

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1238

Introduced by

Representatives Nelson, Hofstad, S. Meyer

Senators Lyson, Triplett

1 A BILL for an Act to amend and reenact section 12-44.1-02 of the North Dakota Century Code,
2 relating to the housing of out-of-state inmates by correctional facilities; and to declare an
3 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 12-44.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12-44.1-02. Establishing correctional facilities - Correctional facility contracts -**
8 **Regional corrections centers.**

9 1. For the confinement of lawfully committed persons, the governing body of a county
10 or city shall ~~do or shall participate in the doing of, one of the following:~~

11 ~~1. a.~~ ~~Establishing and maintaining~~ Establish and maintain a correctional facility at
12 county or city expense; ~~;~~

13 ~~2. b.~~ ~~Contracting~~ Contract for correctional facility services and use of correctional
14 facilities with another county or city ~~maintaining that maintains~~ a correctional
15 facility or with the state or federal government; ~~;~~ or

16 ~~3. c.~~ ~~Establishing and maintaining~~ Establish and maintain, pursuant to chapter
17 54-40 or 54-40.3 and this chapter, a correctional facility in conjunction with
18 other counties and cities.

19 ~~4. 2.~~ A county or city may contract with a state or a county or city of another state for:

20 ~~a. The~~ the confinement of lawfully committed state, county, or city inmates from
21 the other state; ~~or.~~ Before a correctional facility may accept an inmate from
22 another state, the governing authority of the correctional facility shall approve
23 and sign the contract that authorizes the housing of the inmate. Before
24 accepting an inmate from another state, the administrator of the correctional

1 facility shall review the inmate's file. The administrator may not accept an
2 inmate with a history of violence against staff or other inmates. Upon the
3 release of the inmate from incarceration, the inmate must be transported back
4 to the state with which the correctional facility has contracted.

5 ~~b-~~ 3. ~~The~~ A county or city may contract with a state or a county or city of another state
6 for the confinement of lawfully committed North Dakota inmates in a county, city, or
7 regional correctional facility of another state.

8 ~~5-~~ 4. A city or county may contract with another correctional facility in this state for
9 correctional services for purposes of safety, security, health and medical reasons,
10 or for correctional facility administration.

11 ~~6-~~ 5. A city or county may contract for the confinement of inmates lawfully sentenced by
12 a tribal court.

13 ~~7-~~ 6. A city or county may contract for correctional facility services with a privately
14 operated correctional facility. Contracts with private agencies ~~providing that~~
15 provide correctional facility services may be entered into for up to seven years.

16 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.