

**CHAPTER 12-46
NORTH DAKOTA YOUTH CORRECTIONAL CENTER**

12-46-01. Youth correctional center - Location - Purpose - Name. The North Dakota youth correctional center must be located at the city of Mandan in the county of Morton. The North Dakota youth correctional center is the general reform and correctional facility of the state for the detention, instruction, and reformation of juveniles of both sexes who are committed to it according to law.

12-46-02. Within jurisdiction of Morton County. The North Dakota youth correctional center and grounds and premises thereof, for the purpose of all judicial proceedings, shall be deemed to be within and a part of the county of Morton, and the courts of said county shall have jurisdiction of all crimes or public offenses committed within the same.

12-46-03. Officers of the North Dakota youth correctional center. Repealed by S.L. 2009, ch. 273, § 9.

12-46-04. Appointment of officers. The director of the division of juvenile services is the administrator of the North Dakota youth correctional center. The director may designate officers or employees of the North Dakota youth correctional center to carry out the administrator's duties.

12-46-05. Oath of superintendent. Repealed by S.L. 2009, ch. 273, § 9.

12-46-06. Salary of superintendent, officers, and employees. Repealed by S.L. 2009, ch. 273, § 9.

12-46-07. Members of board and officers of institutions not to be interested in certain contracts. Repealed by S.L. 1975, ch. 106, § 673.

12-46-08. Officers to be furnished food supplies. Repealed by S.L. 1971, ch. 501, § 2.

12-46-09. Administrator may make rules.

1. The administrator may make rules and regulations not in conflict with the laws of this state:
 - a. For the admission of visitors.
 - b. For the government of officers and employees of the North Dakota youth correctional center.
 - c. For the conduct of children committed to the North Dakota youth correctional center.
2. A printed copy of the rules and regulations must be furnished to each child committed to the North Dakota youth correctional center at the time the child is received and to each officer or employee at the time of hire. Two copies of such rules must be furnished to the state law library for the use of the state officials and the public.

12-46-10. Records of institutional transactions, complaints, and rule infractions. The administrator shall maintain a correct record of all the transactions of the North Dakota youth correctional center.

12-46-10.1. Disciplinary committee - Members - Duties. The administrator shall appoint a disciplinary committee, including one cottage supervisor and one member of the

professional staff. The committee shall hear charges of violations of North Dakota youth correctional center rules and regulations and recommend to the administrator what disciplinary action, if any, should be administered. The committee shall maintain records of its actions. These records are subject to review by the director of the department of corrections and rehabilitation, the attorney general, or any legislative committee upon request.

12-46-11. Duties of subordinates and teachers. Repealed by S.L. 2009, ch. 273, § 9.

12-46-12. Child under twelve years not committed to North Dakota youth correctional center. No child under the age of twelve years shall be committed to the North Dakota youth correctional center.

12-46-13. Who may be sent to North Dakota youth correctional center - Court procedure. Whenever a district court finds an offender under eighteen years of age guilty of a crime and commits the offender to the custody of the department of corrections and rehabilitation, the department may transfer the offender to the North Dakota youth correctional center; however, the department shall first transfer the offender to the North Dakota youth correctional center if the offender is under sixteen years of age. The department may transfer an offender who is between sixteen years of age and eighteen years of age to an adult correctional facility after the department has given the offender an administrative hearing to determine if the interests of the department, the safety of other residents, or the interests of the general public justifies the transfer. The department may allow an offender who is between eighteen years of age and twenty years of age to remain at the North Dakota youth correctional center if the department determines that it is in the best interests of the department and the offender and it is not contrary to safety interests of the other residents or the general public. The department shall transfer an offender who has attained twenty years of age to an adult correctional facility. An offender placed by the department at the North Dakota youth correctional center under this section has all the rights to sentence reduction for good and meritorious conduct and all the pardon and parole rights of an adult committed to the legal and physical custody of the department.

12-46-14. Transportation of persons committed to North Dakota youth correctional center. The director of juvenile court, or other officer or person designated by the court at the time commitment is ordered, shall conduct to the North Dakota youth correctional center all persons committed to it. Such person shall receive the amount of mileage allowed in section 11-15-25.

