary.

Should the state renew with Southwest Multi-County? (Failure to do so, after the center's investment at New England, would be a blow to the stability of the

whole Southwest Multi-County enterprise, including its six-county jail at Dickinson.) Should it do even more contracting, with other counties?

Or maybe it is time to bite the bullet and do some more building of its own, which the Legislature declined to do last time.

Bismarck and Jamestown are bursting at the seams, prisoners running 23 percent ahead of last biennium, and we are housing people — expensively — out of state. The Department of Corrections and Rehabilitation is pitching \$29 million in new buildings at the penitentiary that would replace a 100-year-old cell block and net 100 additional beds.

The department also is offering the Legislature stepped-up treatment of drug and alcohol problems, which would allow the state to parole a certain kind of offender earlier, freeing prison beds — or maybe not lock him up at all.

There is merit, along with down sides, to all of these approaches. However, if one thing stands out, it is the need for the state to think in a comprehensive way about corrections.

In general, in recent years, the Legislature has concentrated on locking up drug offenders, with insufficient resources devoted to treatment and housing. Now, in the wake of Dru Sjodin, it is getting ready to deal longer sentences to sex offenders, which will make still more demands on the system.

Is the Legislature prepared to do what it takes, or will it ask Corrections to continue to scramble?

Remembering the roundtable approach that put higher education in this state on a new course that almost everyone approves:

For the future, if not in time to inform its work this time, the Legislature should convene all the players — legislators, corrections, governor's office, law enforcement — and ask them for a plan that makes sense of all the elements of punishment, rehabilitation and public safety.

If this summit worked as well as the roundtable, it would result in a program for presentation to a future Legislature that was irresistible on its merits and for which the way already had been smoothed.

Let the 2005 Legislature at least launch the roundtable process for corrections, and it will have done itself a favor for many sessions to come.

— Frederic Smith for the Tribune



Brief 04-10

May 2004

## ALTERNATIVES TO PRISON FOR NONVIOLENT DRUG OFFENDERS

An increase in the number of nonviolent drug related convictions has contributed to a growing prison population. Race is a crucial variable, with two out of five blacks charged with drug offenses sent to state prisons.

2003 Senate Bill 518, known as the Addicted Offenders Accountability and Public Safety Bill, proposed to make grant money available to counties to establish programs that offer substance abuse treatment to drug or alcohol-related offenders. It was passed unanimously by the senate in March, but subsequently died in the assembly. This brief discusses the causes and possible solutions to the burgeoning prison populations, Wisconsin's treatment programs, a summary of SB-518, and programs in other states.

### GROWING PRISON POPULATIONS

#### United States and Wisconsin

According to the U.S. Department of Justice Statistics, in 2002, 22 state prison systems and the federal prison system operated at 100% or more capacity. The national prison and jail population exceeded 2 million inmates for the first time ever during the fiscal year ending June 30, 2002. Two-thirds of the inmate population were housed in state or federal prisons, the other third in local jails.

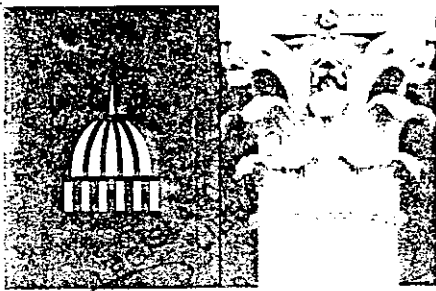
As of June 2002, there were 21,978 inmates in Wisconsin state prisons, according to the Wisconsin Office of Justice Assistance (OJA). There was an average daily

population of 13,583 inmates in county jails, with 261,684 total admissions for the year. According to the 2000 U.S. Census, blacks composed 5.7% of Wisconsin's general population, but accounted for 38.8% of the state's incarcerated population.

#### Race As A Factor

In seven states including Wisconsin (Connecticut, Illinois, Iowa, Minnesota, New Jersey, and Pennsylvania are the others), black males are incarcerated at more than 13 times the rate of white males for drug offenses. While drug laws differ in every state, differences in sentencing structures have increased the number of black males incarcerated for nonviolent drug offenses. At the federal level, offenders convicted of selling five grams of crack cocaine receive an automatic sentence of a minimum of five years, but an offender selling powder cocaine would have to be convicted of selling 500 grams to receive the same sentence, according to the U.S. Drug Enforcement Administration.

The Human Rights Watch (HRW), an organization that investigates human rights violations worldwide, provides in its report "Incarcerated America", that while the proportion of all drug users nationwide that are black is roughly 13-15%, blacks compose 36% of arrests for drug possession, and 63% of all drug offenders in state prisons. Nationwide, one in 20 black men over 18 are in prison. According to another HRW report, black males in Wisconsin are 53 times more likely to go to prison for a drug offense than white males - this rate being the 2nd



MARCH 2004

## Get Out and Stay Out—Aiding Offender Re-entry

By Blake Harrison

*There is new attention to help offenders return safely and productively to society.*

More than 1.2 million people were incarcerated in state prisons at the end of 2002. It is estimated that 595,000 offenders were released that year, a 46 percent increase since 1990. These numbers raise concern that many will commit new crimes and return to prison. A 1994 Department of Justice study found that 67 percent of released prisoners were re-arrested within three years. There is new attention at state and federal levels to provide services and supervision to help offenders return safely and productively to society.

*Successful programs produce substantial savings by lowering the recidivism rate.*

**Successful Programs.** Successful offender re-entry programs produce savings by lowering the recidivism rate. A 2001 report by the Washington Institute for Public Policy found that prisoners in a work release program were 3 percent less likely to return to prison than those not in the program and that taxpayers saved \$6.16 for every dollar spent on the program. The same study found that adult education resulted in \$5.65 savings for every dollar spent. Drug treatment saved between \$2.83 and \$6.17 for every dollar spent, depending on the program.

*Successful programs often begin in correctional institutions and continue through an offender's re-integration into society.*

Successful programs often begin in correctional institutions and continue through an offender's re-integration into society. Institution-based programs are designed to give offenders education, job training and substance abuse treatment while they are incarcerated. Transitional programs, such as re-entry courts, supervised housing, job placement, or work release programs, help integrate offenders before and immediately after release. Finally, community-based support programs connect ex-offenders with a network of social service agencies and organizations that provide ongoing services after they have left the justice system.

### State Action

States, in partnership with the private sector, have a long tradition of providing pre- and post-release services that ease a former inmate back into society. Recent state legislation seeks to update and expand these efforts. Illinois established a pilot program in 2003 to place hard-to-employ people in jobs. The program will give priority to areas where the concentration of offenders is highest. South Carolina established the Offender Employment Preparation Program in 2002, which requires the Department of Corrections and other agencies to help prepare incarcerated individuals for employment upon release. Florida expanded community corrections programs, probation and restitution centers, and job placement assistance in 2001. The law also authorized private contracts for services, including faith-based service groups. Oklahoma requires nonviolent offenders to spend 30 days in a work center or community corrections center right after release, followed by at least 90 days in a halfway house or transitional living facility that provides employment and housing assistance. Nevada now permits some ex-offenders to work in professions previously prohibited under state law, as long as the convictions were unrelated to their fitness to work in those fields.



TESTIMONY CONCERNING HCR 3047  
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