



# North Dakota Legislative Council

Prepared for the Government Finance Committee  
LC# 27.9090.01000  
September 2025

## REGIONAL CORRECTIONAL FACILITY STUDY - BACKGROUND MEMORANDUM

House Bill No. 1197 (2025) ([appendix](#)) provides for a Legislative Management study regarding jails and regional correctional facilities, including their current and projected infrastructure needs, the costs and benefits of regional correctional facilities, the impacts of deferred admission, and the prioritization of inmates sentenced to the Department of Corrections and Rehabilitation (DOCR). The study must include input from representatives of counties with a population of 7,500 or more, counties with a population of less than 7,500, local law enforcement, DOCR, the Office of Management and Budget, and the Attorney General.

### DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### Overview

For the 2025-27 biennium, the Legislative Assembly appropriated \$493.1 million to DOCR, including \$344.4 million from the general fund and \$148.7 million from other funds, and authorized 965.29 full-time equivalent positions. In addition, the Legislative Assembly provided a deficiency appropriation of \$11.5 million from the general fund for the 2023-25 biennium due to excess inmate population costs. During the 2025-27 biennium, the male inmate population is projected to increase by 133 (7 percent) from 1,907 to 2,040 while the female inmate population is anticipated to increase by 18 (6 percent) from 284 to 302.

#### State Correctional Facilities

North Dakota Century Code Section 12-47-01 provides for the establishment of the State Penitentiary. The main prison complex in Bismarck houses maximum and medium security male inmates with an operational capacity of 779 male inmates. In June 2025, the State Penitentiary housed 803 male inmates exceeding the operational capacity by 24 male inmates. The James River Correctional Center in Jamestown is classified as a medium security housing facility with an operational capacity of 490 male inmates and, in June 2025, housed 482 male inmates. The Missouri River Correctional Center is south of Bismarck, has no fences or barriers to contain the inmates, and has an operational capacity of 187. The Missouri River Correctional Center houses minimum security male inmates whose sentences are not less than 30 days or more than 1 year. In June 2025, the Missouri River Correctional Center housed 193 male inmates exceeding the operational capacity by 7 male inmates.

The Dakota Women's Correctional and Rehabilitation Center in New England is owned and operated by the Southwest Multi-County Correction Center Board and has an operational capacity of 126 female inmates. Under a contract with DOCR, the center houses minimum to maximum security female inmates with 126 female inmates at the center as of June 2025. The Heart River Correctional Center in Mandan was established in 2021 to house minimum security female inmates with an operational capacity of 54 female inmates. As of June 2025, the Heart River Correctional Center housed 53 female inmates.

#### Prioritization and Denial of Inmates

Section 54-23.3-11 requires DOCR to develop a prison population management plan and authorizes the department to refuse the admission of inmates when admissions exceed the maximum operational capacity of the department's facilities and result in contract housing costs exceeding the legislative appropriation authority. The prison population management plan requires prioritization of inmates based on sentences and availability of space. If the plan includes the use of local jails or correctional facilities, the department pays a minimum daily rate to the local jail or correctional facility based on a negotiated agreement.

Section 54-23.3-14 allows DOCR to deny admission to inmates if the department's facilities are beyond capacity. If the denial of admission exceeds 7 days, the department pays a minimum daily rate to the local jail or correctional facility based on a negotiated agreement.

### **Correctional Facility Standards and Inspections**

Section 12-22.1-24 requires DOCR to prescribe rules to establish minimum standards for the construction, operation, and maintenance of public or private correctional facilities and to provide for the care and treatment of inmates. The section also requires DOCR to appoint a correctional facility inspector to conduct annual compliance inspections at correctional facilities in the state to assess health and safety conditions, security, rehabilitation programs, recreation, treatment programs, and personnel training.

## **PRIOR LEGISLATIVE STUDIES AND REPORTS**

### **2007-08 Interim**

The 2007-08 interim Correctional Facility Review Committee studied the needs of the State Penitentiary, including contracting for architectural services for three correctional facility concepts. The committee received information regarding the department's facilities and inmate population. The consultant recommended remodeling the State Penitentiary in multiple phases. The committee recommended Senate Bill No. 2030 (2009) to appropriate \$67 million to DOCR for the first phase of the remodeling project, and the Legislative Assembly approved the bill but decreased the appropriation by \$3 million to provide \$64 million for the project.

### **2019-20 Interim**

The 2019-20 interim Department of Corrections and Rehabilitation Review Committee studied DOCR pursuant to Section 9 of House Bill No. 1015 (2019) and best practices to reduce offender recidivism and prepare incarcerated offenders to rejoin their communities pursuant to House Concurrent Resolution No. 3015 (2019). As part of the study, DOCR contracted with a consultant to review DOCR's facilities, and the committee recommended the Legislative Assembly consider an option to provide funding to convert the Youth Correctional Center to a women's campus, to renovate the James River Correctional Center and the Missouri River Correctional Center, and to construct new juvenile facilities. The committee made no recommendation regarding best practices to reduce offender recidivism.

The 2021 Legislative Assembly did not provide funding to DOCR for major construction and renovation projects. However, the 2023 Legislative Assembly appropriated \$131.2 million from the strategic investment and improvements fund (SIIF) for a new Heart River Correctional Center female facility, and the 2025 Legislative Assembly appropriated an additional \$35.6 million from SIIF to DOCR to complete the female facility for total funding of \$166.8 million. The 2025 Legislative Assembly also appropriated \$20 million from SIIF for planning and design of a new Missouri River Correctional Center minimum security male facility.

### **Reports**

In addition to requiring DOCR to develop a prison population management plan, Section 54-23.3-11 requires the department to provide annual reports to the Budget Section regarding the department's prison population management plan, inmate admissions, and the number of inmates not admitted after sentencing. During the 2023-24 interim, DOCR presented the required annual reports to the Budget Section in September 2023 and 2024.

As reported in September 2024, the department implemented its inmate prioritization plan from March 2023 through March 2024 due to the female population exceeding capacity but did not implement its prioritization plan for male inmates even though the male population exceeded capacity for the duration of the reporting period. Since 2020, admissions into DOCR's custody have exceeded releases resulting in an increase in the inmate population. An analysis of the inmates' sentences identified an increase of 20 percent for the number of inmates with a sentence of 5 or more years.

### **PROPOSED STUDY PLAN**

The following is a proposed study plan for the committee's consideration:

1. Receive information from representatives of counties with a population of 7,500 or more, counties with a population of less than 7,500, local law enforcement, and DOCR regarding jails and regional correctional facilities, including:
  - a. Current and projected infrastructure needs;
  - b. The costs and benefits of regional correctional facilities;
  - c. The impacts of deferred admission; and
  - d. The prioritization of inmates sentenced to DOCR.
2. Receive comments from the Office of Management and Budget and the Attorney General regarding the costs and benefits of regional correctional facilities, including impacts to the state budget and criminal justice system.
3. Receive comments from interested persons regarding the study of regional correctional facilities.
4. Develop recommendations and any bill drafts necessary to implement the recommendations.
5. Prepare a final report for submission to the Legislative Management.

ATTACH:1