

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

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1425**

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 1425.

In 2023, the North Dakota Legislature passed House Concurrent Resolution 3026, directing an interim study on improving reentry outcomes, leading to the formation of the Justice Reinvestment Initiative Reentry Study Work Group. After a thorough and data driven assessment, the Workgroup identified key areas for improvement, including expanding access to alternatives to incarceration. These alternatives, such as prosecution-led diversion programs proposed in House Bill 1425, address public safety while maximizing taxpayer investments.

Section 1 proposes that the state's attorney in each county may create and administer a prosecution-led diversion program. These programs are designed to allow eligible individuals, identified by the state's attorney, the opportunity to engage in rehabilitative services as early as possible and the opportunity to have their case dismissed if they do not commit new criminal offenses during the period of the agreement. By offering treatment options and community-based support, diversion programs address the root cause of criminal behavior. This approach allows individuals to preserve important community and family ties, maintain employment, and avoid the long-term consequences associated with a criminal conviction.

Diversion programs also alleviate pressure on our judicial system by diverting eligible individuals away from formal prosecution and court proceedings, conserving valuable judicial resources.

Section 4 outlines the creation of a prosecution-led diversion supervision pilot program in three counties during the 2025-2027 biennium. The pilot programs will involve collaboration between county state's attorneys, the North Dakota Association of Counties, the commission on legal counsel for indigent defense, county and regional correctional facilities, the Department of Health and Human Services, the DOCR, and public and private treatment providers. Contracts with third-party providers will be developed to connect participants with services and monitor progress. The DOCR is committed to supporting the implementation of these pilots by facilitating collaboration between the involved entities, assisting with development of operational guidelines, collecting data, and reporting outcomes to legislative management.

These pilot programs will offer insights into how prosecution-led diversion, which includes services and monitoring, can operate within North Dakota's justice system. The data gathered will help identify effective practices and highlight opportunities to further collaborate to improve public safety and reentry outcomes statewide.

Section 5 proposes a legislative management study during the 2025-2026 interim to evaluate the state's pretrial service programs, which were implemented in 2020. This study will provide a comprehensive assessment of their effectiveness and identify areas for improvement. Section 7 allocates \$55,000 to contract for consulting services to support this evaluation. The DOCR supports this study, as the data collected, and recommendations will provide information on the impact of pretrial services and offer guidance on how services can be improved.

I respectfully ask for your support for House Bill 1425. This bill will help address the root causes of criminal behavior, provide accountability, and create a more cost-effective system that benefits both individuals and the state.

Thank you for your time and consideration. I stand for any questions