

Senate Judiciary Committee
Senator Diane Larson, CHAIR
March 19, 2025

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1417

Chair Larson and members of the Senate Judiciary Committee, I am Robyn Schmalenberger, and I serve as the Reentry Program Manager for the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written testimony in support of House Bill 1417.

As highlighted in the findings of the North Dakota Justice Reinvestment Initiative Reentry Workgroup, our state continues to face challenges related to rising prison admissions, particularly driven by alcohol and drug-related offenses, as well as revocations. House Bill 1417 aims to build on our ongoing efforts by promoting effective, evidence-based community supervision.

Section 1 of the bill proposes that when an individual is alleged to have violated parole conditions, the DOCR Director may issue an arrest warrant after considering the use of graduated sanctions and incentives. This process is consistent with the best practices described in the DOCR's *Managing Behavior - Field Manual for Behavior Change*, which provides a framework for managing both prosocial and noncompliant behaviors, including supervision violations. Additionally, this section proposes tiered periods of incarceration the Parole Board may consider for technical violations. This does not preclude the Parole Board from imposing other sanctions or periods of incarceration other than the proposed durations, maintaining the flexibility to apply sanctions in proportion to the seriousness of the violation.

Section 2 defines the terms "Absconded" and "Technical Violations," which are currently not clearly defined in state law. Providing definitions will improve the identification, tracking, and consistent response to absconding and technical violations.

Section 4 proposes eliminating supervision fees as a condition of probation. Currently, the DOCR bills approximately \$6 million in supervision fees every biennium, but only around \$1.5

million is collected. Many individuals under supervision are already dealing with substantial financial obligations, such as restitution, fines, and other fees, while also struggling to meet basic needs like housing, transportation, food, and supporting their families. By removing supervision fees, we reduce one financial burden. Additionally, this change would enable staff to focus their attention and resources toward more critical issues that promote positive behavior change and reduce the likelihood of reoffending.

This section also gives the DOCR the authority to issue an "authority to hold" for individuals who abscond from supervision. This provision allows the individual to be detained upon apprehension, giving supervision staff the opportunity to meet with the individual to assess the situation and determine the next steps based on the circumstances surrounding the absconding, including the potential dismissal of the authority to hold, implementing intermediate measures, or pursuing a revocation petition.

Section 4 directs the DOCR to use a matrix system of graduated sanctions and incentives for probation supervision violations and success. This process is consistent with best practices set forth in the DOCR *Managing Behavior - Field Manual for Behavior Change* which is currently utilized.

Section 4 also proposes tiered periods of incarceration that the court, only upon revoking a term of probation for a technical violation, may impose. This does not preclude the court from imposing other sanctions or periods of incarceration other than the proposed durations, maintaining the flexibility to apply sanctions in proportion to the seriousness of the violation.

Section 7 recommends that legislative management consider a study of court fines and fees including the total amount collected, money expended to collect, an evaluation of practices in other states, and the impact on individuals involved in the justice system. The DOCR supports this proposed study to better understand these challenges and explore potential solutions.

House Bill 1417 provides an evidence-based approach that fosters consistency and prioritizes resources to address supervision violations and financial obligations. Thank you for your consideration, and I stand for any questions.