

**HOUSE BILL NO. 1392**

Introduced by

Representatives K. Koppelman, Hanson, Hogan, Karls, Klemin, Larson, Paur

Senators Hogue, Lyson

1 A BILL for an Act to amend and reenact sections 12-44.1-01 and 12-44.1-04 and subsection 1  
2 of section 12-44.1-06 of the North Dakota Century Code, relating to correctional facilities.

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

4 **SECTION 1. AMENDMENT.** Section 12-44.1-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12-44.1-01. Definitions.**

7 As used in this chapter:

8 1. "Administrator" means the sheriff, chief of police, administrator, superintendent,  
9 director, or other individual serving as the chief executive officer of a correctional  
10 facility.

11 2. "Adult lockup" means a secure temporary-hold nonresidential facility that does not  
12 hold individuals overnight and includes a facility with cuffing rails or cuffing benches.

13 3. "Correctional facility" means a city or county jail or detention center, regional  
14 corrections center, or juvenile detention center for the detention or confinement of  
15 persons in accordance with law. The use of the term does not imply and may not be  
16 used to require the provision of services including treatment, counseling, career and  
17 technical education, or other educational services, except as may otherwise be  
18 required or provided for under this chapter.

19 ~~3.4.~~ "Correctional facility staff" means correctional personnel with titles such as jailer,  
20 deputy, counselor, correctional officer, or any other title, whose duties include the  
21 ongoing supervision of inmates in a correctional facility.

22 4.5. "Court holding facility" means a secure facility, other than an adult correctional facility  
23 or adult lockup, used to temporarily detain individuals before or after a detention  
24 hearing or other court proceedings, and is not used to detain individuals overnight.

- 1        6. "Inmate" means any ~~person~~individual, whether sentenced or unsentenced, who is  
2        detained or confined in a correctional facility. The term does not include an individual  
3        who is under the supervision of the correctional facility and is supervised under home  
4        detention, electronic monitoring, or a similar program that does not involve physical  
5        detention or confinement in the facility.
- 6        ~~5-7.~~ "Jail" means a correctional facility, including a county or city jail or a regional  
7        corrections center.
- 8        ~~6-8.~~ "Juvenile detention center" means a publicly ~~or privately established and maintained~~  
9        correctional facility for the detention of juveniles. The term does not include the North  
10       Dakota youth correctional center.
- 11       ~~7-9.~~ "Regional corrections center" means a correctional facility established and maintained  
12       by more than one county or city, or a combination of counties and cities, for the  
13       confinement of inmates.
- 14       ~~8-10.~~ "Trained correctional facility staff" means correctional personnel who have completed  
15       a course of training approved by the ~~department of corrections and rehabilitation~~peace  
16       officer standards and training board.

17        **SECTION 2. AMENDMENT.** Section 12-44.1-04 of the North Dakota Century Code is  
18        amended and reenacted as follows:

19        **12-44.1-04. Administration - Organization - Management.**

20        The administrator of each correctional facility shall:

- 21        1. Formulate an operations manual, available to all correctional facility staff, which  
22        delineates the written policies and procedures for operating and maintaining the  
23        correctional facility.
- 24        2. Review and update all policies and procedures in the operations manual at least  
25        annually.
- 26        3. Specify an administrator in the operations manual to whom all correctional facility staff  
27        are responsible. The operations manual shall include the administrator's duties,  
28        responsibilities, and authority for the management of the correctional facility staff,  
29        inmates, programs, and physical plant.

- 1           4.    Ensure that correctional facility staff who work in direct and continuing contact with  
2                    inmates receive correctional facility training as determined and approved by the  
3                    ~~department of corrections and rehabilitation~~peace officer standards and training board.

4           **SECTION 3. AMENDMENT.** Subsection 1 of section 12-44.1-06 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6           1.    The department of corrections and rehabilitation shall, following inspection pursuant to  
7                    section 12-44.1-24, grade correctional facilities as to length of allowable inmate  
8                    confinement based upon construction, size, and usage, as follows:
- 9           a.    "Grade one" means a correctional facility for confining inmates not more than one  
10                   year.
- 11           b.    "Grade two" means a correctional facility for confining inmates not more than  
12                   ninety days.
- 13           c.    "Grade three" means a correctional facility for confining inmates not more than  
14                   ninety-six hours.
- 15           d.    "Grade four" means an adult lockup or court holding facility in which individuals  
16                   may not be detained overnight.