

FISCAL NOTE
Requested by Legislative Council
12/20/2014

Bill/Resolution No.: SB 2029

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Measure removes the requirement of 18 month probation for first time drug offenders. No material fiscal impact anticipated.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No material fiscal impact anticipated.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

n/a

Name: Dave Krabbenhoft

Agency: DOCR

Telephone: 328-6135

Date Prepared: 01/02/2015

2015 SENATE JUDICIARY

SB 2029

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2029
1/12/2015
21827

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

#1

Ch. Hogue: We will open the hearing on SB 2029.

John Bjornson, Legislative Council: This is another bill from the Commission on Alternatives to Incarceration. The bill began as a bill that was going to address drug paraphernalia, possession of paraphernalia, and ingestion of controlled substances. Those provisions ultimately were amended out of the bill during the Interim and the bill was left with one section that was sort of ancillary section to the bill. That's what you have before you. This section addresses on line 13, the mandatory period of probation of not less than 18 months would be provided in conjunction with the suspended execution of a sentence. It takes out the 18 month period and inserts "up to the length authorized" under section 12.1-32-06.1. That is the section that you actually saw in the first bill (SB 2027) today that dealt with lengths of probation. It refers to that section, it doesn't change. If you adopt that bill it would affect it in some little way but it takes out the mandatory 18 months in this particular section and ties it to the section that deals with the lengths of probation.

Ch. Hogue: Thank you. Further testimony in support.

Pat Bohn, Director for Transitional Planning Services, ND DOCR: Support (see attached #1).

Sen. Armstrong: Do you think we could remove the whole section.

Pat Bohn: I believe we could.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

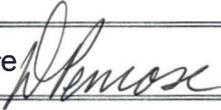
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2029
1/21/2015
22314

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Ch. Hogue: Let's take a look at SB 2029.

Sen. Grabinger: I move a Do Pass.

Sen. Armstrong: Second the motion.

6 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Sen. Grabinger

Date: 1/21/2019

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 2029

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. Grabinger Seconded By Rep. Armstrong

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Grabinger

REPORT OF STANDING COMMITTEE

SB 2029: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the
Eleventh order on the calendar.

2015 HOUSE JUDICIARY

SB 2029

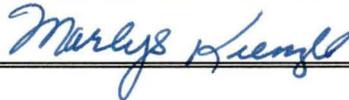
2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2029
3/9/2015
Job # 24531

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to probation and treatment for drug abuse; and to provide a penalty.

Minutes:

Testimony #1

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

John Bjornson, Legislative Counsel: Neutral testimony: The bill began as a bill that dealt with drug paraphernalia penalties. The only change on the bill is on Line 13 of page one. This is talking about controlled substances positions offenses. The current law states that the court imposes probations. The court shall impose a period of probation of not less than 18 months in conjunction with a suspended sentence or a sentence of probation. Instead of the 18 month reference, it refers to in that section we looked at this morning. It is sort of a cleanup and a cross reference. There are a couple changes in style throughout the bill but not in substance.

Chairman K. Koppelman: Is there a reason why it wasn't incorporated in the bill this morning we heard?

John Bjornson: During Interim, after taking all the other material out of the first draft of this bill we did not consider putting this in the other bill.

Rep. Lois Delmore: What the length authorized is under the section? It is not longer than the 18 months is it?

John Bjornson: In 2027 it would probably fall under the other felonies so it would be up to 3 years. The original language in that bill would have been 5 years.

Chairman K. Koppelman: If SB 2027 would pass this would the effect of this provision would lengthen the period of time.

John Bjornson: Not necessarily lengthened, this bill states that it impose a period of not less than 18 months. So there was no cap on the penalty. Now what this is saying is up to that period that is in that other section.

Chairman K. Koppelman: So it could be lengthened or shortened?

John Bjornson: Yes it is up to you.

Pat Bohn, Director for Transitional Planning with the Department of Corrections: (see testimony #1)

Rep. Brabandt: It states "must include Drug and Rehabilitation Evaluation conducted by a Drug and Licensed Counselor." Who pays for this? What is the average cost? Is it less than 500 dollars?

Pat Bohn: Yes they do pay for this and I am not sure of the cost. The cost is definitely less than 500 dollars.

Chairman K. Koppelman: So this bill only references if they are 1000 feet of a school is that correct?

Pat Bohn: That is correct.

Discussion was had to clarify what was in the other bill.

Opposition: None

Neutral Testimony:

Rep. D. Larson: Asked for Pam Saagness to answer a question. When you are looking at drug treatment what seems to be an effective period of treatment?

