

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2241

2007 SENATE JUDICIARY

SB 2241

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2241**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 24, 2007

Recorder Job Number: 1803

Committee Clerk Signature *Maria L Solley*

Minutes: Relating to the conditions of probation.

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

Testimony In Support of Bill:

Sen. Anderson, Dist. #25 Introduced the bill – Att. #1

Sen. Nething reviewed the bill, stating that this bill is about the ability to go hunting.

Discussed the final determination should be by the judge and also limiting to “hunting” only.

Corey Schlinger, Parole Officer ND Dept. of Corrections and Rehab. (meter 5:02) Gave Testimony – Att. #2. and submitted an amendment Att. #2b. Stated that as far as a they are concern the issue is not the type of gun, when you get shot most guns are pretty much the same, they can all kill us. Discussion of “supervised vs. unsupervised” probation

Sen. Lyson (meter 8:36) spoke of making an amendment with Cory and would like the time to do this..

Sen. Fiebiger asked if this was an official statement from the Department of corrections (meter 9:00) Yes.

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

None

Senator David Nething, Chairman closed the hearing.

Additional Testimony Submitted:

Ronald Mc. Beth, Richaland Co. Asst. State Attorney

Don Krassin, Attorney

John Bullis, Attorney

Jason Butts, Attorney

Joshua Dozak, citizen

Debbi Berg, citizen

Jeff Bratten, citizen

Brandon Frank, citizen

Tim ?, citizen

Wayne Kridera Jr., citizen

Chase Goplen, citizen

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2241**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2439

Committee Clerk Signature

Mona L. Solberg

Minutes: Relating to conditions of probation.

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

Sen. Lyson reviewed the bill and (meter 1:08) and spoke of a problem of probationers whom they do not want armed- page 1, line 12. They reviewed the amendment. The committee discussed a court in Wahpeton.

Senator David Nething, Chairman closed the hearing.

Sen. Lyson made the motion to Do Pass his amendment and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes.

Sen. Lyson made the motion to Do Pass and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

Senator David Nething, Chairman closed the hearing.

J3
2-2-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2241

Page 1, line 12, after the underscored period insert "The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2241: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Sixth order on the calendar.

Page 1, line 12, after the underscored period insert "The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation."

Renumber accordingly

2007 HOUSE JUDICIARY

SB 2241

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2241

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/7/07

Recorder Job Number: 4512, 4513

Committee Clerk Signature

A Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2241.

Sen. Arden Anderson: (see attached testimony).

Chairman DeKrey: Would you be opposed to saying that on the first offense the court may waive. I know that we have juveniles out there, that get that 3, 4, or 5 minors in possession and they just aren't seeming to get the message and so after their first offense, if the judge had the option of saying that you're not going to be able to hunt if you do this again, it might give him some leverage, and I was curious if that would be a friendly amendment to your bill.

Sen. Arden Anderson: I don't have a lot of experience in this line, which is probably a good thing. Sen. Lyson was here and he was also going to testify and he had to get back to his committee. He said if there were any questions, and I anticipate this being one of those questions, that he would like to address it. In my opinion, I think the judges would be able to determine that.

Rep. Delmore: Some misdemeanors can be domestic violence crimes, and it's the leading cause of death in ND, this isn't about hunting, it's about violence within family units and if that is covered in there, I can tell you right now that I will not support this bill.

Sen. Arden Anderson: There was an amendment that was added in the Senate Judiciary, and I believe it was on the recommendation of Sen. Lyson, and he wanted to make sure it was tightened up. What happens here, it gives the option to the judge on the lesser offenses. I think the law enforcement would be better able to answer that.

Rep. Delmore: I understand in some instances I guess, but when we passed that bill in the House and Senate chambers, there were a lot of people that questioned it were hunters, but if this bill covers that, I understand the judge's discretion but I feel strongly about it.

Sen. Arden Anderson: I certainly share your concern. I would like to request that this be held open and I could talk to the Senator and hold the hearing open.

Chairman DeKrey: Thank you. Further testimony in support. Opposition to SB 2241. We will recess the hearing.

Sen. Stan Lyson: I am here to answer questions.

