

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1264
(Representatives Klemin, Cory, Hanson, Karls, Roers Jones)
(Senators Braunberger, Dever, Dwyer, Elkin, Larson)

AN ACT to amend and reenact section 12-44.1-01 and subsection 3 of section 12-44.1-07.1 of the North Dakota Century Code, relating to jail and regional correctional center definitions and alternatives to physical custody of individuals; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12-44.1-01. Definitions.

As used in this chapter:

1. "Administrator" means the sheriff, chief of police, administrator, superintendent, director, or other individual serving as the chief executive officer of a correctional facility.
2. "Adult lockup" means a secure temporary-hold nonresidential facility that does not hold individuals overnight and includes a facility with cuffing rails or cuffing benches.
3. "Correctional facility" means a city or county jail or detention center, regional corrections center, or juvenile detention center for the detention or confinement of persons in accordance with law. The use of the term does not imply and may not be used to require the provision of services including treatment, counseling, career and technical education, or other educational services, except as may otherwise be required or provided for under this chapter.
4. "Correctional facility staff" means correctional personnel with titles such as jailer, deputy, counselor, correctional officer, or any other title, whose duties include the ongoing supervision of inmates in a correctional facility.
5. "Court holding facility" means a secure facility, other than an adult correctional facility or adult lockup, used to temporarily detain individuals before or after a detention hearing or other court proceedings, and is not used to detain individuals overnight.
6. "Individual justice planning" means a process to identify, accommodate, and develop appropriate consequences for behaviors caused by or related to an individual's mental or cognitive impairment.
7. "Inmate" means any individual, whether sentenced or unsentenced, who is detained or confined in a correctional facility. The term does not include an individual who is under the supervision of the correctional facility and is supervised under home detention, electronic monitoring, or a similar program that does not involve physical detention or confinement in the facility.
- 7-8. "Jail" means a correctional facility, including a county or city jail or a regional corrections center.
- 8-9. "Juvenile detention center" means a publicly maintained correctional facility for the detention of juveniles. The term does not include the North Dakota youth correctional center.

- 9-10. "Regional corrections center" means a correctional facility established and maintained by more than one county or city, or a combination of counties and cities, for the confinement of inmates.
- 10-11. "Trained correctional facility staff" means correctional personnel who have completed a course of training approved by the peace officer standards and training board.

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

3. The inmate population plan must include alternatives to physical custody of individuals under charge or conviction of an offense. Potential alternatives to physical custody include:
 - a. Placement in a community setting;
 - b. Work release;
 - c. Home detention;
 - d. Electronic home detention;
 - e. Global positioning system monitoring;
 - f. Medical, psychiatric, and drug and alcohol treatment;
 - g. Employment;
 - h. Pretrial risk assessment; ~~and~~
 - i. Pretrial supervision; and
 - j. Participation in the individual justice planning process.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1264.

House Vote: Yeas 84 Nays 9 Absent 1

Senate Vote: Yeas 45 Nays 2 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State