

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2243

2007 SENATE APPROPRIATIONS

SB 2243

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2243

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-22-07

Recorder Job Number: 1510

Committee Clerk Signature

Alicia Gelzer

Minutes:

Chairman Holmberg opened the hearing on SB 2243 at 10:30 a.m. on January 22, 2007 regarding the funding for community service supervision grants through the Department of Corrections and Rehabilitation (DOC).

Honorable District Judge Gail Hagerty testified in support of SB 2243. She shared about the community service program and how it is working very well through the Drug Court program as well as first time alcohol offenders under 21. There is a slight fee assessed however it does not cover the costs involved in the coordinating, monitoring, supervising, or office work that must be done for this program to work successfully. She shared that this is a vital program and is one of the tools she likes to have as a Judge.

Chairman Holmberg requested information regarding the budget from OMB for DOC and a summary of what's happening with community service programs in that budget.

Dave Krabbenhoff, Director DOC testified in support of SB 2243. We prioritize the needs of the Department and felt the community service program was not a priority item. The reason being it is a community involvement and the funding perhaps could come from local funds in the community. We do feel the program is very beneficial and support the bill. He also testified concerning the budget concerns that Senator Holmberg had.

Chairman Holmberg asked if their bill is on the table in the House and made inquiry regarding this request being put in the budget. He also had questions regarding the general fund in the Department of Human Services (DHS) for this type of program. You asked for it low down on the list, it didn't make the cut, so there is not the money in that budget. Senator Nething has a Workmen's Comp Bill of general public interest and will be testifying in relation to this bill.

Senator Krauter had questions regarding the dollar amount and what have we done regarding funding in the current biennium. Also had questions about this program not being funded in their original budget.

Terry Traynor, Association of Counties testified in support of SB 2243.

Senator Robinson shared regarding the Taskforce, the Drug Force enhancement through the DHS, there is a couple of FTE's involved. That taskforce is very supportive of this concept and that funding in the DHS because we want to get into Minot with some FTE's. This is a popular program and it saves dollars and makes sense and provides an option to keep criminals out of jail.

Senator Krebsbach inquired about the amount in the DHS's budget.

Senator Wardner asked how the money leaves DOC and goes into this program and do local people apply for the grants.

Charles Placek Program Manager for the Department of Corrections explained that the base grant and then population so larger cities or more populated areas would get a bigger grant than some of the rural areas. It is funded with a 50% match so an agency would request funding, most of them on a monthly basis. They would submit the forms and photocopies of the bills that they paid and we will reimburse them fifty cents on the dollar.

Senator Fischer asked OMB what section of the DHS budget do we find the funding for this program.

Senator Krauter wanted to hear the thought process and rationale when we funded certain dollar amounts for this biennium and what erupted that to the point that you didn't get the grants anymore. It was explained that there was a shortage in the halfway housing area and other areas as well. The County Service Grants fell at the bottom of the budget.

Senator Christmann requested further information concerning the dollar amount.

Chairman Holmberg explained that the other money that was talked about in DHS is for Drug Courts. We don't have the full picture here.

Nancy Keating, Community Service Coordinator for the South Central District presented written testimony (1) and gave oral testimony in support of SB 2243.

Keith Gilleshammer Executive Director for CENTRE, Inc. The CENTRE has the Community Service programs for Burleigh and Morton Counties and nine other counties in the area. This is my program, but if another one of my programs gets cut, I am in a unique position, where I'd like to see this passed but at what cost to other programs that we provide to the DOC.

Chairman Holmberg expressed that is a good point and it will be awhile before it all gets worked out.

Senator Tallackson asked how many people are enlisted in the Community Service Program.

Senator Robinson stated it is difficult to make a decision in relation to this deficit. Without this program our population in the prisons will grow. He stated he supports this bill.

Chairman Holmberg recessed the hearing on this bill.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2243

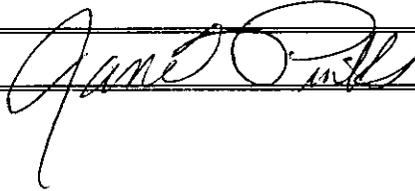
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01/23/07

Recorder Job Number: 1666 and 1667

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2243 on 1/23/07.

Senator Dave Nething, District 12, Jamestown, testified on SB 2243 urging support. He stressed that this bill would provide grants for supervision of offenders. There is a need for people in communities to carry out the sentence of the people who have for instance community service.

Chairman Holmberg closed the hearing on SB 2243.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2243

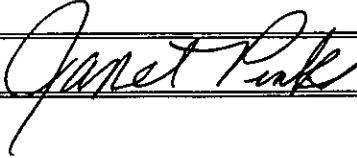
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-09-07

Recorder Job Number: 3283

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2243.

Senator Mathern moved a **DO PASS**, **Senator Wardner** seconded. Discussion followed.

A roll call vote was taken resulting in 9 yes, 1 no, 4 absent. The motion passed.

Senator Wardner will carry the bill.

Chairman Holmberg closed the hearing on SB 2243.

Date: 2/9/07
 Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

Senate Appropriations _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____ DP

Motion Made By Mather Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm		✓	Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas		
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mather	✓	
Senator Randel Christmann			Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 9 No 1

Absent 4

Floor Assignment Wardner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 9, 2007 2:02 p.m.

Module No: SR-28-2769
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2243: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). SB 2243 was placed on the
Eleventh order on the calendar.

2007 HOUSE APPROPRIATIONS

SB 2243

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2243

House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: March 7, 2007 2:00 PM

Recorder Job Number: 4610

Committee Clerk Signature



Minutes:

Chairman Pollert opened the hearing on SB 2243.

Senator Nething: Sponsor of the bill. The work that the community service supervisors do needs to have additional funding. They supervisor low risk patrol cases that are ordered by the court. We receive referrals from the municipal and district court; from patrol and probation and juvenile services and officers. These people have lost funding and need funding to do their jobs. This legislation will provide \$380,000 to the Department of Corrections and Rehab for purposes of providing community service supervision of these offenders. This money was mentioned in the governor's budget but in OAR but it did not make it.

Dale Haggerty, District Judge in Bismarck: We are looking at doing things that will keep people out of jail. There is an expense involved, but we think it is a lesser expense and money well spent. As a judge I use community service when I want to have a meaningful consequence short of sending someone to jail. It allows me to sentence people to something that will be a positive for them. Community service is a good tool to avoid the county or state correctional facilities. Discussed use of community service. Urge your support.

Rep. Nelson: Since last summer when the funding ran out did you see the drop off of the ability to use community service or did that service get picked up by other sources of funding?

Dale Haggerty: I did go to the Burleigh County Commission to encourage them to help with some interim funding for this because I thought it was so important. I told them I was going to go to the legislature too because I know that you are being caught off guard and I don't think it is unreasonable that they would continue funding some portion of it, but I think the state needs to support it as well. Local funding is not a long term solution.

Rep. Nelson: Is the \$380,000 in the bill get us back to a whole funding for these services?

Dale Haggerty: I remember when we were working on the alternatives to the incardination commission, what we intended was to put back the money that had been taken out. Half of the biennium funds were taken out during the last biennium. The second half there was no funding so what we want to do was to restore that.

Rep. Ekstrom: When you are sentencing someone to this community service is there a typical length of service you are sentencing them to?

Dale Haggerty: We do that because we want to verify the community service and make an appropriate referral and provide insurance for them. We want someone to monitor the community service and if they don't do it we want someone to come back and tell us. There is a fee for people who go into the program, but it doesn't take care of all the costs. I typically use the service for young people under 21 years and have consumed alcoholic beverages. I think those people have too much money and time.

