

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

15000

2007 HOUSE JUDICIARY

HB 1500

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1500

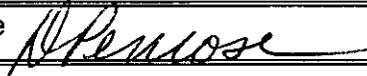
House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/31/07

Recorder Job Number: 2347

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1500.

Rep. Mark Dosch: I am the sponsor of the bill. I am here to ask your support for HB 1500.

The bill is quite simple, if you look on line 12 of the bill, it adds two words into code, that is "or on". The rest of the bill and changes to the bill are simply housekeeping and putting it in new form and style. That is the only area of the bill that you need to concentrate on. I will turn it over to the Bismarck Police Dept, which will speak on this.

Chairman DeKrey: Thank you. Further testimony in support.

Keith Witt, Dep. Chief, Bismarck Police Department: The bill is relatively simple as he said, but it addresses a somewhat of difficult problem we encountered in Bismarck. In the past year, it has gotten to be a popular fad with groups of young adult, 16-20 years old, to in the middle of the morning, climb up on the top of the school building, to hang out. Of course, at 3:00 am, a passerby thinks it somewhat unusual that there are people on top of the school. They would call the police and the police just love to catch burglars, would rush over there thinking there was a burglary in progress, would find a bunch of people, and of course, they were arrested for criminal trespass, and then we found out from our prosecutor that they weren't breaking any laws when they are on top of the school, because the law says they need

to be in the structure, need to be in a fenced area. Just being on top of a structure doesn't qualify. We thought that was somewhat unusual and carrying that one step further, to make it against the law.

Rep. Delmore: I am aware of a captain in Grand Forks as well that had this problem. Is this in city code.

Keith Witt: Our city ordinance basically has the same wording as the Century Code. Our city code was not the solution either. We looked at other statutes and the prosecutor said they didn't apply either.

Rep. Delmore: And that Class A misdemeanor can cover minors.

Keith Witt: Yes, it would apply, other than if they are under 18, it would be taken to juvenile court.

Chairman DeKrey: Thank you. Further testimony in support of HB 1500. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HB 1500.

Rep. Delmore: I move a Do Pass.

Rep. Onstad: Second.

11 YES 0 NO 3 ABSENT

DO PASS

CARRIER: Rep. Delmore

Date: 1-31-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1500

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Delmore Seconded By Rep. Onstad

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning			Rep. Meyer	✓	
Rep. Charging			Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller					
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep. Delmore

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 31, 2007 11:31 a.m.

Module No: HR-21-1621
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1500: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1500 was placed on the
Eleventh order on the calendar.

2007 SENATE JUDICIARY

HB 1500

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1500

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 3997

Committee Clerk Signature *Mina L Solley*

Minutes: Criminal Trespass, "individual" and on the top of a property.

Relating to **Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Testimony in Favor of the Bill:

Rep. Mark Dosch, Dist #32 Introduced the bill. He stated that he was approached by the Bismarck Police officer and the bill makes a change on line 12 and states "or on" was added. **Keith Witt**, Deputy Chief, Bismarck Police Department spoke of a situation of a call to the station involving people on the roof of a school at 2:00 a.m. Upon investigation found that it was not burglary, rather underage kids thinking it would be fun to be up there. When reviewing ND law according to legal council the law does not state that there is no violation to be on a structure.

Sen. Olafson had him review the entire bill. He questioned if this would involve hunters? No the changes are in the building code. They discussed "person" vs. "Individual" is only a house cleaning to keep the language consistent with the rest of the statutes.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

Sen. Lyson made the motion to Do Pass HB 1500 and **Sen. Fiebiger** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Marcellais**

Senator David Nething, Chairman closed the hearing.

REPORT OF STANDING COMMITTEE (410)
February 27, 2007 1:34 p.m.

Module No: SR-37-4026
Carrier: Marcellais
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1500: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1500 was placed on the
Fourteenth order on the calendar.