

Amendment to SB416
5/29/23

Amend Section 3. 1.

Sec. 3. 1. *The Director shall, with the approval of the Board, adopt regulations to be instituted in each institution or facility which govern the operation of a commissary in the institution or facility. The Director shall not adopt regulations which:*
(a) Place a monetary limitation on the ability of an offender to receive or purchase goods or services from the commissary.
(b) Authorize the markup of the price of any hygiene item or service sold at the commissary by 5 percent or more of the cost to the Department for the acquisition of the item or provision of service.

The Director may adopted regulations which:

- (a) Limits the amount of personal property, including but not limited to, commissary items an offender may possess.**

Amend: Section 6. 2.

Sec. 6. 2. *The Director shall not adopt any regulations which authorize a deduction from money credited to the account of an offender for medical co-pays for routine or emergency medical care to repay or defray the cost of any medical care for an offender that is not expressly authorized pursuant to paragraph (a) or (b) of subsection 1.*

Keep: **Section 8**

Delete all other sections and subsections.

Amendment explanation:

SB416 is amended to:

1. Codify in law current NDOC policy of not charging a markup for hygiene items sold in commissary.
2. Ensure that the possession of all property including commissary items comply with the regulations outlined in NDOC Administrative Regulation 711. This regulation ensures that no offender is in possession of more property than can be safely possessed due to facility and offender housing limitations. Limitations placed on the amount of commissary items must be based on storage allocation requirements.

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3. Eliminate medical co-pays for offenders while maintaining current NDOC practices around charging and collecting money for medical care.
4. Maintain provisions in original bill that end room and board fees for offenders who work while incarcerated.

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