CHAPTER 12-48
EMPLOYMENT OF INMATES OF THE PENITENTIARY

12-48-01. Employment of offenders.

All offenders committed to the department of corrections and rehabilitation may be employed for the benefit of the state to the extent employment is available.

12-48-02. Director of the department of corrections and rehabilitation to make rules regarding employment of offenders.

The director of the department of corrections and rehabilitation shall establish rules and regulations relating to the care, treatment, employment, and management of all offenders committed to the legal and physical custody of the department.

12-48-03. Manner of employing offenders.

The director of the department of corrections and rehabilitation and the warden of the penitentiary shall attempt to employ all offenders committed to the legal and physical custody of the department in maintaining the penitentiary and penitentiary grounds, in carrying on the work of the industries established at the penitentiary or at other state institutions, in doing any work necessary to be done in the erection, repair, or improvement of any of the state buildings, including the executive mansion, and the grounds of such buildings, or in the construction and improvement of the public highways of the state. The department may employ offenders in work projects for county and local governmental agencies and subdivisions. The department shall employ offenders when practicable in the work to which they are best adapted and in the work that will make it possible for them to acquire skill so that they will be able to earn a livelihood when they are paroled or discharged from the institution. The department may employ offenders outside the yard of the penitentiary in cultivating and improving any ground belonging to the department. The department must be held responsible for the escape of any offender notwithstanding that such employment is outside the penitentiary if the escape is made possible through the negligence of the department.

12-48-03.1. The director of the department of corrections and rehabilitation may establish and engage in prison industries.

1. The director of the department of corrections and rehabilitation may establish and engage in prison industries the director deems necessary and which are of greatest benefit to and in the best interest of the state of North Dakota, the department, and offenders committed to the legal and physical custody of the department. The director may also discontinue industries when necessary. The director shall make all rules and regulations and do all things necessary or incidental to the establishing and maintaining of prison industries including the manufacture, sale, or distribution of prison industries produce or products, and, so far as is compatible with the efficient operation of the industry, shall use offenders committed to the department as laborers in prison industries. The director shall also do all things necessary and incidental to the discontinuance of industries no longer necessary or beneficial to the department. The department shall keep a true and accurate account of all receipts from the established industries and deposit the earnings in an account as provided by law.
2. All products made in prison industries may be purchased directly by governmental agencies, including federal, state, and tribal agencies and political subdivisions, for use in official business, and by nonprofit organizations, excluding trade associations, fraternal organizations, co-ops, and health insurance companies. Prison industries may sell commissary items and prison industries-made clothing to inmates. Prison industries-made products may also be sold through wholesale or retail outlets that possess a valid sales tax permit, and if the products are manufactured under the prison industries enhancement certification program under Public Law No. 96-157 [93 Stat. 1215; 18 U.S.C. 176(c)], in interstate commerce and through export firms for sale to international markets.

12-48-03.2. Prison industry authorized to trade, barter, and exchange merchandise, equipment, and services.

Prison industry is authorized to trade, barter, and exchange merchandise, equipment, and services with any state agency if such is in the best interest of the prison industry and approved by the director of the department of corrections and rehabilitation.

12-48-03.3. Roughrider industries' operating fund - Bank of North Dakota.

Roughrider industries may establish its own operating fund in the Bank of North Dakota. Interest earned on the roughrider industries' operating fund shall be deposited in the state general fund. Roughrider industries may use its own manufacturing accounting system and must report annually its revenues and expenditures to the office of management and budget for the purpose of its financial statements being included in the state's comprehensive audited financial statements.

12-48-04. Inmates may be employed in improving roads and streets.

Repealed by S.L. 1989, ch. 156, § 54.

12-48-05. Conditions for employing inmates outside of the penitentiary.

Repealed by S.L. 1989, ch. 156, § 54.

12-48-06. Labor of inmates - Sale of articles produced.

Inmate labor may be used by the state in carrying on farming and ranching operations, or in any industry established at the penitentiary, and the state may dispose of the products of the farming and ranching enterprises. The industry products may be disposed as provided in section 12-48-03.1. Sales to visitors and the general public by inmates of articles made by them in hobby shall be permitted under such rules and regulations as may be established by the warden.

12-48-06.1. Prison industry advisory committee.

Repealed by S.L. 2025, ch. 479, § 39.

12-48-07. Tools and equipment.

The warden, under the direction of the director of the department of corrections and rehabilitation, shall procure the machinery, tools, and equipment necessary to carry on and conduct the work and industries of the penitentiary. Procurement must be made by the warden according to chapter 54-44.4 and rules adopted under that chapter.

12-48-08. Penitentiary tannery.

Repealed by S.L. 1965, ch. 108, § 1.

12-48-09. Manufacture of coffins at the penitentiary.

Repealed by S.L. 1965, ch. 108, § 1.

12-48-10. Marking of coffins.

Repealed by S.L. 1965, ch. 108, § 1.

12-48-11. Sale of coffins - Price - Use of proceeds.

Repealed by S.L. 1965, ch. 108, § 1.

12-48-12. Manufacture and sale of license plates and road signs.

Repealed by S.L. 1977, ch. 114, § 3.

12-48-13. Use of receipts from sale of license plates and road signs.