Pam Saagness, Dept. of Human Services, Substance Abuse Lead: There is no one standard; however recovery tends to be more successful the longer that someone is engaged in services. What those service look like can be different. She also answered the cost of Addiction Evaluations which across the state are on average are \$75-\$250.

Rep. Mary Johnson: Are they free for some?

Pam Saagness: Depends on what type of evaluation it is. Sometimes the evaluations have been completed before that.

Chairman K. Koppelman: I am looking at the 18 month currently apply as a hard standard?

Pam Saagness: I would have to defer to DSCR on that question.

Pat Bohn: For your higher risk offenders you are probably looking at 18 to 24 months to receive the treatment and interaction of treatment hours. Then some of your lower to moderate risk offenders are at 12 months to 18 month range. Low risk offenders may be less than 12 months.

House Judiciary Committee

SB 2029

March 9, 2015

Page 3

Chairman K. Koppelman: Your fiscal note shows not fiscal impact.

Pat Bohn: No we don't the court has already the authority to do all of these things.

Closed hearing

Chairman K. Koppelman: Appointed a Sub Committee.

Sub Committee: Rep. D. Larson: Rep. L. Klemin: Rep. P. Anderson:

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2029
3/16/2015
24892

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Chairman K. Koppelman: reopen the meeting on SB 2029. Rep. Larson is chairing the subcommittee and she informed after the initial review and discussion with DOCR that they don't feel the need to do anything different with this bill or to incorporate it into SB 2027 so we could take this bill up.

Do Pass Motion Made by Rep. D. Larson: Seconded by Rep. P. Anderson:

Discussion: None

Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. D. Larson:

Date: 3-12-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 5B2029

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. Larson Seconded By Rep. Anderson

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) 13 No 0

Absent 0

Floor Assignment Rep. Larson

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

REPORT OF STANDING COMMITTEE

SB 2029: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the
Fourteenth order on the calendar.

2015 TESTIMONY

SB 2029

#1

**SENATE JUDICIARY COMMITTEE
SENATOR DAVID HOGUE, CHAIRMAN
JANUARY 12, 2015**

**PATRICK N. BOHN, DIRECTOR FOR TRANSITIONAL PLANNING SERVICES,
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY RE: SB 2029**

My name is Pat Bohn and I am the Director for Transitional Planning Services for the North Dakota Department of Corrections and Rehabilitation (DOCR). I am here to testify in support of Senate Bill 2029

This bill proposes to eliminate the 18 month minimum mandatory probation period the court shall impose if a person pleads guilty as been found guilty of a felony offense that would fall under the minimum mandatory section contained in 19-03.1-23 subsection 7 (possess a controlled substance within 1000 feet of a school) but only if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture or delivery of a controlled substance or of any other felony offense.

This comes on the coattails of discussions at the Commission to eliminate the minimum mandatory penalties under Title 19. Quite frankly, it seems that this is so narrow as to who this may apply to it just makes sense to let the court decide the length of probation. As I shared with you previously and based on experience, it seems the 18 months minimum of probation is on the low end of what the normal length of probation is across the state. As I looked at this more last night, I kept asking myself " why do we need anything under 19.03.1-45.

1. In Subsection 2: If guilty, the court shall order a PSI which must contain a drug and alcohol evaluation. (Court can already order a PSI)
2. In Subsection 3: If licensed addiction counselor recommends treatment, the court shall order a person to participate in treatment and prohibits the treatment from being longer than 18 months, during which time department must supervise the person.
3. In Subsection 4: Prohibits the time the person spends in treatment from being applied as "time spent in custody" as credit towards a term of imprisonment.

In closing, at a minimum the DOCR supports the passing of Senate Bill 2029 and that the committee consider eliminating the entire section of 19.03.1-45.

SB 2029 #1
3/9/2015

HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE KIM KOPPELMAN, CHAIRMAN
MARCH 9, 2015

**PATRICK N. BOHN, DIRECTOR FOR TRANSITIONAL PLANNING SERVICES,
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY RE: SB 2029**

My name is Pat Bohn and I am the Director for Transitional Planning Services for the North Dakota Department of Corrections and Rehabilitation (DOCR). I am here to testify in support of Senate Bill 2029

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This comes on the coattails of discussions at the Commission to eliminate the minimum mandatory penalties under Title 19. Quite frankly, it seems that this is so narrow regarding who this may apply to that it just makes sense to let the court decide the length of probation. Based on experience and data, it seems the 18 month minimum length of probation is on the low end of the normal length of probation across the state.

In closing, the DOCR supports the passing of Senate Bill 2029.