Rep. Delmore: In discussion before, an assault could be charged as a misdemeanor, and it could have involved domestic violence, in which case we made sure that guns were removed and how would this bill combat that.

Sen. Stan Lyson: This bill doesn't have anything to do with that, with domestic violence. This is, if, the charge is a misdemeanor that the judge has the right to let the person carry arms. If it is a domestic violence or violence against somebody else that's involved in this that would not be the case and you would not have the right to carry.

Chairman DeKrey: Would the sponsors of the bill be opposed to "on the first offense the court may waive", that way if they continue to get these minors in possessions, the judge can do it the one time and then after that, that they could use it as a club to kind of keep them straight.

Sen. Stan Lyson: I think within this, the judge has the discretion to decide.

Chairman DeKrey: It would give the judge discretion but it would only be on the first offense, after the first offense they wouldn't be able to do it.

Sen. Stan Lyson: It gives on the first offense...

Chairman DeKrey: On first offense, but on subsequent offenses they wouldn't be able to.

Sen. Stan Lyson: They wouldn't be able to, if they are dumb enough to do it twice, they shouldn't have the right.

Rep. Delmore: I will check into that matter that would be my only objection to the bill.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2241

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/7/07

Recorder Job Number: 4579

Committee Clerk Signature

D. Penrose

Minutes:

Chairman DeKrey: We will take a look at SB 2241.

Rep. Delmore: I think we need to have Bonnie Palacek go over this to make sure that we are in compliance with federal law.

Rep. Griffin: Explained his amendment, on page 1, line 8, replace "the" with "except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-05 or 12.1-17-07.1 or chapter 14-07.1, the" and on page 1, line 10 after "offense" insert ", the misdemeanor or infraction is the defendant's first offense," I move the amendment.

Rep. Wolf: Second.

Chairman DeKrey: Voice vote. Motion carried. We now have the bill before as amended.

What are the committee's wishes in regard to SB 2214.

Rep. Koppelman: I move a Do Pass as amended.

Rep. Charging: Second.

14 YES 0 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Griffin

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2241

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/12/07

Recorder Job Number: 4838

Committee Clerk Signature

R. Penrose

Minutes:

Chairman DeKrey: We will take a look at SB 2241. On the first offense on a misdemeanor charge we were going to let a person have his guns. Rep. Delmore showed that to the Abused Adult Resource Center and they came back and found a typo on a section of the bill, but we had it right up here, so we didn't have to bring it back to committee to fix it, we were able to just fix it at the front desk.

Rep. Delmore: They repeated the same section twice, there was a one digit difference and when they put it on the floor, they copied the wrong one. So the amendments we adopted were correct.

Chairman DeKrey: It will be on the sixth order today.

House Amendments to Engrossed SB 2241 (70391.0301) - Judiciary Committee
03/12/2007

Page 1, line 8, replace "The" with "Except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the"

Page 1, line 10, after "offense" insert ", the misdemeanor or infraction is the defendant's first offense,"

Renumber accordingly

Date: 3-7-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2241

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Koppelman Seconded By Rep. Charging

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) 14 No 0

Absent 0

Floor Assignment Rep. Griffin

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

REPORT OF STANDING COMMITTEE

SB 2241, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2241 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "The" with "Except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the"

Page 1, line 10, after "offense" insert ", the misdemeanor or infraction is the defendant's first offense."

Renumber accordingly

2007 TESTIMONY

SB 2241

AH #1
1-24-07

SENATE BILL 2241

Mr. Chairman & members of the Committee: For the record, I'm State Senator Arden Anderson of District 25.

Senate Bill 2241 will amend Subsection 3 of section 12.1-32-07 of the North Dakota Century Code to allow a judge the option to waive a restriction on possessing a firearm while a defendant is under probation for a misdemeanor.

There are basically two kinds of probation; supervised and unsupervised. "Unsupervised" probation is generally a condition applied to a first-time offender for a lesser misdemeanor such as "minor in possession," "non-sufficient checks" and the like.

The offender screwed up—like human beings do at times—and being under probation is an excellent tool as a reminder to watch it in the future.

