

April 6, 2007

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1015

In lieu of the amendments adopted by the Senate as printed on pages 949-951 of the Senate Journal, Reengrossed House Bill No. 1015 is amended as follows:

Page 1, line 2, replace the third "and" with a comma

Page 1, line 3, after "12.1-32-07" insert ", and section 19-03.1-45"

Page 1, line 4, replace "and" with a comma and after "fees" insert ", and drug treatment"

Page 1, line 5, remove "and" and after "approval" insert "; to provide for a transfer; to provide for a legislative council study; and to declare an emergency"

Page 1, line 22, replace "8,138,211" with "11,582,019"

Page 1, line 23, replace "99,780,064" with "20,511,564"

Page 2, line 3, replace "109,095,173" with "33,270,481"

Page 2, line 5, replace "112,930,827" with "37,106,135"

Page 2, line 12, replace "35,213,361" with "38,657,169"

Page 2, line 13, replace "179,331,778" with "100,063,278"

Page 2, line 16, replace "237,996,004" with "162,171,312"

Page 2, line 18, replace "214,066,511" with "138,241,819"

Page 3, after line 17, insert:

**"SECTION 6. AMENDMENT.** Section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-45. ~~Mandatory drug~~ Drug abuse assessment and treatment - Presentence investigation - Certified drug abuse treatment programs.**

1. ~~When~~ If a person located in Walsh, Pembina, or Grand Forks Counties has pled guilty or has been found guilty of a felony violation of subsection 6 of section 19-03.1-23 ~~and,~~ and, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, and if the court imposes probation, the court shall impose a period of probation of not less than eighteen months in conjunction with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.

2. Upon a plea or finding of guilt of a person subject to the provisions of subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation shall include a drug and alcohol evaluation conducted by a licensed addiction counselor.
3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment shall not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the person shall be supervised by the department.
4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment program, as established by judicial finding, the person shall be subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.
5. The cost for all drug abuse assessments and certified drug abuse treatment programs shall be initially paid by the department. The court shall order the person to reimburse the department for the assessment and treatment expenses in accordance with the procedures of section 12.1-32-08. The department shall handle the collection of costs from the offenders in the same manner as it collects court costs, fees, and supervision fees.
6. In this section:
  - a. "Department" means the department of corrections and rehabilitation; and
  - b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.
7. ~~The provisions of this section shall be implemented as a pilot project in Pembina, Walsh, and Grand Forks Counties effective three months from the date of receipt of a federal grant for methamphetamine treatment being applied for by the department of human services. The department shall collaborate management of the pilot project with the department of human services to ensure services under the federal grant program for one-half of the offenders mandated by the court to submit to mandatory treatment, not to exceed twenty three individuals. The department shall hire a program manager to manage the pilot project, collect statistics regarding the operation of the program, track participants in the program, and provide a report to the attorney general, the legislative council for distribution during the November 2006 legislative council meeting, and the sixtieth legislative assembly detailing the number of participants in the program, the cost of the program, relapse statistics, and other data concerning the effectiveness of the program."~~

Page 3, replace lines 23 through 31 with:

**"SECTION 8. GRANT PROGRAMS.** The total general fund appropriation line item in section 3 of this Act includes \$2,000,000 to be used by the field services division to provide grants to North Dakota organizations for research-based programs to prevent

criminal behavior and incarceration. The grant awards must range from \$25,000 to \$500,000.

**SECTION 9. RECIDIVISM RISK REDUCTION.** The total general fund appropriation line item in section 3 of this Act includes \$5,000,000 to be used by the prisons division for treatment and programming related to recidivism risk reduction.

**SECTION 10. TRANSFER TO THE STATE PENITENTIARY LAND FUND.** The director of the office of management and budget shall transfer on July 1, 2007, \$42,000,000 from the general fund to the state penitentiary land fund established in North Dakota Century Code section 54-23.3-04 to be used for future correctional facilities as authorized by the legislative assembly. All income earned on the fund must be deposited in the state penitentiary land fund."

Page 4, remove lines 1 through 16

Page 5, line 3, replace "\$88,332,091" with "\$3,999,591"

Page 5, remove line 8

Page 5, line 9, replace "70,000" with "\$70,000"

Page 5, line 10, replace "1,498,091" with "2,165,591"

Page 5, line 12, replace "88,332,091" with "3,999,591"

Page 5, after line 15, insert:

**"SECTION 15. LEGISLATIVE COUNCIL STUDY - RETIREMENT CRITERIA FOR STATE CORRECTIONAL OFFICERS AND PEACE OFFICERS.** The legislative council shall consider studying, during the 2007-08 interim, retirement program criteria and benefits for correctional officers and peace officers employed by state agencies, including the feasibility and desirability of allowing these employees to retire with full retirement benefits at age fifty-five or the "rule of 85".

