

2011 SENATE JUDICIARY


SB 2266

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2266  
1/26/11  
Job #13494

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

Relating to the assessment of booking fees by correctional facilities

## Minutes:

There is attached written testimony

## Senator Nething – Chairman

**Senator Triplett** – Introduces the bill and explains booking fees.

**Brett Burkeholder** – Grand Forks County Jail – Provides written attachment. He describes the booking process and the expenses involved. He says there is not a daily per diem fee in ND.

**Senator Lyson** – Questions when “weekenders” get out on weekends for whatever purpose do they keep any of the person’s personal things till he gets back. He asks if his soap, toothbrush and things are replaced when he gets back.

**Burkeholder** – Responds that when he has people come in for weekends the numbers would not allow him to do that. He may have 19 plus commitments in a weekend.

**Senator Lyson** – Replies he is talking about being released for the weekend.

**Burkeholder** – Replies yes but typically it is the opposite of what the Senator has described.

**Senator Lyson** – Wonders why they would replace it. He asks if they have talked to the judges about imposing a fee on the offender for this.

**Burkeholder** – Said no they have not.

**Senator Lyson** – Asks if it wouldn’t be better for the courts to order some of this rather than putting it in law.

**Burkeholder** – Says there are a number fines the court does assess, if this were done in that manner the payment would have to go to the court the court would then have to do the paperwork in some manner to pay the correctional facility.

**Senator Olafson** – Asks if the money will remain in the department or be transferred into the county general fund. What will this net flow do to the county budget and how will that be handled?

**Burkeholder** – Said a lot of the people he gets will not have the funds to pay. He has a number of inmates that have balances due to the Grand Forks county in excess of \$5000 for numerous medical bills and such. He does not expect to see 100%. He said any funds received for this would wholly go for operations.

**Senator Olafson** – Asks if he has a figure of what percentage of people that are being processed into your facility would be in a position to pay the fee.

**Burkeholder** – Replies the way the bill is written it would give them the ability to deduct funds if they have it immediately. Percentage wise it would probably be less than 50%.

**Senator Lyson** – Asks if in ND doesn't all money taken in go into the general fund.

**Burkeholder** – Replies yes it would but anything he does to enhance operations has to come out of his budget.

Close the hearing 2266

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB2266  
2/14/11  
Job #14500

Conference Committee

Committee Clerk Signature 

## **Explanation or reason for introduction of bill/resolution:**

Relating to the assessment of booking fees by correctional facilities

## **Minutes:**

You may make reference to "attached testimony."

## **Senator Nething – Chairman**

**Senator Lyson** moves for a do not pass  
**Senator Olafson** seconds

## **Discussion**

Senator Nething explains what this bill was for to students who are present in the room.  
Senator Lyson explains that he discussed this with the Sheriff of Cass County and he stated that this bill would hinder his ability to receive federal grants.

Roll call vote  
5 yes, 0 no, 1 absent

**Senator Lyson** will carry



FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2266

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Becky Keller  
Senior Fiscal Analyst



Date: 2-14-11  
Roll Call Vote #     

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2266

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By S. Lyson Seconded By S. Olafson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	A	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment S. Lyson

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

**REPORT OF STANDING COMMITTEE**

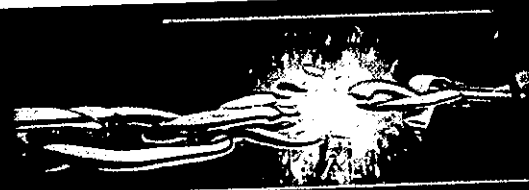
**SB 2266: Judiciary Committee (Sen. Nething, Chairman) recommends DO NOT PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2266 was placed on the  
Eleventh order on the calendar.

2011 TESTIMONY

SB 2266



# NDCCAA



**NORTH DAKOTA CORRECTIONAL CENTER ADMINISTRATORS ASSOCIATION**

*Working together to enhance correctional services in the state of North Dakota through innovation, cooperation, information sharing, consistency and the development of policy.*

2264

In April 2010, NDCCAA was officially formed. Consisting of Sheriff's, Correctional Center and Juvenile Center Administrator's across the state of North Dakota the NDCCAA was formed to assist members in correctional services through:

- Exchange of Information and resource sharing
- Coordination and facilitation of interaction between DOCR and other state agencies with members
- Policy development recommendations for members
- Forum for discussing and expressing ideas and concerns for the improvement of programs related to the delivery of correctional services
- Method of providing an orderly and effective means for member to collectively address matters of concern related to the delivery of correctional services
- Training opportunities for correctional officers
- Development of legislative platform

## MEMBERS

Current Membership of NDCCAA represents over 94% of the available jail/correctional center beds within the state of North Dakota:

- Adams County
- Barnes County
- Burleigh County
- Cass County
- Cavalier County
- Grand Forks County
- Logan County
- McLean County
- Morton County
- \*\*Pembina County (Verbal commitment)
- Pierce County
- Richland County
- Stutsman County
- SW Multi County
- Trail County
- Walsh County
- Ward County
- Williams County

The NDCCAA organization developed, approved, and supports the adoption of the three attached bill proposals as they pertain to the operations of jails/correctional facilities in the state of North Dakota and seeks your support.

1. **SB2266 - A bill for the allowance of "booking fees" to be assessed on individuals booked into ND correctional/jail facilities**
2. **SB2141 - A bill redefining "good time" for jails/correctional facilities and placing it in the proper NDCC section**
3. **SB2136 - A bill revising the current work release fee from \$15 (1999) to a proposed \$20 per day fee**

[www.ndccaa.com](http://www.ndccaa.com)

<u>ADULT JAILS IN USE</u>	<u>LOCATION</u>	<u>GRADE</u>	<u>TOTAL ADULT CAPACITY</u>	<u>NDCCAA MEMBER</u>	<u>JUVENILE CAPACITY</u>
Emmons County	Hettinger	2	7	7	
Barnes County	Valley City	1	30	30	
Bottineau County	Bottineau	1	9		
Burleigh County	Bismarek	1	130	130	
Cass County	Fargo	1	352	352	11
Cavalier County	Langdon	2	9	9	
Emmons County	Linton	3	2		
Grand Forks County	Grand Forks	1	242	242	16
Lake Region C.C.	Devils Lake	1	70	70	29
Logan County	Napoleon	3	2	2	
McIntosh County	Ashley	3	4		
McKenzie County	Watford City	1	10		
Lean County (Under Construction)	Washburn	2	30	30	
Mercer County	Stanton	1	24		
Morton County	Mandan	1	33	33	
Mountrail County	Stanley	2	12		
Pembina County	Cavalier	2	18	18	
Pierce County (HACTC)	Rugby	1	129	129	
Richland County	Wahpeton	1	33	33	
Rolette County	Rolla	2	26		
SW Multi-County	Dickinson	1	64	64	6
Stutsman County	Jamestown	1	84	84	
Traill County	Hillsboro	2	13	13	
Walsh County	Grafton	2	21	21	
Ward County	Minot	1	104	104	8
Williams County Northwest Youth Assessment Center	Williston	1	36	36	11
<b>TOTAL BEDS</b>			<b>1,494</b>	<b>1,407</b>	<b>81</b>
				<b>94.2%</b>	