

**Department of Corrections and Rehabilitation
Budget No. 530
House Bill No. 1015**

	FTE Positions	General Fund	Other Funds	Total
2019-21 legislative appropriations	899.79	\$229,678,076	\$41,955,889	\$271,633,965
2019-21 base budget	845.29	214,336,704	37,161,253	251,497,957
Legislative increase (decrease) to base budget	54.50	\$15,341,372	\$4,794,636	\$20,136,008

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 legislative appropriations	\$228,286,826	\$1,391,250	\$229,678,076
2017-19 legislative appropriations	214,336,704	0	214,336,704
2019-21 legislative increase (decrease) to 2017-19 appropriations	\$13,950,122	\$1,391,250	\$15,341,372
Percentage increase (decrease) to 2017-19 appropriations	6.5%	100.0%	7.2%

**SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS
Changes to Base Budget**

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Adjusted funding for base payroll changes.		\$1,634,020	(\$1,364,762)	\$269,258
Added funding to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020.		4,554,678	231,617	4,786,295
Added funding for employee health insurance premiums to reflect a revised premium estimate of \$1,426.74 per month.		3,763,528	207,727	3,971,255
Added funding for teacher salaries and wages to comply with the Teacher Composite Schedule.		1,357,790		1,357,790
Converted temporary correctional officer positions to FTE positions.	20.00	326,435		326,435
Added funding and FTE positions to operate the Tompkins Rehabilitation and Corrections Center (TRCC).	27.50	5,031,222		5,031,222
Removed funding for TRCC payments to the Department of Human Services (DHS).		(8,607,462)		(8,607,462)

Added funding to contract with the State Hospital for up to 30 addiction treatment beds.		3,873,750		3,873,750
Added funding and FTE positions for a pretrial services pilot program.	7.00	755,034		755,034
Added funding to expand juvenile day treatment to five additional school districts, to provide a total of \$1,053,500 for day treatment in nine school districts.		537,500		537,500
Increased funding for the Dakota Women's Correctional and Rehabilitation Center contract to provide a total of \$11,905,311.		1,143,360		1,143,360
Increased funding for transitional services at the Bismarck Transition Center.		549,626		549,626
Adjusted funding for miscellaneous expenses, including reductions in food and clothing, operating fees and services, and maintenance, and increases in equipment and information technology contractual expenses.		571,322	(2,980,285)	(2,408,963)
Added funding for Microsoft Office 365 license expenses.		618,699	110,208	728,907
Increased funding, including \$6.8 million from federal funds, for crime victims grants.		20,000	6,822,251	6,842,251
Adjusted funding for capital bond payments.		(469,380)	16,180	(453,200)
Removed ongoing funding used to purchase a man camp facility for the Missouri River Correctional Center.		(844,000)		(844,000)
Removed ongoing funding for extraordinary repairs.		(866,000)	(80,000)	(946,000)
Added one-time funding to replace Elite servers.		40,000		40,000
Added one-time funding for Roughrider Industries equipment.			298,700	298,700
Added one-time funding for extraordinary repairs, including \$141,000 from the strategic investment and improvements fund (SIIF).		876,250	456,000	1,332,250
Added one-time funding for a Youth Correctional Center campus infrastructure study.		75,000		75,000
Added one-time funding from SIIF for inmate tracking systems and other information technology upgrades.			665,000	665,000
Added one-time funding from SIIF for security equipment and redundant fencing.			412,000	412,000
Added one-time funding for a study of the Department of Corrections and Rehabilitation (DOCR).		400,000		400,000
Total	54.50	\$15,341,372	\$4,794,636	\$20,136,008

FTE Changes

The Legislative Assembly authorized 899.79 FTE positions for DOCR for the 2019-21 biennium, an increase of 54.5 FTE positions from the 2017-19 biennium. The Legislative Assembly added:

- 20 FTE correctional officer positions converted from temporary positions;
- 27.5 FTE positions relating to DOCR operating TRCC rather than DHS; and
- 7 FTE positions for a pretrial services pilot program in 3 judicial districts.

One-Time Funding

The following is a summary of one-time items for DOCR for the 2019-21 biennium:

	General Fund	Other Funds	Total
Elite servers	\$40,000		\$40,000
Roughrider Industries equipment		\$298,700	298,700
State Penitentiary extraordinary repairs, including \$41,850 from SIIF and \$300,000 from the penitentiary land replacement fund	118,250	341,850	460,100
James River Correctional Center extraordinary repairs (SIIF)	386,000	44,888	430,888
Youth Correctional Center extraordinary repairs (SIIF)	372,000	54,262	426,262
Roughrider Industries extraordinary repairs		15,000	15,000
Oracle offender management software upgrade (SIIF)		165,000	165,000
Contract payments and procurement system (SIIF)		100,000	100,000
Inmate tracking and management system (SIIF)		160,000	160,000
Inmate intake and movement system (SIIF)		240,000	240,000
Scan and screen devices (SIIF)		230,000	230,000
State Penitentiary redundant fence (SIIF)		160,000	160,000
James River Correctional Center portable x-ray device (SIIF)		22,000	22,000
Youth Correctional Center campus infrastructure study	75,000		75,000
DOCR Legislative Management study	400,000		400,000
Total	\$1,391,250	\$1,831,700	\$3,222,950