Rep. Bellew: You mentioned that a lot of these young adults are under the age of 21. Would it help to raise court fees, would that help?

Dale Haggerty: We did raise court fees significantly. Right now for anyone with a Class B misdemeanor there is a minimum of \$225 plus an added \$25 so that is \$250.

Chairman Pollert: Where would that money go?

Dale Haggerty: That money goes to the state and it goes to pay for indigent defense and fees that are granted out to the counties to improve the courthouses. They pay the costs of providing attorneys.

Chairman Pollert: Read email from Becky Keller (copy attached).

Keith Gilleshammer: Centre, Inc. In support of this bill. When the funding was taken out we went to different counties and asked if they would provide more financial support than they were just to keep the program going and now it seems like we are in the middle of a pond jumping up and down and trying to get there once in a while. There are a number of people here that have statistics here and will be supportive to the bill. Folks that work in this area do a really good job of monitoring people that are doing community service and collection of fees and that kind of thing.

Chairman Pollert: We had the DORC budget in front of us. We never cut a program out of the DORC budget. Do we give up part of your funding out of the DORC budget?

Keith Gilleshammer: I am here representing senate programs and this is separate from the DORC budget and I know you have a tough job. I don't know what to tell you about picking and choosing programs.

Rep. Nelson: Last session it looks like the legislature took \$226,748 out of the community service line. Is that correct?

Chairman Pollert: That is not correct. The DOCR prioritized what they were going to do and they are the ones that cut the funding.

Allen: There was a number of changes made to the DOCR budget. The legislature reduced \$226,748. and did not specifically say what they would relate to so after the session the department then decided to reduce the community services program.

Chairman Pollert: Money was taken out. The department did not prioritize this as an area of concern. The number of counties and cities did so they did fund it through the county and picked up that piece. In your analysis to Keith, would not this be sold back to the counties as property tax relief if the counties are picking up the pieces for this and the courts are obviously asking for this? If we took some of this out of the reduction in revenue it does that same thing, doesn't it. Allen in the current DOCR there has been no money allocated for the 07-09 biennium for community service grants. That is why the \$380,000 is in there.

Allen: The counties that we provide these services for all contribute part of the amount that we need. If this was left up to each individual county it would cost them way more than us being able to consolidate the services and do this for everyone. If one county dedicated one staff and services I don't think it would be cost effective for them.

Dell Horn: Jamestown Community Corrections: You asked about specific numbers. (written report + Community Corrections Association). Went over the information. Does not include Barnes and Richland Counties because they had not submitted any numbers. Judges put on community services hours so they are keeping people out of jail. If we say every day of jail is worth 8 hours of work these are the number of days we would save. 16,756 days in jail; maybe not prisons, but jails for sure. Per diem rate for counties is roughly \$75. You are looking at a total savings to the taxpayers of ND of \$2 million per year so we are asking for \$190,000 or \$380,000 biennium, which is basically a 91% return on the money you would put into it.

Chairman Pollert: Does someone have the statistics about how many cases we are referring to here. How many are local cases?

Dell Horn: Each offender can have multiple cases. He is only counted one for us, but he could have four cases.

Chairman Pollert: Are there people who are charged with a misdemeanor fine that are put into community service like that?

Dell Horn: Minor in possessions could be put on probation and community service. We do the same things throughout the state.

Chairman Pollert: Do you have an idea of what would be a local case as compared to DOCR?

Dell Horn: Total number of offenders is shown on the information. The offenders decided they would rather go to jail than do community service and pay the fees. That is why those numbers are actually down from where they were. You can see the numbers for total number of probation went up. Stutsman County decided not to fund us since they have a jail there. They made the decision the county operating the jail is sufficient money and services.

Chairman Pollert: Some of these cases are local cases that should be funded locally.

Rep. Kerzman: How do you determine which county has the liability?

Dell Horn: The county responsibility comes back to the county to which they were sentenced. If they live in Fargo or where ever we try to have them do community service there.

Rep. Nelson: Was there ever any federal money that followed state money in this program?

Dell Horn: I don't know the answer to that question.

Dave Krabbenhoft: About five or six years ago there was federal money tied to it. There has not been any for the last biennium.

Rep. Nelson: it was the last legislative sessions intend that the \$226,000 was taken out because of lost federal funding. This should not have been dropped last time. I would say the department is in a gray area reallocating funds to determine whether this program should go away without legislative intent, is my point. Who had authority to do that?

Rep. Bellew: You said these defenders pay a fee to you? Who sets that rate?

Dell Horn: Yes all offenders do. Fees are set by the correctional advisory board.

Rep. Bellew: I don't think it is the responsibility of the taxpayers of ND?

Dell Horn: Jamestown Community Corrections has raised their fees beginning January 1.

Rep. Bellew: The fees are set by the Community Correction Advisory Boards. Can the legislature set these fees?

Allen Krabbenhoft: I think you would have to do some checking but I think you could set the fee. I am not sure who would collect it and it could be deposited in a special fund and used for this purpose.

Dell Horn: Our \$50 fee will not meet our operating budget.

Rep. Bellew: Most of the people who are doing community service are working off some fines because they don't have any money.

Nancy Keating, Program Manager: South Central District: I am been doing this close to 11 years so perhaps I should have come up before. Regarding fees, we raised out fees to \$40 per month. We did contact the courts and they agreed to go with it. We have lost some judges. There are judges who no longer refer people to do community service because when they look at the court fees and fines; maybe the ACT class evaluations and some of those things they may think they are moving into a point where they don't want to use our service any more. Even if we are good at collecting them, there seems to be like a lot of logic of when we get referrals. We did go to Burleigh and Morton County we went to them three times and Morton County did come up with \$500/ month support. Their \$500 a month does not even begin to cover the work and the taxpayers are saving at the community center and some other places that we work with. Volunteer work is over; alot of people are working two or three jobs in a family and a lot of our work sites; we are the ones that pickup the slack. My case is

probably 180 open cases and my coworker is probably 150. Discussed how the program works.

Chairman Pollert: You said Morton County was \$2,000/month.

Rep. Nelson: What about the work being done in the counties. It saves counties money with not placing them in jail. Do you think it would be worth while to explore the possibility of the state of ND and the Political Subdivisions that they get some value from the community services program to share in the costs of the administration and implementation of the program?

Nancy Keating: I think anything that works would be helpful? I don't have an issue of where the money comes from.

Chairman Pollert: Is there anyone that can tell us on the community supervision how many cases might be a local issue and how many might be a state issue?

Nancy Keating: the problem with that is some of the people we get that may be in the Department of Corrections caseload, they may not be supervision fees, they might be just court ordered community service hours. That might make it harder to split up.

Rep. Nelson: Is the case mix, that has to change from time to time as well and I guess I am thinking we should work toward a common ground whether it is a match and determine from year to year who gets it.

Rep. Weiland: Do we know where the money goes? It goes to DOCR; how does it get to you?

Nancy Keating: We had some sort of a matching system based on population and up to 50% of that would be paid to whoever the organization was.

Aaron Burst: Association of Counties: We would be willing to look at some sort of partnership. The bad offenders are state property because they go to the state pen.

Chairman Pollert: I would like the committee to have a breakdown of the counties that have a fee schedule. What counties are doing some thing?

Aaron Burst: The larger communities are the ones that can support the community service, obviously. The smaller ones aren't without the state help. We are willing to look at numbers too.

