

**2015 HOUSE JUDICIARY**

**HCR 3012**

# 2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HCR 3012  
2/2/2015  
23024

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

To study the registration requirements for offenders against children and sexual offenders under ND Century Code Section 12.1-32-15.

## Minutes:

**Chairman K. Koppelman:** Opened the hearing with testimony in support.

**Aaron Burst; Association of Counties:** The statute is one of the longest criminal statutes we have on actual crimes and reporting. There were a number of concerns brought to my attention regarding this topic so that is why I decided it should be studied. When I suggested the study resolution the Fargo Police Department spoke to Rep. Thoreson. He has HB 1407 that deals with the homeless on this question. If this ends up getting tacked on to HB 1407 that would be fine.

**Rep. G. Paur:** What are children?

**Aaron Burst:** I will check that. You have to register if you are a sexual offender even though they are an offender on children. I think it is 18 and under.

**Rep. G. Paur:** For sexual offenders there is a break point at 15. If the adult is over 18 and under 22 and the minor is over 15 it is a misdemeanor. But if the adult is over 22 and the child is over 15 then it is a Class C felony.

**Aaron Burst:** That is actually not in the sex registration. That is in the gross sexual imposition code so the statutory rapes change penalty levels depending on the age of the victim. You can't have sex with anybody under the age of 18 in ND. That is not what we are trying to get at here.

**Rep. K. Wallman:** This is a will study?

**Aaron Burst:** It is legislative counsel's prerogative whether to study it or not.

**Chairman K. Koppelman:** If it is in a bill then it is a session law. But a resolution such as this even if it might say shall study it is still at the prerogative of Legislative Management. However there is no harm in saying shall. We are trying to get a handle on this right and have consistency etc.

**Aaron Burst:** That is correct. It was always a three day registration period and then a separate bill came in in 2007 that said well the school is five days so there is nothing wrong with that but we need to take a look at it again.

**Chairman K. Koppelman:** How do we look at other states?

**Aaron Burst:** That National Exploited Child; those groups score states and I think some of our legislation comes from that. The Attorney General in most states oversees the sex offender stuff so they also work together.

**Chairman K. Koppelman:** Does it work pretty well to monitor people who move from state to state.

**Aaron Burst:** I would defer to the Attorney General. Generally law enforcement is pretty good at tracking those folks, but the problem is the homeless offenders. Those folks are hard to catch.

Opposition: None

Neutral: None

Hearing closed.

**Motion Made to amendment by Rep. Kretschmar; Seconded by Rep. Lois Delmore:**

Remove line 1 after the word replace study with consider studying and on line 11.

**Voice vote carried.**

**Do Pass As Amended Motion Made by Rep. Lois Delmore: Seconded by Rep. Brabandt:**

Discussion: None

**Roll Call Vote: 12 yes 0 No 1 Absent Carrier: Rep. Brabandt:**

# 2015 HOUSE STANDING COMMITTEE MINUTES

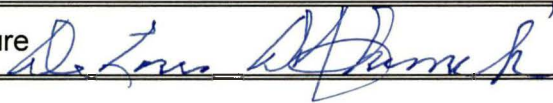
House Judiciary Committee  
Prairie Room, State Capitol

HCR 3012  
2/3/2015  
23090

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



Minutes:

**Chairman K. Koppelman:** Reopened the meeting on HCR 3012. Legislative Counsel said they would like to have it say shall and again resolutions are always at the discretion of Legislative Management to take up the study or not where bills become laws. So we need to reconsider our action if we want to deal with that. Get the resolution back; remove the amendment and then repass it.