Inmate Population

The following table summarizes the 2019-21 biennium inmate population projections used to develop the legislative appropriation:

	Male	Female	Total
Fiscal year 2020			
July	1,482	203	1,685
August	1,486	205	1,691
September	1,490	207	1,697
October	1,495	209	1,704
November	1,499	211	1,710
December	1,503	213	1,716
January	1,507	215	1,722
February	1,511	217	1,728
March	1,515	219	1,734
April	1,519	221	1,740
May	1,524	223	1,747
June	1,528	225	1,753
Fiscal year 2021			
July	1,532	227	1,759

	Male	Female	Total
August	1,536	228	1,764
September	1,541	229	1,770
October	1,545	229	1,774
November	1,549	229	1,778
December	1,554	229	1,783
January	1,558	229	1,787
February	1,562	229	1,791
March	1,565	229	1,794
April	1,565	229	1,794
May	1,565	229	1,794
June	1,565	229	1,794

The following table shows the estimated and actual average male and female inmate populations for the 2017-19 biennium to date:

	Male Inmate Population Estimated v. Actual			Female Inmate Population Estimated v. Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2018						
July	1,616	1,603	(13)	224	220	(4)
August	1,623	1,593	(30)	224	223	(1)
September	1,631	1,600	(31)	224	223	(1)
October	1,639	1,591	(48)	224	207	(17)
November	1,641	1,566	(75)	224	201	(23)
December	1,641	1,541	(100)	224	199	(25)
January	1,641	1,521	(120)	224	193	(31)
February	1,641	1,530	(111)	224	195	(29)
March	1,641	1,541	(100)	224	197	(27)
April	1,641	1,535	(106)	224	197	(27)
May	1,641	1,536	(105)	224	201	(23)
June	1,641	1,515	(126)	224	206	(18)
Fiscal year 2019						
July	1,641	1,495	(146)	224	213	(11)
August	1,641	1,478	(163)	224	209	(15)
September	1,641	1,484	(157)	224	202	(22)
October	1,641	1,501	(140)	224	189	(35)
November	1,641	1,495	(146)	224	186	(38)
December	1,641	1,503	(138)	224	193	(31)
January	1,641	1,489	(152)	224	203	(21)
February	1,641	1,491	(150)	224	207	(17)
March	1,641	1,515	(126)	224	214	(10)
April	1,641	1,560	(81)	224	217	(7)
May	1,641			224		
June	1,641			224		

Dakota Women's Correctional and Rehabilitation Center

The Legislative Assembly provided \$11,905,311 from the general fund for a contract to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England, an increase of \$1,143,360 from the 2017-19 biennium appropriation of \$10,761,951.

Other Sections in House Bill No. 1015

Special funds - SIIF - Section 3 identifies \$1,218,000 from SIIF for equipment, information technology projects, and extraordinary repairs.

Treatment records - Section 4 amends North Dakota Century Code Section 12-47-36(5) to allow DOCR to disclose inmate treatment records to behavioral health, vocational rehabilitation, and transitional living providers.

Pretrial services - Section 5 provides for the establishment of a pretrial services pilot program in three judicial districts. The section also provides for a report regarding the pilot program to the 67th Legislative Assembly.

Exemption - Community behavioral health program - Section 6 provides that any unexpended general fund appropriation authority relating to the \$7 million appropriated for the community behavioral health program for the 2017-19 biennium is not subject to the provisions of Section 54-44.1-11 and any unexpended funds may be continued and expended during the 2019-21 biennium.

Operating fund authority - Section 7 provides authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the common schools trust fund.

Tompkins Rehabilitation and Corrections Center - Section 8 conveys ownership of the Tompkins building and surrounding property from DHS to DOCR.

Legislative Management study - Section 9 provides for a Legislative Management study of DOCR.

Related Legislation

House Bill No. 1013 - Provides for a distribution of \$1,864,000 to the Youth Correctional Center from permanent funds established for the benefit of the institution.

House Bill No. 1039 - Raises the age of culpability of a juvenile from 7 to 10 years old.

House Bill No. 1050 - Decriminalizes the possession of less than one-half ounce of marijuana, provides for a Legislative Management study of recreational marijuana, and provides DOCR may place certain sentenced individuals in a drug and alcohol treatment program and upon completion of the program, place the individual on probation.

House Bill No. 1051 - Provides a minimum sentence exemption for sentences imposed upon revocation of probation.

House Bill No. 1076 - Removes the authority of DOCR to transfer an offender between 16 and 18 years old from the Youth Correctional Center to an adult correctional facility.

House Bill No. 1183 - Removes certain mandatory sentences for offenses relating to controlled substances.

House Bill No. 1393 - Creates law relating to domestic violence.

House Bill No. 1396 - Provides for a mandatory minimum sentence for the abuse of a child.

House Bill No. 1520 - Raises the age of culpability of a juvenile from 7 to 10 years old and provides for assessments of delinquent children.

Senate Bill No. 2044 - Amends and clarifies Section 12.1-21-06 relating to tampering with or damaging a critical infrastructure facility or a public service.

Senate Bill No. 2087 - Reduces the record retention period for adult and juvenile case files and court records from 50 years to 25 years.

Senate Bill No. 2273 - Creates and amends law relating to sexual extortion and other sexual offenses.