Rep. Kerzman: They went together and built a multi county jail and so much of what is happening is out of their hands. Their request for funds is out of their hands. They have already spent the big bucks.

Aaron Burst: That is why there is this larger physiological issue and it is for that reason. We have state court judges that are employed by the state imposing community service. County prosecutors and then the county has to implement that. There is always that friction between those entities. There should be a look at whether state judges should order community service.

Rep. Kerzman: Lot of the fines don't even come back to the counties?

Aaron Burst: The state controls the court system with the exception of municipal courts. The court system, fines and fees all goes to the state fund.

Chairman Pollert: Aren't they required by law they so much have to go on to buildings and the other goes into defense so it is being spread out. It is not being kept at the state. By statues it has to be trickled down, if that is what you want to say.

Rep. Kerzman: It is just like a balloon, you squeeze it at one end and it pops up somewhere else and that is what happens here. This is no surprise that the bottom end service was going to get cut when we cut funds.

Chairman Pollert: This committee did not cutting of programs. It was brought for us at the DORC budget this session.

Rep. Kerzman: I would disagree, if we don't fund them it is the same thing as cutting the program.

Rep. Nelson: We said if the federal funding went away; then we said the areas where the funding was attached to would be the areas where the reduction would happen. The department made the decision to cut this program.

Rep. Weiland: This is a federal and state mandate. I want some facts and figures on this program so we can figure out a way to fund the program. I have no problem and Rep. Nelson wants to work with the Association of Counties. We need more information.

Joanie Brunner: Coordinator for Rehab Services in Minot. (copy of attached letter from Deanne Markle). Told of many success stories in the community. Teen challenge people are not able to work and they are referred over to us and we set them up working off their supervision fees which is \$40/month. I charge them \$20. to open their case and that is for 12 months to take care of their supervision fees.

Irene Webster, Fargo: I strongly recommend passage of this bill. I work for Dakota Boys and Girls ranch for the past 20 years and I oversee all the thrift stores and warehouse across the state and throughout the years we have utilized community service and worked with them during all this time. We have hired many of these people throughout the years and they have become very good employees for us.

Opposition: None

Neutral: None

Chairman Pollert: We read the papers and there are certain groups that are giving the legislature a bad time. If we don't spend some money it is going to be more expensive and I have a frustration with me. Appointed a subcommittee: Rep. Kerzman, Rep. Weiland, Rep. Nelson work with Dell. Rep. Weiland appointed-chairman.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2243**

House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: 03-23-07

Recorder Job Number: 5558

Committee Clerk Signature

Donna Kramer

Minutes:

The hearing for SB 2243 was opened.

Chairman Pollert: Asked that they review the amendments. The amendments were not drawn up as of yet and was hoping that this would be okay with the committee to review the changes proposed by Rep Wieland, Nelson, Kerzman and with the help of Kreidt.

Rep Wieland: What we did was we looked at a way at which we could stay on similar basis. I believe this was funded last time directly through the DOCR or was funded with some participation from the counties and the cities.

The counties indicated that they were involved with approximately 58% of the number of cases that were involved. They indicated that they would be willing to support it to that amount and that was \$220,000. The participating cities, not all cities participate, show that they are approximately \$35,000 of the cost.

We went up to the Supreme Court and we talked to them and there is approximately 2,500 cases a year that are sent to community service. If we were to add a \$50 fine in addition to what they already are fined then that would raise, over a 2 year biennium, indicated that approximately 50% of them would pay, it would be about \$125,000.

The funding would come from special funds not General Funds and the money goes to the DOCR.

Chairman Pollert: The money goes to the DOCR and they implement the program?

Rep Weiland: That is correct.

Rep Bellew: Will there be language that states the DOCR has to implement this program?

Because what they did last biennium, my faith in them is not real high.

Chairman Pollert: Alon can we make that request?

Rep Weiland: The appropriation will include that the purpose of that appropriation is for that program.

Chairman Pollert: I would suspect that the parties involved, if not we will hear about that, and we will definitely make changes.

Rep Nelson: I share Rep Bellew issue there. Could we also have that the any unexpended money be held in the fund and not spread across the DOCR budget or something like that.

Chairman Pollert: Our objective is that any dollars from the counties and cities and from the fines do not go to the DOCR to help their budget.

Rep Weiland: I think that we will be creating a special fund for this money to go into and they will be appropriated out there and there won't be any other funds be appropriated other than for this purpose.

These funds would stay in this special fund and would have to ask for a special appropriation out of the fund for the next biennium, where to spend it.

Rep Nelson: For the committee's information, we did ask what kind of cases that this involves.

Out of those 2,500 cases, possession or consumption of alcohol by persons under 21 is 1,466 cases. The next is possession of drug paraphernalia at 421.

Because of this high amount, it would not surprise me if we would get over our 50% of return.

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House Appropriations Committee
Human Resources Division
Bill/Resolution No. SB 2243
Hearing Date: 03-2307

Rep Weiland: I feel we should make sure that the money stays in this fund so that it will not take as much money next time around.

This is also sunsets. So we will be looking at this in 2 years.

Rep Weiland: Do you want the fee and the fund and everything to sunset or just the appropriation in 2 years?

We would review the dollars.

Rep Weiland: made a motion to pass the amendments.

Rep Kreidt: seconded the motion.

A voice vote was taken on the amendment and the amendment passes.

Rep Weiland: Made a motion a "Do pass as amended".

Rep Kreidt: seconded the motion.

Roll Call Vote 7 yes, 0 no and 1 absent.

Rep Weiland is the carrier.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2243

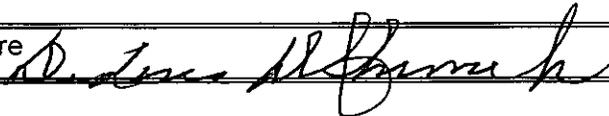
House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 26, 2007

Recorder Job Number: 5551

Committee Clerk Signature



Minutes:

Chairman Svedjan: I was told we were going to do a verbal amendment. So there are no amendments being distributed.

Rep Wieland: The amendments basically will accomplish several things. Number one it will remove the appropriations of general funds of \$380 thousand as follows: currently the counties and cities and DOCR are funding this so they wanted to put in a general appropriation. I went to the counties and I have the counties agreeing they will partnership to the tune of 58% or roughly \$220,000. \$35,000 is from participating counties. Participating cities of about \$55,000 and the balance would come from an increase in fines for anyone who is fined and using community service. There are about 2500 of those people per year which is a total of \$5,000. \$50 fine would give us approximately \$250,000, but only 50% of that is deemed collectible so therefore that is \$125,000; that would total \$380,000. The money will go to the DOCR and they must do the program. This is all in the amendments. They can not spend the money for anything else and then we will have to look at the appropriation when it sunsets in two years.

Chairman Svendjan: So, just for clarification you said the \$ 220,000 you said was from the participating counties; \$35,000 from participating cities.

Moved amendment Motion Made By Rep. Wieland Seconded By Rep. Ekstrom

Discussion:

Chairman Svedjan: It really takes the entire appropriation from the general fund out to special funds.

Rep. Glassheim: So these are counties who are already \$225,000 towards there programs?

Chairman Svedjan: Yes, they are participating to the tune of 58%; and that is the \$220 and the county said they would agree to continue that partnership.

Rep. Glassheim: New counties could participate if they wish. I understood these programs were really short of money and several were closing in counties where they weren't getting any support and DOCR had an appropriation last time but they didn't spend it for this purpose. I meet with them and there were several where counties weren't supporting them and they were going to close. It seemed like these services helps the state or helps local entities by organizing cheaply a way to work off fines and time served instead of going to jail. Did you hear testimony about a bunch of them going to close?

