

Testimony
Engrossed Senate Bill No. 2077
House Judiciary Committee
Representative Lawrence Klemin, Chairman
February 19, 2025

Chairman Klemin, and members of the House Judiciary Committee, I am Dr. Dan Cramer, Human Service Center Clinical Director with the Department of Health and Human Services (Department). I appear before you in support of Engrossed Senate Bill No. 2077, which was introduced at the request of the Department to amend section 12.1-04.1-21 of the North Dakota Century Code related to criminal responsibility proceedings following a verdict or finding of not guilty by lack of criminal responsibility.

Senate Bill No. 2077 is being submitted to address an infrequent circumstance involving individuals who have been committed for examination to a facility following a finding of not guilty by lack of criminal responsibility, where an alternative level of care may become more appropriate. Section 1, lines 12-16 adds language to identify that once individuals are found not guilty by lack of criminal responsibility and are ordered by the court to a treatment facility for examination, the superintendent or the director of a treatment facility may petition the court to transfer or assign the individual committed if, in the superintendent's or director's opinion, it would be more appropriate for the individual committed to receive the examination in or by a least restrictive setting if the attending physician or director of the least restrictive setting consents. It would then be up to the court to make finding upon this petition.

This would not be a typical circumstance, however, there are instances where individuals have responded well to treatment and could complete the duration of their examination period in a structured treatment facility like a Transitional Living Facility rather than the North Dakota State Hospital. To add further context, until recently the North Dakota State Hospital had a Transitional Living Facility on North Dakota State Hospital grounds which was able to be used for this purpose. The Transitional Living Facility has since moved under outpatient management through South Central Human Service Center. This amendment would allow option for the North Dakota State Hospital superintendent to collaborate with their human service center partner on transfer of care, when safe and appropriate to do so.

This bill focuses on the post-verdict process and the placement of individuals for examination services for up to 90 days who are found not guilty by reason of mental illness or incapacity. The purpose of this amendment is to ensure services take place at the appropriate level of care, the most appropriate professionals are engaged, and for accurate bed utilization. This bill reflects the important balance between public safety, individual rights, and the humane treatment of those with mental health conditions. By updating these processes, we can ensure that North Dakota's judicial and mental health systems work more efficiently and effectively together.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.