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Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the North Dakota Department of Corrections and Rehabilitation)

1 A BILL for an Act to create and enact a new subsection to section 27-21-02 of the North Dakota
2 Century Code, relating to the powers and duties of the division of juvenile services; and to
3 create and enact a new subsection to section 27-21-12 of the North Dakota Century Code,
4 relating to the files and records of the division of juvenile services; to amend and reenact
5 sections 12-46-04, 12-46-09, 12-46-10, 12-46-10.1, 12-46-18, and 12-46-19 of the North
6 Dakota Century Code, relating to the North Dakota youth correctional center; and to repeal
7 sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20 and 12-46-22 of the North Dakota
8 Century Code, relating to the North Dakota youth correctional center.

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

10 **SECTION 1. AMENDMENT.** Section 12-46-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **12-46-04. Appointment and removal of officers.** The director of the division of
13 juvenile services ~~with the approval of the director of the department of corrections and~~
14 ~~rehabilitation shall appoint the superintendent~~ be the administrator of the North Dakota youth
15 correctional center. ~~The superintendent may be removed by the director of the division of~~
16 ~~juvenile services with the approval of the director of the department of corrections and~~
17 ~~rehabilitation for misconduct, neglect of duty, incompetency, or other proper cause showing an~~
18 ~~inability or refusal to properly perform the duties of the office. All other officers and employees~~
19 ~~must be appointed by the superintendent, subject to the approval of the director of the division~~
20 ~~of juvenile services. The superintendent shall show in the record of any officer or employee~~
21 ~~who is discharged by the superintendent the reason therefor.~~ The director may designate
22 officers or employees of the North Dakota youth correctional center to carry out the
23 administrator's duties.

1 **SECTION 2. AMENDMENT.** Section 12-46-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12-46-09. ~~Superintendent~~ Administrator may make rules.**

4 ~~1.~~ 1. The ~~superintendent, subject to the approval of the director of the division of~~
5 ~~juvenile services, shall~~ administrator may make rules and regulations not in conflict
6 with the laws of this state:

7 ~~4.~~ a. For the admission of visitors.

8 ~~2.~~ b. For the government of officers and employees of the North Dakota youth
9 correctional center.

10 ~~3.~~ c. For the conduct of ~~students~~ children committed to the North Dakota youth
11 correctional center.

12 2. A printed copy of the rules and regulations must be furnished to each ~~student~~ child
13 committed to the North Dakota youth correctional center at the time the ~~student~~
14 child is received and to each officer or employee at the time of hire. Two copies of
15 such rules must be furnished to the state law library for the use of the state officials
16 and the public.

17 **SECTION 3. AMENDMENT.** Section 12-46-10 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **12-46-10. Records of institutional transactions, complaints, and rule infractions.**

20 The ~~superintendent~~ administrator shall ~~cause to be kept~~ maintain a correct record of all the
21 transactions of the ~~office and a correct account of all the superintendent's doings~~ North Dakota
22 youth correctional center. ~~The superintendent shall keep a memorandum of every complaint of~~
23 ~~cruel and unjust treatment of any officer or other person, and also of any infraction of the rules~~
24 ~~and regulations of the school by any of the students committed thereto, naming the student,~~
25 ~~and specifying the offense and the punishment, if any, inflicted therefor, and such record and~~
26 ~~memorandum must be laid before the director of the division of juvenile services upon request.~~

27 **SECTION 4. AMENDMENT.** Section 12-46-10.1 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **12-46-10.1. Disciplinary committee - Members - Duties.** The ~~superintendent of the~~

30 ~~North Dakota youth correctional center~~ administrator shall appoint a disciplinary committee.

31 ~~The membership of this committee should include~~ including one cottage supervisor; and one

1 member of the professional staff, ~~and may include one student and one member of the general~~
2 ~~public, as determined by the superintendent.~~ The committee shall hear all charges of serious
3 ~~breach of discipline~~ violations of North Dakota youth correctional center rules and regulations
4 and recommend to the ~~superintendent~~ administrator what disciplinary action, ~~if any,~~ should be
5 administered. The committee shall maintain records of its actions. These records are subject
6 to review by the director of the ~~division of juvenile services~~ department of corrections and
7 rehabilitation, the attorney general, or any legislative committee upon request. ~~Nothing in this~~
8 ~~section may be construed to prevent the superintendent from placing a child under close~~
9 ~~supervision immediately after that child commits a serious breach of discipline, however, within~~
10 ~~forty eight hours the disciplinary committee shall hear the case and make its recommendations~~
11 ~~to the superintendent concerning further action to be taken, if any.~~

12 **SECTION 5. AMENDMENT.** Section 12-46-18 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **12-46-18. Employment and compensation of ~~persons committed~~ children.** Every
15 ~~person~~ child committed to the custody of the division of juvenile services and ~~transferred to~~
16 placed at the North Dakota youth correctional center or its auxiliary facilities may receive a
17 stipend as determined by the ~~superintendent, and approved by the director of the division of~~
18 ~~juvenile services~~ administrator, within the limits of appropriations made by the legislative
19 assembly for such purpose.

20 **SECTION 6. AMENDMENT.** Section 12-46-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12-46-19. Disposition of moneys ~~earned~~ received.** The ~~superintendent~~
23 administrator of the North Dakota youth correctional center shall keep ~~a students' account~~
24 ledger, in which shall be opened an account with each student an account for each child placed
25 at the North Dakota youth correctional center. The ~~earnings of each student~~ money in each
26 child's account may be used for the child's personal needs as approved by the ~~superintendent~~
27 administrator.

28 **SECTION 7.** A new subsection to section 27-21-02 of the North Dakota Century Code
29 is created and enacted as follows:

30 If the division of juvenile services receives any money on behalf of a child
31 committed to its custody and care under this section for child support, payments in

1 excess of foster care maintenance payments, or money received from the social
2 security administration, the division may establish an account for the child and use
3 the money in a manner it determines will serve the best interests of the child,
4 including setting aside any amounts of the child's future needs or making all or part
5 of the money available to the person responsible for meeting the child's daily
6 needs to be used for the child's benefit.

7 **SECTION 8.** A new subsection to section 27-21-12 of the North Dakota Century Code is
8 created and enacted as follows:

9 The records of the division relating to a child who is or has been in the custody of
10 the division may be disclosed to any court or probation staff for use in conducting a
11 presentence investigation in a criminal case in which the child is a defendant.

12 **SECTION 9. REPEAL.** Sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20,
13 and 12-46-22 of the North Dakota Century Code are repealed.