12-46-15. Contents of order of commitment. Every order of commitment to the custody of the division of juvenile services grants full authority for treatment and transfer of any student to the administrators of the North Dakota youth correctional center as provided by law, however, every order of commitment must specify the date, as near as may be ascertained by the juvenile court, at which the accused will attain majority. The date so ascertained and specified is conclusive for all purposes connected with the youth correctional center. The committing judge shall make available to the division all pertinent data, reports, evaluations, and documents in the court's possession with respect to the child at the time of commitment or immediately thereafter.

12-46-16. Person committed or sentenced to North Dakota industrial school a minor until eighteen. Repealed by S.L. 1975, ch. 109, § 8.

12-46-17. Incurable student returned to sheriff - Original proceedings continued. If any person who has been convicted of a felony and is committed to the custody of the division of juvenile services and transferred to the North Dakota youth correctional center is or becomes incurable and manifestly or persistently dangerous to the good order, government, and welfare of the center or its students, the director of the division of juvenile services shall order the person returned and delivered to the sheriff of the county from which committed, and the proceedings against the person thereafter must be resumed and continued as though no order or warrant of commitment had been made.

12-46-18. Employment and compensation of children. Every child committed to the custody of the division of juvenile services and placed at the North Dakota youth correctional center may receive a stipend as determined by the administrator, within the limits of appropriations made by the legislative assembly for such purpose.

12-46-19. Disposition of moneys received. The administrator of the North Dakota youth correctional center shall keep an account for each child placed at the North Dakota youth correctional center. The money in each child's account may be used for the child's personal needs as approved by the administrator.

12-46-20. Forfeiture of earnings on escape or violation of parole. Repealed by S.L. 2009, ch. 273, § 9.

12-46-21. Aiding inmates to escape - Misdemeanor. Repealed by S.L. 1975, ch. 106, § 673.

12-46-22. Service of process. Repealed by S.L. 2009, ch. 273, § 9.

12-46-23. Officers and employees exempt from jury duty. Repealed by S.L. 1977, ch. 113, § 1.

12-46-24. Prohibition on delivery or possession of alcoholic beverages or controlled substances to or by students - Penalties.

1. It shall be unlawful for any person to deliver or administer, whether or not for a consideration, any alcoholic beverage or controlled substance to any student, or to any other person for redelivery or administration to a student, during the time of the student's commitment to the North Dakota youth correctional center. This subsection shall not apply to the delivery or administration of controlled substances or alcoholic beverages in accordance with the orders or prescription of a duly licensed physician and the approval, except in emergency circumstances, of the superintendent.
2. No student shall, during the student's commitment to the North Dakota youth correctional center, possess any controlled substance or alcoholic beverage unless the substance or beverage was delivered to the student or was possessed in accordance with the prescription or orders of a licensed physician.
3. Any person, other than an official or employee of the North Dakota youth correctional center, who violates subsection 1 by delivering or administering a controlled substance is guilty of a class B felony. Any official or employee of the North Dakota youth correctional center who violates subsection 1 by delivering or administering a controlled substance is guilty of a class A felony. Any person who violates subsection 1 by delivering an alcoholic beverage is guilty of a class A misdemeanor.
4. Any person who violates subsection 2 by possessing a controlled substance shall be guilty of a class B felony. Any person who violates subsection 2 by possessing alcoholic beverages shall be guilty of a class A misdemeanor. The district court may waive juvenile jurisdiction over a child above sixteen years of age charged with an offense under subsection 2. The person shall then be transferred to the appropriate court for criminal prosecution.
5. As used in this section, "controlled substance" is as defined in subsection 6 of section 19-03.1-01 and includes counterfeit substances as defined in subsection 7 of section 19-03.1-01.

12-46-25. Youth correctional center career and technical education shop revolving fund. There must be maintained in the Bank of North Dakota by the North Dakota youth

correctional center a career and technical education shop revolving fund to purchase required parts and supplies for student career and technical education training projects. The amounts taken from the fund must be paid back to the fund from collections made on these projects. The provisions of section 54-27-10 do not apply to this fund and no part of the fund reverts at the expiration of any biennium.