**Rep. Maragos made a motion to reconsider our action and seconded by Rep. K. Hawken:**

Discussion: none

**Voice vote carried.**

**Rep. Maragos moved by to remove the amendment the committee previously placed on HCR 3012 and return it to its original form. Seconded by Rep. Lois Delmore:**

Discussion: None

**Voice vote carried.**

**Do Pass Motion Made by Rep. Lois Delmore: Seconded by Rep. Maragos**

Discussion: None

**Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Brabandt:**

February 2, 2015

SK  
2/2/15

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3012

Page 1, line 1, replace "study" with "consider studying"

Page 1, line 11, replace "study" with "consider studying"

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3012**

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.3062.01001

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Kretschmar Seconded By Rep. Lois Delmore:

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment: \_\_\_\_\_

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

**Voice vote carried.**

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3012**

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.3062.01001

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Lois Delmore: Seconded By Rep. Brabandt:

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	X		Rep. Pamela Anderson	X	
Vice Chairman Karls	X		Rep. Delmore	X	
Rep. Brabandt	X		Rep. K. Wallman	X	
Rep. Hawken	X				
Rep. Mary Johnson	X				
Rep. Klemin	X				
Rep. Kretschmar	X				
Rep. D. Larson	X				
Rep. Maragos	---				
Rep. Paur	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment: Rep. Brabandt:

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

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3012**

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☒ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Maragos Seconded By Rep. K. Hawken:

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment: \_\_\_\_\_

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

**Motion to reconsider our action**

**Voice Vote Carried**



**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3012**

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☒ Removed and returned to original bill.

Motion Made By Rep. Maragos Seconded By Rep. Lois Delmore:

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment: \_\_\_\_\_

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

Motion made to have bill returned to the original form.

Voice Vote Carried

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3012

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. L. Delmore Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	X		Rep. Pamela Anderson	X	
Vice Chairman Karls	X		Rep. Delmore	X	
Rep. Brabandt	X		Rep. K. Wallman	X	
Rep. Hawken	X				
Rep. Mary Johnson	X				
Rep. Klemin	X				
Rep. Kretschmar	X				
Rep. D. Larson	X				
Rep. Maragos	X				
Rep. Paur	X				

Total (Yes) 13 No 0

Absent 0

Floor Assignment: Rep. Brabandt

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

**REPORT OF STANDING COMMITTEE**

**HCR 3012: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Eleventh order on the calendar.

**2015 SENATE JUDICIARY**

**HCR 3012**

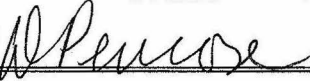
# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HCR 3012  
3/24/2015  
25337

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



**Minutes:**

Ch. Hogue: We will open the hearing on HCR 3012.

Aaron Birst, ND Association of Counties: Support HCR 3012. It's an attempt to look in the interim to look at the sex offender registration statutes. By far and away, the sex registration statute is our longest criminal law that we have in ND. It's about five pages in the NDCC and encompasses 17 subsections. It's been put together over a period of years and I think any time that you have that large of a statute it's a good time to get together to make sure we are doing it right. Going into the session, a number of prosecutors sent me at least five suggestions for the statute change. I thought because of the timeframe, it would be impossible to put together a fully encompassing bill dealing with all the sex offender registration statutes. Here are some examples: Sen. Armstrong can tell you that there is a different in registration requirements between five days vs. three days, depending on what you are supposed to register for. That's inconsistent. The sex offender statute contains registration provisions for both sex offenders and child offenders. That could possibly be broken out to make it a little easier to understand. Out of the Stark County jurisdiction, I got a question, right now when you have to change ID, you have to register that; however, it does not include additional ID's, so you could in theory have one ID that you would never have to change, but you could add multiple ID's and that would not trigger any type of registration. From the Burleigh County area, I've got daycares that are not included in the schools. Finally, the homeless sex offender this committee already dealt with. That was the only one that seemed like a priority that we had to address quickly because there was a judicial decision that said homeless sex offenders might not be eligible for registration. That bill passed unanimously. There are clearly other aspects that we need to take a look at.

I'd ask for your support on this and we look forward to working with the committee during the interim.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HCR 3012?

Sen. Armstrong: I move a Do Pass.

Sen. Luick: Second the motion.

**5 YES 0 NO 1 ABSENT**

**DO PASS**

**CARRIER: Sen. Casper**

Date: 3/24/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 3012

Senate

**JUDICIARY**

Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment

☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Sen. Armstrong Seconded By Sen. Luick

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	Absent	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Casper

**REPORT OF STANDING COMMITTEE**

**HCR 3012: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3012 was placed on the  
Fourteenth order on the calendar.