Present law makes no distinction between supervised or unsupervised probation, and, if the statutes are enforced *to the letter* (as they are in the Southeast Judicial District) the offender cannot legally hunt with a firearm during the probation period. This is a pretty severe punishment in North Dakota where hunting can be a large part of a resident's quality of life.

I'm told some judges and law enforcement officials are not strict with the enforcement while others are. But it is the law.

I was asked by Richland County attorneys and the Assistant States Attorney of Richland County to prepare the bill to give judges to option of waiving the "no firearms" provision for misdemeanor-caused unsupervised probation.

As part of the testimony, I am distributing letters from the attorneys and offenders.

**RICHLAND COUNTY
State's Attorneys Office**

413 3rd Ave N
Wahpeton, ND 58075-4427
(701) 642-7766 FAX: (701) 642-7768

December 6, 2006

A. W. Stokes
State's Attorney
Ronald W. McBeth
Asst. State's Attorney
Linda Mauer
Office Manager/Legal Admin. Asst.
Cynthia E. Richels
Legal Office Asst.

Senator Arden Anderson
524 2nd St N
Wahpeton ND 58075

Dear Senator Anderson:

Our office is aware that you have been contacted by Don R. Krassin, in requesting your assistance in making a very small change to N.D.C.C. §12.1-32-07(3) by adding the word "supervised" just before the word "probation" in that section. We would like you to know that our office is in total support of this change.

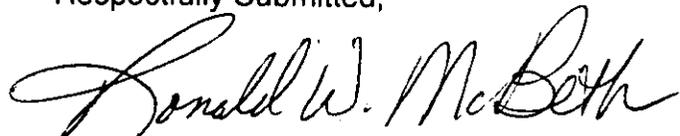
As that section reads now and is interpreted by our local district judge (and by verbal opinion, only the Attorney General's office), the judge requires as an "explicit condition of every probation" that a defendant cannot possess a firearm or other dangerous weapon."

For serious crimes, all felonies and for all cases of "supervised probation", I agree that such a condition is needed. However, as Mr. Krassin pointed out in his email, this condition is being assessed for all criminal violations, no matter how minor, whenever a person is on probation, even unsupervised probation. Typical minor crimes are MIP's (minors in possession), DUI, DUS, and some NSF complaints.

As a result of that condition, several defendants lose the ability to go hunting during hunting season. In order to get around that condition, we allow the defendants to make a request to our office in writing and then we do motions to terminate probation and the judge signs an order terminating the defendants' probation. I have attached several letters from various defendants making this request. This is a needless workaround, when all that would be needed is an easy change in N.D.C.C. §12.1-32-07(3).

Thank you very much for your consideration of this matter.

Respectfully Submitted,



Ronald W. McBeth
Richland County Assistant State's Attorney

RWM:irm
enclosures

cc: Don Krassin

DON R. KRASSIN

ATTORNEY AND COUNSELOR AT LAW

TOWN CENTRE SQUARE
500 DAKOTA AVENUE, SUITE 240
WAHPETON, ND 58075-4436

TELEPHONE: 701-642-4747

FAX: 701-642-4747

EMAIL: donkrassin@702com.net

ADMITTED TO PRACTICE IN
MINNESOTA & NORTH DAKOTA

December 6, 2006

MR. ARDEN ANDERSON
524 NORTH 2ND STREET
WAHPETON, ND 58075

RE: Amendment to NDCC §12.1-32-07(3).

Dear Mr. Anderson:

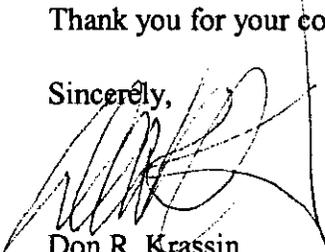
As I have previously told you, I urge the legislature to amend NDCC §12.1-32-07(3) by inserting the word "supervised" immediately preceding the word probation.

The end result will be that all persons on supervised probation will be prohibited from carrying firearms. This will primarily apply to felony convictions.

However, it will make a prohibition on firearms optional with Judges for misdemeanors such as minor in possession, driving while under the influence, non-sufficient checks, etc.

Thank you for your consideration.