Chairman Svedjan: I don't remember hearing testimony about that affect.

Rep. Nelson: What happened in the current biennium the Department of Correction funded that program. They use to fund that program; their decision was that their funding not comes from DOCR. So the second year of the biennium they stopped funding these community service programs in this particular year so it was up to those counties that continued had to find a source of funding and that is where the local funding took over so that might be where some of that confusion may have come in. We did bring that up in the DOCR budget as well and they have no interest in DOCR of funding that particular program.

Rep. Aarsvold: I think this community services were in the DOCR budget for several years. It was a line item for those people, but they were naturally under funded by the legislature and so

then they used that money for their own people. Not wrongfully, but they covered their own people first, which the legislature had not done. There has been county support for it plus the DOCR and state money. So by not voting them any money you are probably cutting in half the support that they had three years ago, which itself was not quite enough to keep a lot of the programs going. It is a mistake, but that can I do?

Rep. Wieland: We have been talking with the cities and counties all week and they agreed to partnership with this so I don't know why there should be a concern over that if they are agreeing to do that?

Rep. Glassheim: If you are meeting with individual counties and they are just going to continue the level of funding they are already given, which is not sufficient to let the programs go, then you may think you are doing something, but you are not doing what you think you are doing. Counties are already putting money into it. If they have agreed to expand their participation that is another story, but I am not sure I understand what they agreed to or who agreed to it. The Association is going to put money into it?

Rep. Pollert: When the bill came to us it was not higher than \$380,000. This is what they asked for and we did not give them anything less. We gave them what they wanted and it is on a local level and that is why we made it a local issue.

Rep. Aarsvold: Given the fact it is a local issue I presume there would have to be some sort of mill levy adjustment to cover those obligations and realizing every entity is providing the service, what might be the mill levy expectation increase?

Rep. Wieland: I did not ask them that, but for a total of \$220,000 spread out over 52 counties, including Fargo, Bismarck, Grand Forks and Minot it would not be very much.

Rep. Nelson: Am I to understand all counties provide this service?

Chairman Svedjan: No they don't all participate. I am only talking about those counties that do participate.

Rep. Nelson: The one thing you should remember too is that the counties and the cities that are receiving the services that these people are providing as well. In many cases we just tried to identify the municipal to the district court portions of the sentence or responsibility but they are getting a benefit and value to that. The association was very receptive to this particular idea and realized that a program that isn't fully funded by DOCR is certainly better than one that is not there at all.

Rep. Pollert: If you don't want to have community services don't vote for the bill. It is that simple.

Chairman Svedjan: We have the amendment and this is what it does. It takes \$280 out of the general fund and puts \$220 to participating counties; \$35,000 to participating cities and \$125,000 from persons utilizing the service.

Rep. Glasheim: Is this \$220,000; is this new money pledged by the Association of Counties over and above what counties are already paying or is this just the total of what counties are already paying without our bill what so ever?

Chairman Svedjan: I don't know that answer.

Rep. Glasheim: I thought the point of the bill was in addition to what counties are already paying so I don't know if you are placing it with real money or totaling up what they are already paying and calling it money?

Chairman Svedjan: If one would look at this as a separate bill that was introduced it would seem to me this would be more money. If there was an agreement with the counties and cities to partner in this it would seem to me that it would be over and above what is already there.

Rep. Glasheim: They can't partner, they have no money to pledge.

Voice vote carried on amendment.

Chairman Svedjan: We now have the amendment bill in front of us.

Do Pass As Amended Motion Made By Rep. Wieland Seconded By Rep. Carlisle

Vote: 18 Yes 4 No 2 Absent Carrier: Rep. Wieland

Hearing closed.

FISCAL NOTE
 Requested by Legislative Council
 04/16/2007

Amendment to: SB 2243

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$100,000		\$100,000
Expenditures				\$100,000		\$100,000
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Imposes a community service fee of \$50 per defendant participating in community service to be used to provide community service supervision grants.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on current estimated community service sentences of 2,500 per year and an indigency rate of 60%, revenues of approximately \$100,000 for the biennium (5,000 x \$50 x 40%) would be generated. This does not factor in the fact that the \$50 fee may be paid in installments.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fees collected would be deposited into a new fund called the Community Service Supervision Fund to be used by the Department of Corrections to provide funding for community service supervision grants.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All fees deposited into this fund are subject to legislative appropriations.

Name:	Susan Sisk	Agency:	ND Supreme Court
Phone Number:	701-328-3509	Date Prepared:	04/16/2007

FISCAL NOTE

Requested by Legislative Council

03/28/2007

Amendment to: SB 2243

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$100,000		\$100,000
Expenditures				\$100,000		\$100,000
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Imposes a community service fee of \$50 per defendant participating in community service to be used to provide community service supervision grants.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on current estimated community service sentences of 2,500 per year and an indigency rate of 60%, revenues of approximately \$100,000 for the biennium (5,000 x \$50 x 40%) would be generated. This does not factor in the fact that the \$50 fee may be paid in installments.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fees collected would be deposited into a new fund called the Community Service Supervision Fund to be used by the Department of Corrections to provide funding for community service supervision grants.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

All fees deposited into this fund are subject to legislative appropriations.

Name:	Susan Sisk	Agency:	ND Supreme Court
Phone Number:	701-328-3509	Date Prepared:	03/28/2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and ~~court~~ - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM - CITIES AND COUNTIES PARTICIPATION. The department of corrections and rehabilitation shall charge cities and counties participating in the community service supervision program on a per case basis an amount sufficient to generate income of \$35,000 from participating cities and \$220,000 from participating counties for the period beginning July 1, 2007, and ending June 30, 2009. All moneys collected by the department of corrections and rehabilitation under this section must be deposited in the community services supervision fund."

Page 1, line 5, replace "general" with "community service supervision"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund and gives the Department of Corrections and Rehabilitation authority to use the funds deposited in the community service supervision fund for grants.

Date: 3/23/07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken Adopt amendment as below

Motion Made By Wecland Seconded By Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleason		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*takes appropriation from general fund to special fund.
 Voice Vote carries*

Date: 3/23/07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2243

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as amended

Motion Made By Wieland Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich	✓				
Representative Wald		✓	Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleson	✓	
Representative Hawken					
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim		✓
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol		✓	Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman		
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 18 No 4

Absent 2

Floor Assignment Wieland

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2243: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and court - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

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2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a

community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM - CITIES AND COUNTIES PARTICIPATION. The department of corrections and rehabilitation shall charge cities and counties participating in the community service supervision program on a per case basis an amount sufficient to generate income of \$35,000 from participating cities and \$220,000 from participating counties for the period beginning July 1, 2007, and ending June 30, 2009. All moneys collected by the department of corrections and rehabilitation under this section must be deposited in the community services supervision fund."

Page 1, line 5, replace "general" with "community service supervision"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund and gives the Department of Corrections and Rehabilitation authority to use the funds deposited in the community service supervision fund for grants.

2007 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2243

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2243

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 9, 2007

Recorder Job Number: 5829

Committee Clerk Signature

Alice Delzer

(SH)

Minutes:

Chairman Wardner opened the conference committee on SB 2243, a bill for an Act to provide an appropriation to the department of corrections and rehabilitation to provide funding for community service supervision grants. All committee members were present. He called on Rep. Wieland to explain the House amendments.

