

HOUSE BILL NO. 1264

Introduced by

Representatives Klemin, Cory, Hanson, Karls, Roers Jones

Senators Braunberger, Dever, Dwyer, Elkin, Larson

1 A BILL for an Act to amend and reenact section 12-44.1-01 and subsection 3 of section
2 12-44.1-07.1 of the North Dakota Century Code, relating to jail and regional correctional center
3 definitions and alternatives to physical custody of individuals; and to provide a penalty.

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

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

7 **12-44.1-01. Definitions.**

8 As used in this chapter:

- 9 1. "Administrator" means the sheriff, chief of police, administrator, superintendent,
10 director, or other individual serving as the chief executive officer of a correctional
11 facility.
- 12 2. "Adult lockup" means a secure temporary-hold nonresidential facility that does not
13 hold individuals overnight and includes a facility with cuffing rails or cuffing benches.
- 14 3. "Correctional facility" means a city or county jail or detention center, regional
15 corrections center, or juvenile detention center for the detention or confinement of
16 persons in accordance with law. The use of the term does not imply and may not be
17 used to require the provision of services including treatment, counseling, career and
18 technical education, or other educational services, except as may otherwise be
19 required or provided for under this chapter.
- 20 4. "Correctional facility staff" means correctional personnel with titles such as jailer,
21 deputy, counselor, correctional officer, or any other title, whose duties include the
22 ongoing supervision of inmates in a correctional facility.

- 1 5. "Court holding facility" means a secure facility, other than an adult correctional facility
2 or adult lockup, used to temporarily detain individuals before or after a detention
3 hearing or other court proceedings, and is not used to detain individuals overnight.
- 4 6. "Individual justice planning" means a process to identify, accommodate, and develop
5 appropriate consequences for behaviors caused by or related to an individual's mental
6 or cognitive impairment.
- 7 7. "Inmate" means any individual, whether sentenced or unsentenced, who is detained or
8 confined in a correctional facility. The term does not include an individual who is under
9 the supervision of the correctional facility and is supervised under home detention,
10 electronic monitoring, or a similar program that does not involve physical detention or
11 confinement in the facility.
- 12 7.8. "Jail" means a correctional facility, including a county or city jail or a regional
13 corrections center.
- 14 8.9. "Juvenile detention center" means a publicly maintained correctional facility for the
15 detention of juveniles. The term does not include the North Dakota youth correctional
16 center.
- 17 9.10. "Regional corrections center" means a correctional facility established and maintained
18 by more than one county or city, or a combination of counties and cities, for the
19 confinement of inmates.
- 20 10.11. "Trained correctional facility staff" means correctional personnel who have completed
21 a course of training approved by the peace officer standards and training board.

22 **SECTION 2. AMENDMENT.** Subsection 3 of section 12-44.1-07.1 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 3. The inmate population plan must include alternatives to physical custody of individuals
25 under charge or conviction of an offense. Potential alternatives to physical custody
26 include:
- 27 a. Placement in a community setting;
 - 28 b. Work release;
 - 29 c. Home detention;
 - 30 d. Electronic home detention;
 - 31 e. Global positioning system monitoring;

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- 1 f. Medical, psychiatric, and drug and alcohol treatment;
- 2 g. Employment;
- 3 h. Pretrial risk assessment; ~~and~~
- 4 i. Pretrial supervision; and
- 5 j. Participation in the individual justice planning process.