

**2015 SENATE JUDICIARY**

**SB 2199**

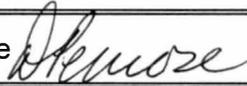
# 2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2199  
1/28/2015  
22707

- Subcommittee  
 Conference Committee

Committee Clerk Signature



Minutes:

1,2,3,4,5

Ch. Hogue: We will open the hearing on SB 2199.

Sen. Dick Dever: Sponsor, support. I was the prime sponsor on the bill in 2009 regarding human trafficking that sat in place the penalties that exist now. I did that then, at the request of the Attorney General, and we worked together with the God's Child project. At that point, only six years ago, I could not have imagined the magnitude of the problem that we now have in North Dakota. I believe everyone here today is probably on board with the fact that we need a comprehensive approach to deal with this major problem. SB 2199 is a key component of that. SB 2199 simply provides \$1 million dollars to the Dept. of Human Services for the purposes of establishing rehabilitation services for victims of human trafficking. It indicates in the bill that it is to be a pilot project in three areas of the state. Initially, you will notice that this is the 02000 version of the bill that changed from 01000 which referenced three counties. The nature of the problem is interstate and we don't necessarily tie it to any certain geographic area in North Dakota. The three areas that we had looked at were region 1, 5 and 8, which are Williston, Cass County and Stark County. That's flexible. The services that will be provided are going to be provided to anyone that needs those services from anywhere in the state; probably focused on those three areas. I think there are three reasons why this bill is important. First, I think if we want to be able to prosecute traffickers, we need to be able to assure their victims that they will be safe, that they have a way out that they will not have to fear their trafficker through that process. Second, I think because human trafficking is a business. Any resistance by law enforcement against human trafficking is the cost of doing business. We need to think about it in those terms, that in order to get that business out of our state, we need to raise the cost of doing business for them. Third, it is the morally right thing to do. We have people in our state whose lives have been

destroyed by others who have no morals. In a civilized society I think that's what we should do. I think, in order to think of this, we need to look at this as a business and who is participating in that business. First, there is the customer, the john, the person who thinks to himself that he wants to have a physical experience with another person, the world's oldest profession. He's thinking that it really should be legal, no emotional attachment, no responsibility, and willing seller willing buyer. Only the person he's having that experience with may not be so willing and may not be the seller. From the perspective of the victim, she is in a lifestyle that 97% of them say that they would like to get out of. They never willingly entered it, they don't willingly stay in it, but they aren't the seller, they are the product. Then there is the trafficker and it's a business and it's about money. They don't care what happens to another individual, so they bring their product to our state; they have to develop their product, they shape and control the product, and the product has no say in it. They are evil people. I think we need to think in those terms. But then there is another person, they're called the survivor. That's what SB 2199 is about. It's about providing hope; it's about saying that doesn't fit with our ND values. A certain unsavory element has come to our state and I would imagine that we've always had a certain unsavory element but I believe that as time goes forward, that will be diminished. It will be diminished in large part because of our increased law enforcement efforts. I think mostly it is going to be decreased because most of the people who have come to our state are good, decent hard working people looking to build their future here in ND. This behavior doesn't fit that image. The bill calls for the money to be distributed through the Dept. of Human Services. Another good place for the committee to consider is through the Attorney General's office. Either agency would be fine; given the comprehensive nature of the approach to this, you may want to think about having the AG handle it. We are not looking at the state creating a program to deal with this. We're looking at the state providing grants to organizations that do that. We're not asking in here for the state to develop a program. The next thing is civil penalties. I had a couple of conversations and I understand that we do have the possibility of civil forfeiture to seize the assets of people who traffic. It seems to me that the people that cause the problem should pay to resolve the problem. If there is a way that we can designate some of the dollars to the rehabilitation of the victims I think it would be a great idea. Next, the ND Catholic Conference will be bringing an amendment regarding the abortion issue. That was not included in the original draft of the bill. I would consider that to be a friendly amendment, but I think my focus is on this.

Ch. Hogue: You said the Catholic Health organization has an amendment relative to abortion and not permitting any of this appropriation not to be used.

Sen. Dever: I think it's basically the same amendment that they proposed on SB 2107.