Repealed by S.L. 1977, ch. 114, § 3.

12-48-14. Compensation of offenders.

Offenders who work at the penitentiary or in its prison industries shall receive compensation in an amount to be determined by the warden and approved by the director of the department of corrections and rehabilitation within the limits of legislative appropriations for that purpose. The warden shall assign work to each offender and shall pay the offender based on the amount of work the offender performs, up to the maximum compensation determined by the warden. If an offender has worked in excess of ten hours per day, the offender shall receive such additional compensation as the warden may allow. All offenders working in prison industries may receive pay based upon actual production of salable items as determined by the warden, to be paid out of funds the legislative assembly appropriates.

12-48-15. Disposition of inmate funds - Warden to keep account of inmate funds.

1. The warden of the penitentiary shall keep an account for each inmate. Not more than fifty percent of an inmate's penitentiary earnings, as provided by penitentiary rules, must be withheld from an inmate and deposited in a separate account for the inmate and may not be made available to the inmate until the inmate's release from the penitentiary, except as authorized by the warden. The remainder of an inmate's earnings must be made available to the inmate on a regular basis.
2. Inmates may, in writing, authorize the warden or designee to deposit any of their accumulated earnings from the prison industries, hobby, work release, or any other prison program in an interest-earning account in the Bank of North Dakota for the benefit of the inmate. The account must be a two-signature account requiring the inmate's signature and that of an authorized designated officer or employee of the state penitentiary for withdrawal.
3. The warden may directly deposit an inmate's funds from sources outside of the penitentiary in any bank or account the inmate may designate. If a court order does not allow an inmate to designate a bank or account other than a Bank of North Dakota account or if it is necessary for the benefit and protection of the inmate, the warden, upon written explanation to the inmate, shall deposit an inmate's funds from sources outside the penitentiary into a Bank of North Dakota account. The department of corrections and rehabilitation and its divisions, departments, officers, and employees may not be held responsible or liable for any inmate income or funds deposited into a bank or account designated by an inmate.
4. The warden is responsible for guiding inmates in making proper use of their funds to pay their obligations, including the payment of any administratively ordered fee, fine or restitution, court-appointed counsel fees, court-ordered restitution, support for dependent relatives, or to provide for their own medical, surgical, eye care, or dental treatment, or to pay for other services not generally provided by the state. The warden may withdraw funds from an inmate's penitentiary account or Bank of North Dakota two-signature account, without the inmate's signature, to meet the inmate's legitimate financial obligations. Before the funds may be withdrawn, the inmate must first receive written notice and be provided a penitentiary administrative hearing with the right to appeal according to department of corrections and rehabilitation rules. An inmate is not entitled to prior written notice, administrative hearing, or right to an appeal to the department of corrections and rehabilitation when funds are to be withdrawn for payment of a court-ordered obligation, including child support, provided the inmate has had notice and an opportunity to be heard in the court proceedings.
5. The warden may pay an inmate all funds in the inmate's spending account, less the inmate's outstanding obligations to the penitentiary, when the inmate is transferred to a county jail or regional correctional center or placed in community corrections confinement. The warden may pay an inmate all funds in the inmate's account, less the inmate's outstanding obligations to the penitentiary, when the inmate is transferred to a correctional facility outside of this state. The warden shall pay an inmate all funds in the inmate's account, less the inmate's outstanding obligations to the penitentiary, when the inmate is released on parole or discharged from the penitentiary.

12-48-16. Disposition of earnings of inmate with dependents.

Repealed by S.L. 1975, ch. 111, § 6.

12-48-17. Disposition of earnings of inmate with dependents when more than fifty dollars in temporary aid account.

Repealed by S.L. 1975, ch. 111, § 6.

12-48-18. Disposition of earnings of inmate who has no dependent relatives.

Repealed by S.L. 1975, ch. 111, § 6.

12-48-19. Disposition of earnings of inmate who has no dependent relatives when more than fifty dollars in temporary aid account.

Repealed by S.L. 1975, ch. 111, § 6.

12-48-20. Disposition of earnings of prisoner who escapes or violates parole.

The money in a prisoner's penitentiary or Bank of North Dakota two-signature account or any property belonging to a prisoner who escapes or violates the prisoner's parole shall be forfeited and used to pay the expense of the prisoner's apprehension and capture. Any of the prisoner's funds or property that is not required to pay for the prisoner's apprehension and return to the penitentiary may be transferred by the warden into the penitentiary inmate betterment fund.

12-48-21. Disposition of unclaimed money.

Any money which has been earned by any inmate and credited to his account shall be transferred to the general fund in the state treasury if such money is not claimed within one year after the inmate earning it has been released from the penitentiary unless the law makes other specific provision for its disposition.

12-48-22. Fines and restitution for misconduct of offender.

The warden, with the approval of the director of the department of corrections and rehabilitation, shall institute and maintain a uniform system of fines and restitution for violation of department rules and when an offender causes personal injury or property damage. The warden may deduct the fine or restitution from any funds credited to an offender's penitentiary account or Bank of North Dakota two-signature account.

12-48-23. Employment of penitentiary inmates in book salvage - Receipts.

Repealed by S.L. 1977, ch. 114, § 3.