

# HB 1425

15 leaders from the legislature, court system, county jails, DOCR, DHHS, Job Services, and community reentry partners met over the interim as the “Reentry Study Work Group” to discuss data, research, and best practices with the goal of improving reentry outcomes and enhancing public safety in ND. Their recommendations culminated in 3 bills, two of which – **HB 1549 and HB 1417 – have already been passed.** **HB 1425 is the final piece of this package.**

**HB 1425** adds structure to existing practices used by law enforcement and prosecutors to address problems in the community **before** they evolve into serious criminal activity. There are three parts to this bill:

## Prosecutor-Led Diversion Pilot Program

Every State’s Attorney’s Office has the authority to divert defendants to treatment, programming, or other services before prosecuting them. **This is reserved for people that the prosecutor and judge agree are safe and appropriate candidates for diversion.** Successful program participants may have their charges dropped, while unsuccessful participants are prosecuted fully. Currently, there is no structure in place for supervising defendants in diversion programs operated by the State’s Attorney’s Offices.

- HB 1425 creates a **pilot program** adding capacity to supervise prosecutor-led diversion programs. The pilot program will involve 3 counties, which are yet to be determined.
- HB 1425 appropriates \$1M one-time funding to DOCR to hire one FTE to oversee the pilot program and to hire contractors to provide the program supervision. The bill also includes \$750K one-time funding for DHHS to provide treatment to diversion program participants.

## Deflection Process

“Deflection” is when a person is brought to a hospital, treatment center, or another service provider instead of jail. Law enforcement is responsible for making arrests when responding to public safety threats, but officers also frequently respond to behavioral health episodes or cases where someone is in crisis, but an offense has not been committed. *These are examples of cases that might be deflected to care.*

- HB 1425 provides clarity around the use of deflection, helping law enforcement connect people to behavioral health or emergency services partners and create a plan for follow-up care and responsibility to reduce the burden on officers. HB 1425 does not require deflection **in any case.**

## Pretrial Services Study

Pretrial Services is **distinct** from prosecutor-led diversion programs. Pretrial Services is operated by the DOCR, which supervises people who are released from jail pretrial while their charges are processed through the court system. The outcomes of the Pretrial Services Program were last evaluated in 2020.

- HB 1425 appropriates \$55K in one-time funding to DOCR to hire a contractor to evaluate the program.

**HB 1425 does not modify prison sentences, probation, or parole.**  
**This bill only concerns existing pre-conviction practices and programs in North Dakota.**