

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1401

Introduced by

Representatives Kroeber, Fairfield, Kretschmar, Mahoney

Senators Robinson, Wardner

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
2 Century Code, relating to inmate accounts, payment of inmate financial obligations, and
3 payment for medical and health care costs.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Establishment of inmate accounts - Withholding funds for inmate financial**
8 **obligations - Health care costs - Payment of funds to inmate upon release.**

- 9 1. The correctional facility administrator shall establish an inmate account for each
10 inmate.
- 11 2. The correctional facility administrator may withdraw funds from an inmate's
12 account to meet the inmate's legitimate financial obligations, including child
13 support and restitution. The correctional facility administrator may withdraw funds
14 from the inmate's account to pay for the inmate's medical, dental, and eye care
15 costs while the inmate is incarcerated in the correctional facility. Before the funds
16 may be withdrawn, the inmate must first receive written notice and be provided a
17 hearing with the right to correctional facility staff assistance and the right to review
18 by the correctional facility administrator. No written notice or hearing is required if
19 the withdrawal of funds is being made to meet the inmate's child support
20 obligation.
- 21 3. A correctional facility administrator may collect fees from inmates to offset health
22 care costs as follows:
 - 23 a. For a medical visit, up to ten dollars per medical visit made at the request of
24 an inmate.

- 1 b. For self-inflicted injuries, the total amount of medical costs incurred.
- 2 c. For necessary health care services, the correctional facility may seek
- 3 reimbursement from the inmate up to the total amount of health care costs
- 4 incurred. If the inmate has health insurance coverage, a medical or health
- 5 care provider must file a claim for reimbursement from the health insurance
- 6 coverage carrier. A correctional facility may not assess an inmate for any
- 7 costs associated with an intake health care assessment and related testing or
- 8 for an examination of an inmate made at the request of the facility.
- 9 d. For elective health care requested by an inmate and as allowed by
- 10 correctional facility policy, the inmate is responsible for the amount of the
- 11 costs incurred.
- 12 e. A correctional facility may not deny necessary and nonelective medical and
- 13 health care to an inmate who does not have health insurance or does not
- 14 have the ability to pay the costs of the medical or health care.
- 15 4. The correctional facility administrator shall pay an inmate all funds in the inmate's
- 16 account when the inmate is discharged from the correctional facility or when the
- 17 inmate is transferred to another correctional facility, less the inmate's outstanding
- 18 obligations to the correctional facility.
- 19 5. This section does not limit or alter the provisions of chapter 14-09 relating to
- 20 income withholding orders for child support.