Rep. Wieland said the idea behind the House amendments was to create additional funding for the Community Service Program without using general fund money outside of the DOCR. He said that what they had done in Hog Housing this thing is discussed it with the counties and cities and they agreed that we could do a partnership but there was still some funding needed. They have increased the fees from the courts fifty dollars and there are approximately 5000 cases that come before the judges in a two year time frame. The Supreme Court estimated that 50% of that was collectable so that would create about \$125,000. They also put in that the DOCR must do the program, and with the current amendments they don't have a problem with this.

Senator Wardner asked if this would be on top of the other fees. He also stated that he understood that Community Service does assess a charge to those using the service now.

Rep. Wieland said that is true, they do collect forty dollars at the current time.

Senator Wardner asked if that meant that each individual person that used the service would pay ninety dollars.

Rep. Wieland said that is correct.

Senator Tallackson asked what happens if they don't pay or they can't afford it.

Rep. Wieland said that there will be some that can't and some that don't. They have that right now, some don't pay or some work it off. He did say that a large number of people that come before the courts will pay right on the spot and they are estimating that approximately 50% of the people will pay.

Senator Tallackson asked what happened to the ones that don't pay and who suffers the consequences.

Rep. Wieland said he didn't know. He doesn't know what happens to them now.

Senator Tallackson said without an appropriation someone loses the money.

Senator Wardner asked Rep. Wieland if they had participating cities that they need to come up with \$35,000 and participating counties need to come up with \$220,000. That comes to \$255,000 and there is \$350,000 in appropriations. He asked if that was correct.

Rep. Wieland said yes.

Rep. Nelson said 59% of the cases came from counties or cities and that is why the agreement was made with them. The other 41% of the cases would originate from the state. He explained how the funding would work. (7:00)

Senator Wardner asked someone that works with Community Service to come to the podium. He wanted to know what happens if they don't pay?

Nancy Keating from the SC district runs the Community Service Program, headquartered in Bismarck.

Senator Wardner asked what number of your clients doesn't pay and when they don't pay what happens.

Nancy said most of the misdemeanor cases are good at paying. The felony cases are not as good at paying. If they do not pay the fee and you haven't completed the Community Service Program they would refer them back to the court and the court if they wish can bring you back in to show cause or revocation of probation. They charge \$40 for every 30 days the case is opened.

Senator Wardner asked if we pass this piece of legislation the way it is right now then there would be an additional \$50 which would be a total of \$90 for the Community Service supervision fund that would be operated by the Dept. of Corrections. And the way he understands it is if they don't complete their CS or pay they get sent back to the courts?

Nancy said that is correct.

Senator Wardner asked what kind of a default percentage you have on your forty dollars.

Nancy said that they do not let people come in without bringing the fee. If people do come in without the fee we give them 7-10 days to get the fee.

Senator Wardner asked if she saw any issues or problems with this.

Nancy said it looks like it is an additional burden on the courts. Some judges will have trouble with raising the fee and may waive the fees. She wonders how well everything will be kept track of. Is there a formula for dividing up the money if some comes back? She had a lot of questions on how this would work.

Senator Wardner asked Nancy if when they collected the \$40 wouldn't they collect the \$50.

Nancy said that they have not been included in the process and said they really don't have a good idea of how the money will be collected and how it would be proportioned out. She said that if you increase the victim witness fee then it will have to be recorded back to the court that

the fee came in on top of the regular fee... She said that they really didn't know what the plan is for doing this. It is our impression that everything will go to the Dept of Correction and the clerks of court would be responsible for collecting the fees.

Senator Wardner said that we will make sure we know who is responsible.

Senator Tallackson asked about the original bill and the reasoning for the \$380,000.

Nancy said that the \$380,000 was to make up for the monies that we lost from the DOC for the biennium.

Rep. Wieland said that we think that was the amount that was included in the DOCR budget. The way they understood it was that they were receiving money in their budget and they just stopped doing the work. There is a sizeable increase in the budget for running the program or they would be responsible for the program. He said in discussing this with them after the amendment they didn't have a problem with this. So he understands that part wouldn't change.

Rep. Nelson asked how many cases are able to be closed within one month.

Nancy said that most people are motivated to not go over a month and pay the next forty dollars. She said at least 2/3 will get done in the first month.

Rep. Nelson said of the 2500 cases a year about 1500 were minor in possession. If it does go into the 2nd month do you see a drop off of collecting the fee?

Nancy said they have a program agreement they sign. The second month is still pretty collectable.

Senator Wardner (17:01) explained that the courts can waive the fees and explained how the court could let them pay in installments. So if an individual came before the judge and the judge sentence him to CS they would tack that \$50 automatically and if the person has other court fee with that, they will have to pay it. As a result, he can see that it would go to the clerk

of the courts to collect it so CS would not have to deal with that. It would then transfer to DOCR. If they couldn't pay it all at once they would pay it in installments and the judge can still waive it if he doesn't think the individual can pay it. With that being said, now they come to Nancy and you ask for \$40 more that is independent of the court. Is that correct and do you let them pay it in installments?

Nancy answered yes.

Senator Warden said if this bill was to pass and you receive the funds \$250,000 minimum that would go out to all the CS would you have to ask County Commissioners to add more money to your program or would you have sufficient enough?

Nancy said that they would do that anyway. The difference might be the amount of money they would give to work with us.

Senator Wardner asked what type of contribution they get from the counties.

Nancy said they get \$24,000 from Burleigh County, \$6000 from Morton Co., \$36,000 from the rural counties.

Senator Wardner said that as we move forward he asked her if they would request less from the counties or stick to the same.

Nancy said she couldn't answer this until she saw how this all worked.

Rep. Nelson asked in the different regions when the offenders are put out on CS programs, he asked if they were spread out through all the counties and the value of this CS is it being spread out.

Nancy said most of the people will work in the counties they live in.

Rep. Nelson said that with that said could the DOCR use this as a model to distribute to the counties where those people live.

Nancy said that she thought it could but she thought that they would fall back on their original formula that was population based. The way they distributed the funds earlier, she said that they ended up getting less money per head than some of the smaller programs.

Del Horne, Director of CS in Jamestown said that there program operated a little different. There is no up front payments, they can complete their CS and pay at the end. If they don't pay we don't submit their hours to the court and they could go to jail. We have a small percentage that don't pay but if they don't pay we have to absorb the costs. He talked about funding and gave some scenarios.

Senator Wardner adjourned the subcommittee.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2243

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 12, 2007

Recorder Job Number: 5960

Committee Clerk Signature

Alice Delzer (SA)

Minutes:

Chairman Wardner opened the Conference Committee on SB 2243, a bill for an Act to provide an appropriation to the Department of Corrections and Rehabilitation to provide funding for community service supervision grants. All committee members were present.

Rep. Wieland passed out the proposed amendments to SB 2243 (.0102). Rep. Wieland said that this amendment ties down some things that were talked about in the first conference committee meeting. The changes in section 1, part 3...In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations. That creates the fund and tells what it is to be used for. On section 2....In addition to the funds appropriated in Section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of HB 1015, as approved by the 60th legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007 and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted

on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose. He said the last part is the Statement of Purpose. The amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Dept. of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-2009 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.

Senator Bowman vocalized that the jest of this amendment is to take the pressure off the counties.

Rep. Wieland said the original bill created an appropriation, there was no talk of match and it really didn't define the program. The original program was in DOCR and they didn't use the funds and they used them in another line item. This amendment ties them down.

Rep. Kerzman said the original bill would have relived some of the pressure off the counties with the appropriation.

