

**2025 HOUSE JUDICIARY**

**HB 1344**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1344  
1/27/2025

A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.

11:30 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Henderson

## **Discussion Topics:**

- Statewide inmate bed shortage
- Department of Corrections contracts
- Fiscal impact of the bill

11:31 a.m. Representative Pat Heinert, North Dakota Representative for District 32, introduced the bill.

11:36 a.m. Trent Wangen, Major with Burleigh County Sheriff's Department, testified in favor and provided testimony #31361.

11:55 a.m. Donnell Preskey, North Dakota Association of Counties, testified in favor.

12:02 p.m. Colby Braun, Director of the North Dakota Department of Corrections and Rehabilitation, testified in neutral and provided testimony #31826.

12:12 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN  
SHERIFF

Testimony Prepared for the  
**House Judiciary Committee**

January 27<sup>th</sup>, 2025

By: Trent Wangen, Major

**RE: Supportive Testimony for House Bill 1344- The use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.**

House Judiciary Chairman Klemin and Committee Members,

My name is Trent Wangen and I currently serve as a Major with the Burleigh County Sheriff's Department. My primary duty is to serve as the Assistant Jail Administrator of the Burleigh Morton Detention Center, a 555 bed facility located in Bismarck. I am also the Vice President of the North Dakota Correctional Center Administrators Association.

I am testifying in support of HB1344, A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.

I would support amending line 10 and changing the first word from "shall" to "may". This amendment would allow the Department of Correction to house inmates in other states if necessary.

As everyone is aware the Department of Corrections is operating over capacity for both male and female inmates. This has an impact on most local jails or correctional facilities. Burleigh County has work closely with DOCR to aid in addressing these challenges. Currently DOCR does pay for male inmates to remain in county jails as DOCR is operating under their prioritization/deferred admissions plan for male inmates. Burleigh County and DOCR have also reached an agreement for compensation for female inmates that have been sentenced to DOCR but remain at the Burleigh Morton Detention Center.

HB1344 would standardize and clarify when NDDOCR pays counties for inmates housed in county facilities.

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## COURTHOUSE

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[www.facebook.com/BurleighCountySheriffsDepartment](https://www.facebook.com/BurleighCountySheriffsDepartment)

## BURLEIGH MORTON DETENTION CENTER

4000 Apple Creek Road • PO Box 2499

Bismarck, ND 58502-2499

P 701-255-3113 • F 701-258-5319



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

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**KELLY LEBEN**  
SHERIFF

Thank you for your time and consideration and please feel free to contact me with any questions you may have.

Sincerely,

Trent Wangen, Major

Burleigh County Sheriff's Department

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**House Judiciary Committee  
Representative Lawrence Klemin, CHAIR  
January 27, 2025**

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**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
PRESENTING NEUTRAL TESTIMONY ON HOUSE BILL 1344**

Chair Klemin and members of the House Judiciary Committee, I am Colby Braun, Director of the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written neutral testimony on House Bill 1344.

During this biennium our male inmate population was over capacity starting on July 1, 2023. In collaboration with county jail partners and DOCR wardens, we managed the overcrowding issue until October 28, 2024, when we enacted prioritization pursuant to N.D.C.C. § 29-27-11. In September 2024, the DOCR had to reduce male admission capacity due to limited space in the orientation unit. This forced counties to hold inmates in county jails longer than when they originally requested to transport the inmate to the North Dakota State Penitentiary. We worked with the counties to ensure they were paid for the days a person was declined admission due to space.

The current practice for counties to bring a sentenced person to the DOCR is through our scheduling calendar. Oftentimes, a sheriff may wait to transport to the DOCR for various reasons such as, waiting for a full transport, working with another county to transport, no deputy to transport, or the inmate has additional cases to resolve. The county is responsible to transport the person to the DOCR, NDSP for men and Dakota Women's Correctional Rehabilitation Center for women. The DOCR wants to ensure the intent of this bill is to have the DOCR begin payments on the date of denying admission, which may be different than the day the department receives notification from the district court. In addition, the DOCR has a calendar to help the counties organize transports as well as to ensure the DOCR is informed

and prepared for new admissions. This tool has worked well for all parties, but I believe this bill needs clarification on the denial of admission. We want to clarify what denial of admission means. A county should not be able to choose a date that has already been filled to trigger this payment process. We believe the intent of this bill is triggered when the DOCR refuses admission due to lack of bed space.

