

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIRMAN
JANUARY 13, 2021**

**AMY VORACHEK, DIRECTOR OF ADMINISTRATIVE SERVICES
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY SENATE BILL 2106**

Madam Chairman and members of the Judiciary Committee, my name is Amy Vorachek, I am the appointed North Dakota Commissioner for the Interstate Commission for Adult Offender Supervision (ICAOS), and I am also the Director of Administrative Services with the North Dakota Department of Corrections and Rehabilitation. Today I am here to testify on behalf of the department in support of Senate Bill 2106, which amends Section 12-65-08 of the North Dakota Century Code.

The Interstate Compact for Adult Offender Supervision (ICAOS), governs the interstate movement of adult probationers and parolees subject to supervision. If the individuals with North Dakota supervision being supervised in another state are alleged to have violated the terms of supervision in that state, the ICAOS Compact rules require North Dakota to retake these individuals. As a result, North Dakota is responsible for paying for the return of those individuals to North Dakota. Legislation was enacted to create the violation transportation fund, referred to as Fund 321. The fund pays for bringing North Dakota adults under supervision back to North Dakota when required by the Compact. Section 12-65-08 specifically relates to fees paid by North Dakota individuals transferring to other states through the Compact or traveling to other states in compliance with the Compact and payments made by agencies for individuals transferring to other states.

Senate Bill 2106 adds the language “or parolees” to clarify that the fees for interstate travel apply to individuals on probation or parole who have transferred to another state via the Compact. Fund 321 is applicable to both probationers and parolees; therefore, the amended legislation would clarify that the fees for interstate travel apply to both probationers and parolees.

Senate Bill 2106 also removes language regarding the department paying the fee when it has been waived. In practice the department waives very few fees but there may be instances where waiving fees could be justified. An example would be when an individual on supervision has serious medical life ending medical issues, limited funds and requests to transfer their supervision to another state such as South Dakota to live with family.

Proposed amendments to Senate Bill 2106 as outlined help further clarify the fund applies to both probationers and parolees. The amendments also provide authority for the department to pay a fee of hundred fifty dollars when the application is made by a parolee to transfer supervision to another state.

Madam Chairman Larson and members of the Judiciary Committee, I ask that you support Senate Bill 2105. I will now stand for questions.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2296

Page 1, line 16, after “dollars.” insert “In addition to the application fee paid by the parolee, the department, upon approval of the application for transfer of that parolee, shall pay to the department a fee of one hundred fifty dollars.”

Page 1, line 19, after “county” insert “or department”

Page 2, line 2, after “probationer” insert “and parolee”

Renumber accordingly

Amendments to SB 2106 Introduced by

Department of Corrections and Rehabilitation

A BILL for an Act to amend and reenact subsections 1, 2, and 3 of 12-65-08 of the North Dakota Century Code, relating to transfer fees and travel fees for adults under supervision.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 12-65-08 of the North Dakota Century Code is amended and reenacted as follows:

1. Upon the approval by the department of corrections and rehabilitation of a request of a probationer or parolee who is under the supervision of the department of corrections and rehabilitation to transfer residence to another state under the interstate compact for adult offender supervision, the probationer or parolee shall pay to the department an application fee of one hundred fifty dollars. The department may waive the offender's application fee. ~~If the department waives the offender's payment of the fee, the department shall pay the offender's application fee.~~ In addition to the application fee paid by the probationer ~~or the department~~, the county having jurisdiction over the probationer, upon approval of the application for transfer of that probationer, shall pay to the department a fee of one hundred fifty dollars. In addition to the application fee paid by the parolee, the department, upon approval of the application for transfer of that parolee, shall pay to the department a fee of one hundred fifty dollars. However, if the balance in the fund created pursuant to subsection 3 exceeds seventy-five thousand dollars on June thirtieth of the immediately preceding fiscal year, the department shall waive the entire fee otherwise required to be paid by the county or department.

SECTION 2. AMENDMENT. Subsection 2 of section 12-65-08 of the North Dakota Century Code is amended and reenacted as follows:

2. Any probationer or parolee residing in the state who requests a travel permit to travel to another state shall pay to the department a travel permit fee of ten dollars. ~~In the case of illness or death in the probationer's family, the department may waive the travel permit fee for hardship, unless waived by the department.~~

SECTION 3. AMENDMENT. Subsection 3 of section 12-65-08 of the North Dakota Century Code is amended and reenacted as follows:

3. The department shall transfer all funds collected or paid under this section to the state treasury for deposit in the probationer and parolee violation transportation fund. The funds

deposited in this fund may be spent pursuant to legislative appropriation for the purpose of defraying the costs of returning to the state probationers and parolees who violate their conditions of supervision. The department may contract with a private entity to assist in the administration of the fund.