Sincerely,



Don R. Krassin

DRK/cje

Enc.

Lies & Bullis

Attorneys at Law

Wahpeton Office:

610 Second Avenue North
P.O. Box 275
Wahpeton, ND 58074-0275
Telephone: (701) 642-8055
Fax: (701) 642-1449

Steven J. Lies
John D. Bullis

Hankinson Office:

327 Main Avenue South
P.O. Box 325
Hankinson, ND 58041-0325
Telephone: (701) 242-7522
Fax: (701) 242-7204

Reply to: Wahpeton
 Hankinson

December 4, 2006

Hon. Arden C. Anderson
524 North Second St.
Wahpeton, ND 58075

RE: NDCC Section 12.1-32-07(3)

Dear Arden:

Congratulations on being our new State Senator. Unfortunately, with the title and all of the glory goes getting letters from your constituents. This is one of those.

I received a call from Don Krassin earlier this morning about NDCC Section 12.1-32-07. Mr. Krassin, along with Ron McBeth, our Assistant State's Attorney, have been discussing this particular section of the code as subsection 3 has been somewhat problematic. As you know, I occasionally handle City prosecutions here in the City of Wahpeton. The vast majority of City prosecutions result in the defendants being placed on unsupervised probation for a period of time. The time period is usually from six months to a year. As part of the probation, the local courts impose those conditions as set forth in subdivision 3 of NDCC Section 12.1-32-07. Specifically, all of the defendants are advised of the prohibition that they possess a firearm during the period of their probation. Routinely, as a result of this condition, each hunting season I usually receive a number of requests from people on unsupervised probation that their probation be ended early so that they can legally possess a firearm while hunting. As long as the party has complied with all terms of their probation (i.e. payment of fines or community service), I send a letter to the Judge informing him that I do not have any opposition, on behalf of the City, to ending his probation early.

I suspect that the majority of people on probation don't go through the hoops in having this particular prohibition removed prior to taking to the field. In fact, I know that routinely, throughout most of the state, judges simply ignore the firearm prohibition in sentencing people to unsupervised probation. The reason being, the great majority of people on unsupervised probation do not pose any type of threat to society. Those on unsupervised probation, at least with respect to City charges, include various traffic matters (i.e. DUI's and reckless driving) or other minor criminal matters (i.e. minors who have consumed alcohol). In fact, my view is that with respect to municipal court we deal with very few actual criminals and instead primarily deal with basically good people (i.e. college

Hon. Arden C. Anderson

December 4, 2006

Page 2

students) who for one reason or another have been found to violate the law. These people really do not need to have their behavior continuously monitored and therefore are placed on unsupervised probation.

Because the law is the law; however, the Judges in this particular area always impose the no firearm condition as part of the unsupervised probation. From my personal discussions with our area judges I do not believe they do this because of any particular concern with respect to the individuals they are dealing with but do so because they believe that is what the law requires. I believe they are correct. I also believe; however, that this matter would be easily remedied by narrowing the scope of subdivision 3 of NDCC Section 12.1-32-07 to only apply to those who are placed on "supervised" probation. My understanding is that as part of your new duties as a State Senator that you will be dealing with this particular matter in the next few weeks. I would appreciate you giving my thoughts on the topic your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bullis", written over a printed name.

John Bullis

JB/amf

*Smith,
Strege &
Fredericksen* LTD
ATTORNEYS AT LAW

R.E.T. SMITH
FRED STREGE*
JANEL B. FREDERICKSEN*
JASON R. BUTTS
*LICENSED IN MINNESOTA

MARY BETH REYNOLDS
OFFICE MANAGER

JASON R. BUTTS
jasonbutts@smithstrege.com

December 4, 2006

Mr. Arden Anderson
524 North 2nd Street
Wahpeton, ND 58075

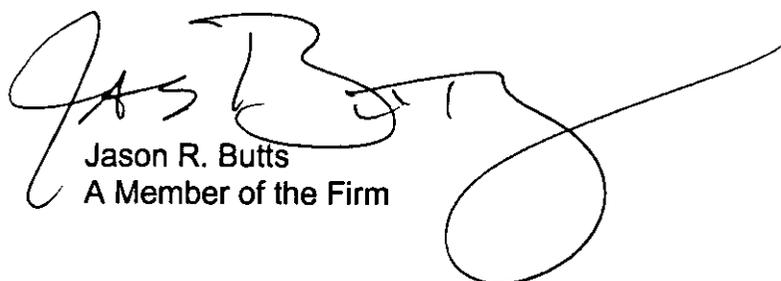
Dear Mr. Anderson:

