

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIRMAN
MARCH 29, 2021**

**MOLLY GOEBEL, SPECIAL ASSISTANT ATTORNEY GENERAL,
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING NEUTRAL TESTIMONY HOUSE BILL 1410**

Chairman Larson and members of the Senate Judiciary Committee, for the record, I am Molly Goebel, Legal Counsel for the North Dakota Department of Corrections and Rehabilitation (DOCR). I am here today to provide neutral testimony regarding House Bill 1410. Attending in person today are Colby Braun, DOCR Director of Facility Operations, and Lance Anderson, DOCR Deputy Director of Facility Inspections.

Currently, North Dakota state and local correctional facility residents' rights to religious practices are protected by the Constitution; the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), which is applicable to North Dakota state and local correctional facilities; and North Dakota state and local correctional policy, procedure, and practice.

In relevant part, House Bill 1410 adds a cause of action in state law similar to that provided by RLUIPA. The DOCR and correctional facilities previously identified concerns related to some of the technical language and the initial bill's initial lack of a requirement to exhaust administrative remedies prior to filing suit. The DOCR appreciates the amendments proposed by Representative Vetter to address these concerns, which are now incorporated into the Second Engrossment. Additionally, the DOCR is supportive of the proposed amendment presented by Representative Vetter today to clarify attorney's fees and costs are only available in cases against state and county correctional facilities in which the individual in custody prevails.

Chairman Larson and members of the committee, I will now stand for questions.