The DOCR often admits inmates with one sentence resolved to the DOCR, while they still have pending cases with the county of record. The burden is placed on the DOCR to do electronic court hearings to resolve the remaining county cases. This increased significantly during COVID and the practice has continued. This bill makes DOCR financially responsible when we are full, but not in prioritization contemplated by N.D.C.C. § 29-27-11. I recognize that a sentence to the DOCR is what is required for the admission, but we want to ensure that this bill considers the responsibility of the county when a person has unresolved felony cases in the county. I ask that there is some clarification on this scenario during your review and work on this bill.

I appreciate the time you have provided me for this testimony. We are willing to work with the committee to help clarify any of these points I discussed. I will stand for any questions.

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1344  
2/4/2025

A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.

4:01 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Tveit, Wolff, Schneider

Members Absent: Representatives Satrom, VanWinkle

## **Discussion Topics:**

- Committee action

4:02 p.m. Chairman Klemin proposed an Amendment LC: 25.0867.01001, testimony #34777.

4:07 p.m. Representative Wolff moved to Amend LC: 25.0867.01001, testimony #34777.

4:07 p.m. Representative Karls seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

4:08 p.m. Motion passed 12-0-2

4:08 p.m. Representative Wolff moved a Do Pass as Amended.

4:08 p.m. Representative Vetter seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

4:10 p.m. Motion passed 12-0-2

4:10 p.m. Representative Karls will carry the bill.

**Additional written testimony:**

Representative Lawrence Klemin, North Dakota Representative for District 47, submitted neutral testimony #34777

4:10 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1344

Introduced by

Representatives Heinert, Kiefert, Koppelman, Louser, O'Brien, Pyle, M. Ruby

Senators Roers, Sickler

- 1 A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota  
2 Century Code, relating to use of local jails or correctional facilities for inmates sentenced to the  
3 physical custody of the department of corrections and rehabilitation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 5 **SECTION 1.** A new section to chapter 54-23.3 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Denial of admission.**

- 8 1. If the department of corrections and rehabilitation is beyond capacity and denies the  
9 admission of an inmate sentenced to the physical custody of the department, the  
10 department shall may use local jails or correctional facilities and negotiate the terms of  
11 the agreement with each facility.
- 12 2. Admission of an inmate is denied by the department when a county requests  
13 admission to the department with a judgment of conviction ordering an individual to be  
14 placed with the physical custody of the department and the request for admission is  
15 denied or unavailable within seven days of notification to the department. When the  
16 denial of admission exceeds seven days, the department is responsible to pay the  
17 contracted rate beginning from the date of initial notification of the judgment of  
18 conviction and placement in the physical custody of the department.
- 19 3. An agreement under this section must include a minimum daily rate per inmate,  
20 including medical costs, to be paid by the department to the governing body of the jail

- 1 or correctional facility beginning the day after the department receives notice from the
- 2 district court of an order placing an individual in the care and custody of the
- 3 department and ending on the admission date provided by the department.

**REPORT OF STANDING COMMITTEE  
HB 1344**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.0867.01001](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

25.0867.01001  
Title.

Prepared by the Legislative Council  
staff for Representative Klemin  
February 4, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

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**2025 SENATE JUDICIARY**

**HB 1344**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

HB 1344  
3/17/2025

Relating to use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.

2:31 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### Discussion Topics:

- Inmate population management
- Local jail agreements

2:32 p.m. Representative Heinert, District 32, introduced the bill.

2:34 p.m. Chair Larson closed the hearing.

2:34 p.m. Senator Luick moved a Do Pass.

2:34 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

2:35 p.m. Senator Luick will carry the bill.

2:35 p.m. Committee discussion on upcoming schedule.

2:36 p.m. Chair Larson adjourned.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1344 ([25.0867.02000](#))**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1344 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.