Senator Wardner said the original bill had \$380,000 that was general fund dollars for the program. The House version that came back here was different because it had dollars the county had to send in and cities had to send in. And it looked like local CS would still go out and asked county commissioners for money. He said that \$220,000 and \$35,000 is not in the bill anymore.

Rep. Wieland moved the House recede from the House amendment as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that SB 2243 be further amended as followed in amendment .0102.

Rep. Nelson seconded the amendment.

The clerk called the roll 6-0-0.

Amendment .0102 passed.

Senator Wardner adjourned the Conference Committee on SB 2243.

JJ
4-12-07
1052

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

That the House recede from its amendments as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that Senate Bill No. 2243 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and court - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee~~ fees, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed

212

administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM. In addition to the funds appropriated in section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of House Bill No. 1015, as approved by the sixtieth legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose."

Page 1, line 5, replace "general" with "community service supervision" and replace "\$380,000" with "125,000"

Page 1, line 7, after "providing" insert "matching"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Department of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-09 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 2243 (, as (re)engrossed):

Date: 4/9/07
4/12/07

Your Conference Committee Sen Approp:

For the Senate:

For the House:

	<u>4/9</u>	<u>4/12</u>			<u>4/9</u>	<u>04/12</u>
<u>Chair Wardner</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>yes</u>	<u>Wieland</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Bowman</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>yes</u>	<u>Nelson</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Talbotson</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>yes</u>	<u>Kerzman</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1198 -- 1199

and place on the Seventh order.

, adopt (further) amendments as follows, and place 102 on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

HOUSE CARRIER: _____

SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wieland

SECONDED BY: Nelson

VOTE COUNT: 6 YES ___ NO ___ ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2243: Your conference committee (Sens. Wardner, Bowman, Tallackson and Reps. Wieland, Nelson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1198-1199, adopt amendments as follows, and place SB 2243 on the Seventh order:

That the House recede from its amendments as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that Senate Bill No. 2243 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and ~~court~~ - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money

rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM. In addition to the funds appropriated in section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of House Bill No. 1015, as approved by the sixtieth legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose."

Page 1, line 5, replace "general" with "community service supervision" and replace "\$380,000" with "125,000"

Page 1, line 7, after "providing" insert "matching"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Department of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-09 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.

SB 2243 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2243

Dell Horn's Written Testimony for Senate Bill 2243

Chairman and Committee members, my name are Dell Horn and I am the Director of the Jamestown Community Corrections Program. I am here in support of Senate Bill 2243. I have brought a letter of support from the department head of the sanitation department, Bill Snyder. I have also brought two letters of support written to Governor Hoeven. One letter is written by Judge James M. Bekken of the Southeast Judicial District and the other is from Laurie McGuire, Director of the James River Senior Center in Jamestown.

I have also included a page of statistics concerning the Community Corrections Program. This page does not include any statistics from Richland and Barnes Counties.

If you will notice the non-cash value total of \$804,329. This is the value of the work hours completed by the offenders. This calculated at a rate of \$6 per hour. I draw your attention to the letter of support from Bill Snyder giving the amount of savings to the City of Jamestown for the hours of work completed only around the Holidays. Bill informed me that he calculated this by using a set number (wages and benefits) of \$20 per hour of work. I contend that the non-Cash value of \$804,329 is a conservative figure.

Please include in your consideration of SB 2243 the cost associated with incarceration. We can calculate this by using the approximate per diem rate of \$75 per day multiply by the # of days of Jail that community service is eliminating to equal \$1,256,763. This is how much money that the taxpayer is saved by using community service as an alternative to incarceration.

SB 2243 is asking for \$380,000 dollars to be allocated to the DOCR for funding of the community service supervision of offenders. This allocation is roughly 9% of the total calculated savings of \$2,061,091 or in other words a return to the state of North Dakota of 91%.

Thank you

House Appropriations Committee
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: SB 2243

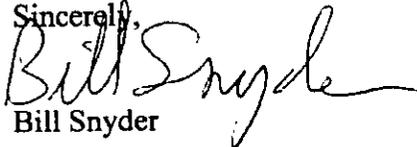
Dear Honorable Committee Members:

I am the Department Head for Sanitation for the City of Jamestown; I am not representing the City of Jamestown or the City Council as I write this personal letter of support for the Community Corrections Program.

Community Corrections has been an extremely useful tool in helping my employees accomplish their daily task of collecting the garbage for the City of Jamestown. In 2006, offenders have completed 4430 hours of community service for my department lessening our workload by about 25%. This lessening of the physical labor on my employees is very helpful for both the employees and the City of Jamestown. Without the aid of the Community Corrections Program my department would stand to lose about \$12800 in pay and benefits for just the days that surround a holiday.

I work very closely with Community Corrections and greatly appreciate their support for my department. Community Corrections is providing an important service to my department and our City.

Sincerely,

A handwritten signature in cursive script that reads "Bill Snyder". The signature is written in black ink and is positioned above the printed name.

Bill Snyder

State of North Dakota
Chambers of
The District Court

JAMES M. BEKKEN
District Judge

DARLA J. MCKENZIE
Judicial Secretary/Court Recorder

Southeast Judicial District
Eddy County Courthouse

P.O. Box 32
New Rockford, ND 58336

Telephone (701)947-5777
Fax (701)947-2067

September 6, 2006

Governor John Hoeven
Governor's Office
Dept. 101
600 E. Boulevard Ave.
Bismarck, ND 58505-0001

RE: Community Service Programs

Dear Governor Hoeven,

I am writing on behalf of a Community Service Program that I have regular contact with and which provides a valuable service to our court system. I regularly sentence people to complete community service through the Community Corrections out of Jamestown, North Dakota. This program provides excellent service and great opportunities for the court to provide alternatives to incarceration by having defendants convicted of criminal matters sentenced to do community service as part of their probation.

It is my understanding that the Department of Corrections and Rehabilitation has provided funding to this organization, but the funding has been cut back by at least 15% for 2006, and that funding may be dropped completely for 2007.

This program has a great impact and I would hate to see the program have to drop their services in assisting the court in seeing that community service by defendant's is monitored and that appropriate community service is implemented to better the communities and save on the potential cost of incarceration.

It is my hope that the State of North Dakota will in some capacity find a way to provide proper funding in order that these type of programs may be continued and be able to provide this valuable service.

Governor John Hoeven
September 6, 2006
Page 2

If you or anyone in your organization have any questions, please feel free to contact me at the above address.

Thank you.

Very truly yours,



James M. Bekken
Judge of the District Court

JMB/djm
Enclosures

cc: Dave Hatten, Community Corrections
File

James River Senior Center
P.O. Box 1092
502 10th Ave. SE
Jamestown, ND 58401

October 5, 2006

Dear Governor Hoeven:

I am writing to you in behalf of our Local Community Service Program in Stutsman County (Jamestown North Dakota).

The Community Service Program is very important to James River Senior Citizens Inc. as we rely on this program on a daily basis. They help us with our extra tasks throughout the day that we cannot accomplish as a sole agency.

We are a non-profit 501© 3 Senior Agency providing senior meals, outreach services and senior transportation 7 days a week.

We have been a Community Friend of the Community Service Program for many years, working with Sandy on a daily basis.

Sandy fills our needs by sending help our way every day as she is able to help us with such tasks as our setup and take down of our huge Annual Spring and Fall Rummage Sale. They help us on a daily basis with all of our food set up for our Congregate Meal Sites in Jamestown, and packaging our Home Delivered Meal Containers as we put out 60-80 out our kitchen door 7 days a week. They also stay and help do the dishes.