As a contract holder for Indigent Defense for the City of Wahpeton and Southeast Judicial District, I understand that there has been some discussion regarding the wording of North Dakota Century Code Section 12.1-32-07(3). I have understood this section to apply to supervised probation only. That the description of subparagraph 3, which reads that any defendant on probation must not possess a firearm, did not apply to those of unsupervised probation. Some judges have read that subsection to mean any person on probation, whether it be supervised or unsupervised. It is my opinion that a person on unsupervised probation may have their rights to a firearm restricted, but it is not mandatory as it would be if they were on supervised probation.

I am supporting any measures that the Legislature takes to clarify this matter.

Yours truly,

SMITH, STREGE & FREDERICKSEN, LTD.



Jason R. Butts
A Member of the Firm

JRB:amb

R:\files\Jason files\Genlanderson120406.wpd
12/4/06

321 DAKOTA AVENUE
POST OFFICE BOX 38
WAHPETON, ND 58074-0038
www.smithstrege.com

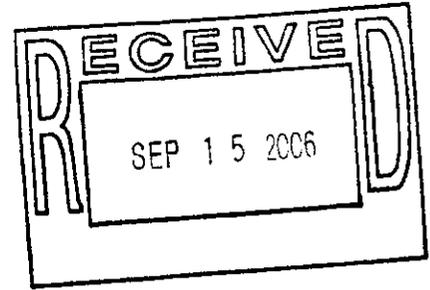
TELEPHONE: (701) 642-2668

TELECOPIER: (701) 642-4729

September 14, 2006

320 11th Ave S
Wahpeton, ND 58075

06K035



Ron McBeth
Richland County State's Attorney
413 3rd Ave N
Wahpeton, ND 58075

Mr. McBeth

I am writing this letter to ask that I may be removed from my probation stemming from my reckless driving charge in January 2006 (case # 06K0035) so that I may join my family in our yearly tradition of hunting. I have completed the community service assigned to me and have undergone the required alcohol evaluation. I ask that you consider this request as it would really mean a lot to me to be able to spend this time with my family.

Thank you for your time and consideration.

Sincerely

A handwritten signature in black ink, appearing to read "Joshua Dozak". The signature is fluid and cursive, with a long horizontal line extending to the right.

Joshua Dozak

06/20/04

uw6
5-17-06

May 15, 2006

Judge Grosz:

On April 2, I made a choice of very poor judgement and drove a vehicle with BAC above the limits of the law. I received the warranted DUI citation and plead guilty on April 18.

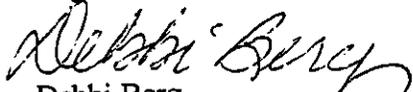
I have since completed:

- My alcohol evaluation - 4/20/06
- Community Service at St. Catherine's Living Center (16 required - but in order to complete the task properly, contributed 22.5 hours) - 5/10/06
- DUI Education in Fargo (16 Hours) - 5/13/06.

I am a Wahpeton citizen who made a very serious negative judgement to get behind the wheel when I should not have. I was one of the lucky ones and did not harm anyone, but the potential was there and I realize this. I have learned much through this experience and intend to share my new knowledge and experience with other "good citizen" of my community to promote all making good/smart choices.

One of my probation restrictions with my citation is that I not carry a firearm for one year. I am writing to ask that you re-consider this restriction and allow me the opportunity to hunt with my family. I'm truly sorry that I have taken up any of the courts time due to me choosing to be behind the wheel when I truly should not have been.

Regards,



Debbi Berg
7746 Marie Street, Wahpeton, ND

06K575

Dear Ronald McBeth
Assistant State's Attorney

I was wondering if I could be taken off of probation. I have completed my community service and paid all my fines. The reason why I want to be taken off of probation is so that I can go hunting.

