

HOUSE BILL NO. 1401

Introduced by

Representatives Kroeber, Fairfield, Kretschmar, Mahoney

Senators Robinson, Wardner

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
2 Century Code, relating to inmate accounts, payment of inmate financial obligations, and
3 payment for medical and health care costs.

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

5 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Establishment of inmate accounts - Withholding funds for inmate financial**
8 **obligations - Health care costs - Payment of funds to inmate upon release.**

- 9 1. The correctional facility administrator may establish an inmate account for each
10 inmate. Not more than fifty percent of the earnings and funds an inmate receives
11 while incarcerated in a correctional facility may be withheld from an inmate and
12 deposited in a separate account for the inmate and may not be made available to
13 the inmate until the inmate's release from the correctional facility, except as
14 otherwise authorized by the correctional facility administrator. The remainder of an
15 inmate's earnings must be made available to the inmate on a regular basis.
- 16 2. The correctional facility administrator may withdraw funds from an inmate's
17 account to meet the inmate's legitimate financial obligations, including child support
18 and restitution. The correctional facility administrator may withdraw funds from the
19 inmate's account to pay for the inmate's medical, dental, and eye care costs while
20 the inmate is incarcerated in the correctional facility. Before the funds may be
21 withdrawn, the inmate must first receive written notice and be provided a hearing
22 with the right to correctional facility staff assistance and the right to review by the
23 correctional facility administrator.

- 1 3. A correctional facility administrator may collect fees from inmates to offset health
2 care costs as follows:
- 3 a. For sick call charges, up to five dollars per sick call.
- 4 b. For self-inflicted injuries, the total amount of medical costs incurred.
- 5 c. For necessary health care services, the correctional facility may seek
6 reimbursement from the inmate up to the total amount of health care costs
7 incurred. If the inmate has health insurance coverage, a medical or health
8 care provider must file a claim for reimbursement from the health insurance
9 coverage carrier.
- 10 d. For elective health care requested by an inmate and as allowed by
11 correctional facility policy, the inmate is responsible for the amount of the
12 costs incurred.
- 13 e. A correctional facility may not deny necessary and nonelective medical and
14 health care to an inmate who does not have health insurance or does not
15 have the ability to pay the costs of the medical or health care.
- 16 4. The correctional facility administrator shall pay an inmate all funds in the inmate's
17 account when the inmate is discharged from the correctional facility or when the
18 inmate is transferred to another correctional facility, less the inmate's outstanding
19 obligations to the correctional facility.