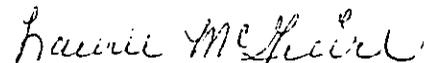
They assist us in all of our cleaning tasks such as weeding our flower beds, general sweeping around the building to make it safe for our Seniors, and our snow shoveling.

They assist us in keeping our Transit Buses clean and cleaning up our Bus Garage on a weekly basis.

They also assist in our Outreach Department by cleaning up the walkers, canes, commodes, shower chairs and wheelchairs that are returned to our Agency on a daily basis and get them ready for the next client to rent for special needs.

This program is an extra set of hands everyday to our Agency. We feel we have a great working relationship with Sandy and her program and we really can't afford to lose them as our Community Friend.

Sincerely,



Laurie McGuire, Director
James River Senior Center

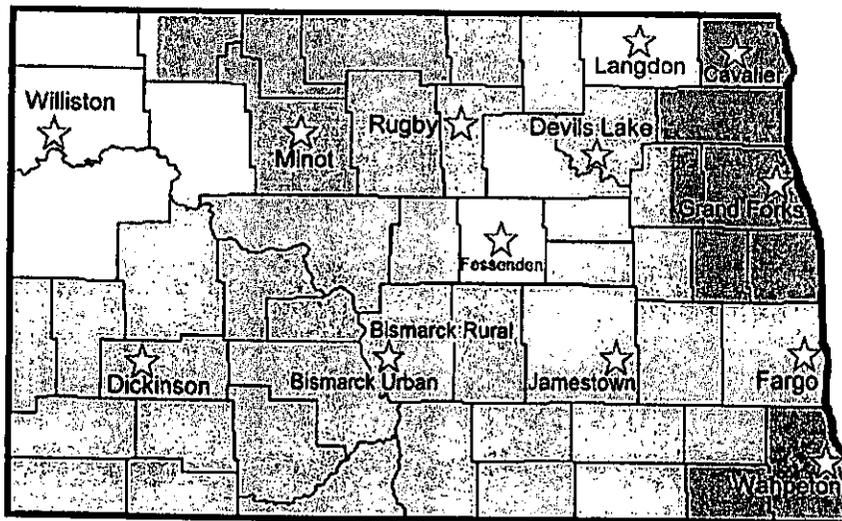
FY 2006 Totals (7/1/04 to 6/30/05)

	# Offenders	# CS Hrs worked	Ave #		Ave # hrs wrked per mth	Offenders per mth	Total Parole & Probation Offenders		Total Juvenile Offenders	Non-Cash Value of CS hr. worked	# of Jail Days saved	Savings to Taxpayer @ \$75 per day	Total Saved
			Offenders per mth	Offender			Offenders	Offenders					
Bismarck Rural	451	9,755	38	22	813	15	147	282	\$58,529	1219.36	\$91,451.63	\$149,980.67	
Bismarck Urban	550	15,703	46	29	1,309	172	377	2,716	\$94,218	1962.87	\$147,215.06	\$241,432.70	
Devils Lake	297	8,425	25	28	702	25	70	192	\$50,550	1053.12	\$78,984.19	\$129,534.07	
Dickinson	411	12,547	34	31	1,046	64	183	164	\$75,284	1568.42	\$117,631.41	\$192,915.51	
Fargo	895	26,942	75	30	2,245	140	755	0	\$161,654	3367.79	\$252,584.44	\$414,238.48	
Grand Forks	350	11,757	29	34	980	147	201	1	\$70,541	1469.60	\$110,220.09	\$180,760.95	
Jamestown	588	17,825	49	30	1,485	89	447	58	\$106,953	2228.18	\$167,113.69	\$274,066.45	
Minot	625	16,245	52	26	1,354	123	379	120	\$97,472	2030.66	\$152,299.22	\$249,770.72	
Rugby	183	6,511	15	36	543	9	113	59	\$39,066	813.88	\$61,040.63	\$100,106.63	
Wells County	19	451	2	24	38	0	12	3	\$2,705	56.34	\$4,225.78	\$6,930.78	
Williston	547	7,893	46	14	658	148	291	108	\$47,358	986.63	\$73,996.88	\$121,354.88	
TOTALS	4,916	134,055	410	27	11,171	932	2,975	3,703	\$804,329	16756.84	\$1,256,763.00	\$2,061,091.82	
<p>SB 2243 is asking for \$360,000 over a two year period, this translates into 9% of the total savings per year or a net return of almost 91% per year to the Taxpayer</p>													
<p>This information does not include Richland or Barnes County</p>													

North Dakota



Community Corrections Association



Annual Report Fiscal Year 2006

August 3rd, 2006

COMMUNITY SERVICE REPORT

For

July 1, 2005 through June 30, 2006

The Community Service and Restitution Programs were formed in 1993. The community service agencies established the North Dakota Community Corrections Association in 1995. Representatives from each agency meet at least three times during the year to support one another, have common training, work at developing goals and projects, share ideas and methods to better supervise/monitor offenders and provide for the seamless transfer of clientele from one community service agency to another.

During 2001 the Association established an internet web page, www.ndcommunityservice.org. The web page has been linked and can be accessed through either the ND DOCR's web page or our own address. The site provides information about the Association and each individual office, a glimpse at the office's history, the individuals served, the cost for the program and some information about work sites.

During the last fiscal year a grand total of 144,786 hours of community service were performed. These hours were completed by adult and juvenile offenders referred by municipal and district courts, probation officers in the Field Services Division and juvenile justice system. To calculate a dollar amount for the hours completed, we have used our standard rate \$6 an hour which, when multiplied out, gives the value of the community service hours for the year at \$868,716. There is no way to calculate the impact of labor done for the community from either the eyes of the community or the offender.

The annual total number of offenders may be slightly inflated, due to quarterly gathering of statistics, in that some offenders have worked in more than one quarter.

STATEWIDE STATISTICAL REPORT

Community Service Comparisons

FY 2006 FY 2005 FY 2004 FY 2003 FY 2002 FY 2001 FY 2000

	<u>FY 2006</u>	<u>FY 2005</u>	<u>FY 2004</u>	<u>FY 2003</u>	<u>FY 2002</u>	<u>FY 2001</u>	<u>FY 2000</u>
Total Offenders	4,916	4,706	5,312	5,792	7,581	5,755	7,726
Total Community Service Hours	134,055	138,076	148,320	170,086	183,340	148,046	132,289
Value of Community Service Hours (Based on \$6/hour)	\$804,329	\$828,458	\$889,920	\$1,202,514	\$1,100,039	\$888,278	\$793,732
Average Number of Offenders Per Month in Community Service	410	392	443	486	632	480	644
Average Number of Hours Performed Per Month in Community Service	11,171	11,506	12,306	16,368	15,278	12,337	11,024
Total Number of Parole/Probation Cases	932	776	792	863	963	1,004	1,557
Total Number of MISD Cases	2,975	2,648	2,898	3,315	4,559	2,956	3,188
Total Number of Juvenile Cases	3,703	1,247	1,577	1,520	2,098	1,795	2,981

NORTH DAKOTA COMMUNITY CORRECTION PROGRAMS

BISMARCK SOUTH CENTRAL RURAL (Kidder, Emmons, Mercer,
Kari Dohrmann -(Member) McLean, McIntosh, Logan,
Community Corrections Inc. Oliver, Sheridan, Grant, Sioux)
Centre, Inc.
103 1/2 South 3rd Street, Bismarck, ND 58501
1-888-650-8300 or 222-0573 Fax: 222-0030
karidohrman@centreinc.org