**SECTION 16. EMERGENCY.** Section 11 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1015 - Department of Corrections and Rehabilitation - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Field Services	\$35,953,086	\$35,213,361	\$3,443,808	\$38,657,169
Prisons Division	140,093,278	179,331,778	(79,268,500)	100,063,278
Juvenile Community Services	8,895,140	8,895,140		8,895,140
Youth Correctional Center	<u>14,608,184</u>	<u>14,555,725</u>		<u>14,555,725</u>
Total all funds	\$199,549,688	\$237,996,004	(\$75,824,692)	\$162,171,312
Less estimated income	<u>26,853,489</u>	<u>23,929,493</u>		<u>23,929,493</u>
General fund	\$172,696,199	\$214,066,511	(\$75,824,692)	\$138,241,819*
FTE	706.79	700.29	8.00	708.29

\* In addition, \$42,000,000 is transferred from the general fund to the State Penitentiary land fund for a total general fund impact of \$180,241,819.

**Dept. 530 - Department of Corrections and Rehabilitation - Detail of Senate Changes**

	PREVENTION GRANTS <sup>1</sup>	FUNDING FOR RECIDIVISM RISK REDUCTION <sup>2</sup>	REMOVES FUNDING FOR PRISON EXPANSION <sup>3</sup>	RESTORES FUNDING FOR CHAPLAINS <sup>4</sup>	ADDS FUNDING FOR ADDITIONAL FTE <sup>5</sup>	PROVIDES FUNDING FOR ADDITIONAL TRANSITION SERVICES <sup>6</sup>
Field Services	\$2,000,000				\$471,411	\$448,950
Prisons Division		\$5,000,000	(\$85,000,000)	\$64,000		
Juvenile Community Services						
Youth Correctional Center						
Total all funds	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
Less estimated income						
General fund	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
FTE	0.00	0.00	0.00	2.00	3.00	0.00

  

	RESTORES PAROLE AND PROBATION OFFICERS <sup>7</sup>	RESTORES FUNDING FOR DEFERRED MAINTENANCE <sup>8</sup>	ADDS FUNDING FOR TEEN CHALLENGE <sup>9</sup>	TOTAL SENATE CHANGES
Field Services	\$423,447		\$100,000	\$3,443,808
Prisons Division		\$667,500		(79,268,500)
Juvenile Community Services				
Youth Correctional Center				
Total all funds	\$423,447	\$667,500	\$100,000	(\$75,824,692)
Less estimated income				
General fund	\$423,447	\$667,500	\$100,000	(\$75,824,692)
FTE	3.00	0.00	0.00	8.00

<sup>1</sup> This amendment provides funding for grants to organizations to conduct programs to prevent criminal behavior and incarceration.

<sup>2</sup> This amendment provides funding to the Prisons Division for treatment and programming related to recidivism risk reduction.

<sup>3</sup> This amendment removes all funding associated with any new building and demolition projects.

<sup>4</sup> This amendment restores funding removed by the House to convert 2 temporary chaplains to full-time equivalent positions.

<sup>5</sup> This amendment provides funding for 3 FTE positions to assist with the special offender workload.

<sup>6</sup> This amendment adds funding for 20 additional beds for transition for male inmates.

<sup>7</sup> This amendment restores funding removed by the House for 3 FTE parole and probation officers, including operating expenses.

<sup>8</sup> This amendment restores funding removed by the House for deferred maintenance.

<sup>9</sup> This amendment adds funding for Teen Challenge.

A section is added requiring the prevention grants to be awarded to research-based programs and limiting the grant awards from \$25,000 up to \$500,000.

A section is added requiring that \$5,000,000 added to the Prisons Division be used for treatment and programs related to recidivism risk reduction.

A section is added directing the Legislative Council to consider a study of the retirement criteria for state correctional officers and peace officers.

A section is added that amends North Dakota Century Code Section 19-03.1-45 relating to drug abuse assessment and treatment.

A section is added providing for a transfer from the general fund of \$42,000,000 to the State Penitentiary land fund.

A section is added providing for an emergency for Section 11.