

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1112  
(Representatives Heinert, Howe, Jones, Meier, J. Nelson, Roers Jones, Schatz)  
(Senators Dever, Larson, Myrdal)

AN ACT to amend and reenact section 54-23.3-11 of the North Dakota Century Code, relating to the prioritization of admission of inmates.

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

**SECTION 1. AMENDMENT.** Section 54-23.3-11 of the North Dakota Century Code is amended and reenacted as follows:

**54-23.3-11. Prioritization of admission of inmates - Report to legislative management.**

1. The department of corrections and rehabilitation may refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the penitentiary and its affiliated facilities and result in the department exceeding its authorized legislative appropriation for contracting for housing inmates in other correctional facilities.
2. For purposes of this section, maximum operational capacity of the department means the total number of inmates that may be imprisoned at the same time in the penitentiary and its affiliated facilities.
3. The department shall develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the penitentiary and its affiliated facilities. If the plan includes the use of a local jail or correctional facility, the department shall negotiate the terms of the agreement with each facility. An agreement under this section must include a minimum daily rate per inmate, including medical costs, to be paid by the department to the governing body of the jail or correctional facility beginning the day after the department receives notice from the district court of an order placing an individual in the care and custody of the department and ending on the admission date provided by the department.
4. The department shall report annually to the legislative management on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing.

*Kim A. Hoegeler*  
Speaker of the House

*B. E.*  
President of the Senate

*Buell T. Reich*  
Chief Clerk of the House

*Alvina Morgan*  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1112.

House Vote:      Yeas 93                  Nays 0                  Absent 1

Senate Vote:      Yeas 47                  Nays 0                  Absent 0

*Buell T. Reich*  
Chief Clerk of the House

Received by the Governor at 3:25 P.M. on April 8, 2021.

Approved at 5:54 P.M. on April 12, 2021.

*Doug Burdick*  
Governor

Filed in this office this 13th day of April, 2021,

at 9:42 o'clock A. M.

*Alvina Morgan*  
Secretary of State