Sincerely,

Jeff Braaten
Jeff Braaten

OLK314

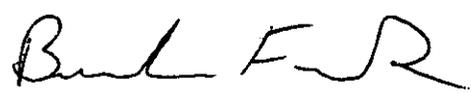
October 5, 2006

Richland County District Court
418 2nd Ave N
Wahpeton ND 58065

Attn: Mr Ron McBeth , Assistant States Attorney

I, Brandon Frank, upon completion of my community service hours and payment of all fines, am requesting that my hunting privileges be re-instated. Thank you for your attention in this matter.

Sincerely,



Brandon Frank

Ron McBeth, State's Attorney
Richland County Courthouse
413 3rd Ave N
Wahpeton ND 58075

Dear Mr. McBeth,

I, Travis Krebs, have paid my fines and
completed my required community service hours.
I would appreciate if you would consider
reinstating my hunting privileges. Thank you
for your time and consideration

Sincerely,



Box 1245

NDSCS

Oct. 6 2006

Ron McBeth, States Attorney
Richland County Courthouse
413 3rd Ave N
Wahpeton ND 58075

Dear, Mr. McBeth

I Mr. Wayne Kvidera Jr. having paid my fine and completed my community service hours, would appreciate it if you would reinstate my hunting privileges

Also would you consider dropping probation altogether as I am currently seeking a college out of the state of North Dakota.

Thank you.

Sincerely,

Wayne Kvidera Jr.

1512 4th St. N

Wahpeton ND 58075

received
7-6-06 CLK

June 16, 2006

Richard W. Grosz, District Judge
418 2nd Avenue North
Wahpeton, ND 58075

RE: File No. 06K0267- Chase Goplen

Dear Mr. Grosz,

Regarding the conditions of my sentence, I am requesting that condition number six relating to prohibition of possessing firearms be amended to allow me to hunt this fall. I have served my jail sentence and paid all fees and costs associated with the sentence. I am employed full time at Mortiz Sport and Marine in Mandan.

Thank you for your consideration.

Sincerely,



Chase Goplen
486 McKenzic Ave
Carrington, ND 58421

AH # 2a
1-24-07

Good morning, Chairman Nething and committee members, my name is Corey Schlinger, I am a Parole Officer for the North Dakota Department of Corrections and Rehabilitation, and I have been in this capacity for the last eleven (11) years.

I am here testifying in support of SB 2241, with one revision /amendment to the bill. I am asking that you consider the attached revision to SB 2241. Parole and probation officers conduct a tremendous amount of home visits on our offender population. The way the current bill is written, it could allow some of the offenders we supervise the opportunity to keep firearm possession privileges while being placed on supervision with the North Dakota Department of Corrections and Rehabilitation. As you can see, from an officer safety perspective, I would be greatly concerned going to an offenders home who is allowed to possess firearms.

How this effects us is that a case may be charged as a Class C Felony but through plea bargains or judicial discretion the offender may be sentenced to one year with all suspended for two years of supervised probation. This is a misdemeanor sentence and now, that Class C Felony (Ex...Possession of Methamphetamine) would go to the parole and probation office and have a misdemeanor. This would open the door for the safety concern that I eluded to earlier. Therefore, I am asking that this committee to review and consider the attached amendment.

Thank You

A# #26
1-24-07

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S
PROPOSED AMENDMENTS TO SENATE BILL NO. 2241

Page 1, line 12, after "condition." insert "The court may not waive this condition of probation if it places the defendant under the supervision and management of the department of corrections and rehabilitation."

Renumber accordingly.

AH #1
1-31-06

Lyson, Stanley

From: Emmer, Warren R.
Sent: Monday, January 22, 2007 2:10 PM
To: Lyson, Stanley
Subject: 2241

I found the propose Amendment....

Here it is.... (let's talk about it...)

Thanks....

Warren

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S
PROPOSED AMENDMENTS TO SENATE BILL NO. 2241**

Page 1, line 12, after "condition." insert "The court may not waive this condition of probation if it places the defendant under the supervision and management of the department of corrections and rehabilitation."