BISMARCK SOUTH CENTRAL URBAN (Burleigh, Morton)
Nancy Keating -(Member)
Central Dakota Community Service & Restitution
Centre, Inc.
103 1/2 South 3rd Street, Bismarck, ND 58501
Phone: 258-6258 Fax: 222-0030
nancykeating@centreinc.org

DEVILS LAKE (Towner, Benson, Ramsey, Western 1/2 of Nelson &
Andy Horner -(Member) Northern 10% of Eddy)
Lake Region Community Service & Restitution Program
222 Walnut Street, , Devils Lake, ND 58301
Phone: 662-0722 Fax: 662-0707
lrcs@gondtc.com

DICKINSON (Bowman, Billings, Adams, Slope, Stark, Billings,
Eileen Pfau -(Member) Dunn, and Golden Valley)
Vicki Globstad-Juveniles
Southwest Community Service & Restitution Program
T-Rex Plaza, 1173 3rd Avenue West, Dickinson, ND 58601
Phone: 483-8500 Fax: 483-8501
scsrp@goesp.com

FARGO (Cass County)
Sean Falconer-(Member)
Holly Neubauer
L.E.S.T.O.R.E. Inc.
115 North University Drive, Suite C, Fargo, ND 58102
Phone: 239-0078 Fax: 239-0197
restoreinc@702com.net
hneubauer@702net.net

GRAND FORKS (Walsh, Steele, Grand Forks, Traill,
Eastern Half of Nelson)
Deb Schuler -(Member) cell 740-3271
Grand Forks Community Service & Restitution Program
Megan Sturdevant cell 701-388-1143
Christine Bakken cell 739-0349
PO Box 5564, 212 South 4th Street, Suite 302
Grand Forks, ND 58206-5564
Phone: 775-3403 Fax: 795-3897
gfcom@invisimax.com

Grand Forks Juvenile Court
Kim Schnack-(Member)
151 South 4th Street Suite 601
Grand Forks, ND 58401
Phone 701-787-2770 Fax: 701-787-2771
kschnack@ndcourts.com

Fessenden (Wells)
Janelle Pepple -(Member)
Wells County Community Service
P.O. Box 306, Fessenden, ND 58438
Phone: 701-547-3319 Fax: 701-547-2536
pepple@state.nd.us

JAMESTOWN (Eddy, Foster, Stutsman, Griggs, Barnes,
David Hatten -(Member) LaMoure, Ransom, Dickey)
Sandy Wanzek
Community Service & Restitution Program
109 1st Street W. PO Box 1246, Jamestown, ND 58401
Phone: 952-2038 Fax: 952-2868
comserve@daktel.com cell 269-2408

MINOT (Renville, Ward)
Joni Brunner -(Member)
Rehab Service/Community Service Program
112 2nd Ave Southwest, Minot, ND 58701
Phone: 839-4240 Fax: 838-2621
comserve@srt.com cell 721-8788

RUGBY (Pierce, McHenry, Bottineau, Rolette)
Dave Denich -(Member)
Community Service & Restitution
P.O. Box 258, Rugby, ND 58368
Phone: 776-2944 Fax: 776-5707
ddenich@state.nd.us

VALLEY CITY (Barnes)
DuWayne Nicholson-Coordinator (Member)
468 6th Street North West
Valley City, ND 58072-2526
Phone: 845-2012 Fax: None
dewey125@csicable.net cell 840-0554

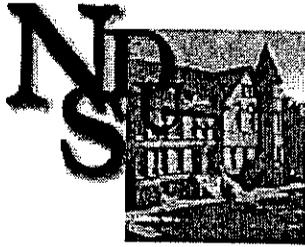
WAHPETON (Richland County)
Michelle Bring -(Member)
Community Service
413 3rd Avenue North, Wahpeton, ND 58075
Phone: 642-7721 Fax: 642-7730
mbring@co.richland.nd.us cell 899-4586

FORMAN (SARGENT COUNTY)
BRENDA PETERSON (MEMBER)
PO Box 157
FORMAN, ND 58032-0157
PHONE 701-724-3302 FAX 701-724-3300
CELL 680-2040 (PERSONAL)
BRENDA.PETERSON@CO.SARGENT.ND.US

WILLISTON (Williams, Divide, McKenzie, Mountrail, Burke)
Linda Lund-(member)
Christie Savoy - Admin. Assistant (Member)
Community Service North Dakota Williston Region
PO Box 2074, 512 4th Avenue East, Williston, ND 58802-2074
Phone: 577-5345 Cell: 770-3564 Fax: 774-4339
communityservice@co.williams.nd.us
Web information
csavoy@will.midco.net

ND COMMUNITY CORRECTIONS ASSOCIATION DATABASE WEBSITE:
<http://www.ndcommunityservice.org/program/database.htm>
8/8/2006

NDCCA officers January 2005 to January 2007
Pre. Deb Schuler Vice Pres. Andy Horner
Sec. Eileen Pfau Treas. Janelle Pepple



VICE PRESIDENT

UNIVERSITY RELATIONS

NORTH DAKOTA STATE UNIVERSITY FARGO, N.D.

NDSU University Relations News Media Information
http://www.ndsu.edu/university_relations/news

Study: completed community service sentences limit repeat offenses -
September 21, 2004 - 11:35

A new study by NDSU researchers say offenders who complete community service are less likely to re-offend

Study: completed community service sentences limit repeat offenses

A new study by North Dakota State University researchers says offenders who complete community service sentences are significantly less likely to be re-arrested than persons who don't finish their sentences. The research, led by Jeff Bouffard, assistant professor of criminal justice, monitored 810 offenders in Fargo during 2003.

Bouffard and graduate assistant Lisa Muftic studied adult offenders who had been assigned to a program called Responsibly Enforced Sanctions Through Offender Required Employment (RESTORE). The non-profit entity is the primary agency responsible for monitoring the compliance of juvenile and adult offenders sentenced to community service by local courts in the Fargo area.

Bouffard said the research showed that offenders who completed their community service sentences were nearly 30 percent less likely to be re-arrested on other charges over an 11-month follow-up period.

"What we infer from the results is that it seems that the community service process is having an impact. It's reducing the likelihood that these people re-offend," Bouffard said. "Sometimes a small shock may make people think twice about how they behave in the future. In this type of population-maybe they made a bad choice-it lets them know that there are consequences."

Bouffard describes the persons in the study as "low-level offenders" who violated city ordinances or were arrested for various misdemeanors in the city of Fargo, such as minor in possession of alcohol. He said they were often first-time offenders who were ordered to the RESTORE program through the Fargo Municipal Court, with smaller proportions also coming from the local juvenile

court, district court and probation department.

Also, the study showed that people who completed their community service sentences went longer (by an average of 1.5 months) before being arrested again, compared to offenders who did not finish their community service.

In addition to being effective in preventing repeat offenses, Bouffard said the work helps the community. The 810 offenders in the study contributed more than 46,000 hours of labor to local businesses and agencies, with an estimated value of nearly \$300,000.

"It looks like the process is working," he said.

Bouffard's research was funded through an "Efficiency in Government" grant supported by the NDSU Development Foundation.

Bouffard joined the NDSU faculty in 2002. He earned his bachelor's degree at Suffolk University, Boston; his master's degree in clinical psychology at St. Michael's College, Burlington, Vt.; and his doctorate in criminology and criminal justice at the University of Maryland, College Park. His research interests include community corrections and correctional rehabilitation.

9/22/04

Steve Bergeson/231-6101

Return