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

Janelle Moos, Executive Director, CAWS ND: Support (see attached 1).

Sen. Luick: Your operating budget today is approx. what.

Janelle Moos: That is going to vary according to each crisis center. The Dickinson program cover the 8 southwestern counties in the state, they have a staff of 5, and I think their budget hovers right around... most budgets are going to range anywhere from \$100,000/yr. up to to \$2.5 million dollars. The difference in the budgets are based on location, so the larger centers, Minot, Grand Forks, Bismarck, and Fargo are obviously going to have substantial budgets compared to our shelters in Jamestown or Ellendale, because they can provide a much more comprehensive level of services than the smaller shelters. It's going to vary according to which community you're in and how many staff they have at those shelters.

Sen. Luick: The reason I'm asking is that I am concerned whether \$1 million dollars will be appropriate for this, or do we need to consider more. Are the numbers in the ballpark, or are these figures what was proposed several years ago.

Janelle Moos: We'd be open to friendly amendments for additional resources. I think it's really hard to put a number on this right now. This bill draft has seen several drafts. It initially started at a much smaller appropriation. A million dollars over a biennium, if you start looking at dividing that up among, we don't even know how many non-profit organizations would be willing to apply for this. I think it's a great starting point. I think it provides a foundation to develop comprehensive services. I think our utmost priority would be to develop a crisis shelter for trafficking victims, maybe a 30 day drop-in center. It gives folks coming out of that lifestyle to just sit and think about what their next steps are. Whether or not in this process we develop some long-term services but there are other service providers in the Twin Cities area that provide more comprehensive long-term services for trafficking victims. I think our most immediate need is around that 30 day crisis bed. We

usually do more with less. We've got about a \$1.7 million appropriation for domestic violence, but that is split among 20 programs over a biennium. We need additional resources.

Ch. Hogue: If you had this million dollars, and you were going to design something; I hear you say that the priority would be a crisis center with a capacity to handle human trafficking victims apart from your domestic violence beds.

Janelle Moos: I think in our conversations, both as FUSE, and other service providers, there is one service provider that's been providing services to trafficking victims. Because of the co-location, that's the problem we're having right now. What is great about 2199, it gives you the freedom to really sit down with community partners to talk about what will work, or what is needed. I don't want to have a cookie cutter approach to human trafficking victims. I don't want to come in and put a domestic violence model on top of human trafficking and say, "well we want to build shelters and provide protection orders". It's a place to start, it's a conversation about, at least, if we can have a safe place for trafficking victims to go even in a short term basis to be part of a prosecution or just have a safe place to sleep. That would be the priority.

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

Erin Prochnow, Exec. Director, YWCA Cass Clay, Fargo, ND: Support (see attached #2).

Ch. Hogue: If you had the million dollars, what would you do to give the ND taxpayers the best program to come to the aid of the victims of human trafficking?

Erin Prochnow: I think there are a couple of ways to look at that. There is no one solution, as Ms. Moos alluded to. Each area of our state is different. In Dickinson they are serving an 8 county area; our shelter is the largest, serving the state for women and children. We're primarily serving those from Cass and Clay County, Richland county, Sargent county; having said that when I look at our operating budget as an organization, we're a large organization and have about a \$3.5 million dollar budget. Just to run the shelter operation alone, in terms of perspective, where we have a capacity of 65 women and children, and they're often over that capacity 60% of the time. It's about a \$1 million dollars a year just to run our shelter operation itself. We can't exceed 80 people from a building code standpoint. We have some wrap-around

services on-site within our shelter that include education, employment programs, child care assistance, shelter-faith community nurse through some partnerships along with some support through our collaborations with the local school district as well.

Ch. Hogue: For the remaining witnesses on SB 2199, it will help the committee because the bill proposes to appropriate \$1 million dollars to work with the Dept. of Human Services, to organize, prevention and treatment services, for shelters. How would this million dollars best be used. Is the proposal in the bill acceptable or is there some expenditure that should be emphasized. We will take further testimony in support of SB 2199.

Christina Sambor, FUSE: There will be other direct service providers that I think will speak to something that has come up as a priority for using the money, which again is providing safe housing and crisis care for human trafficking victims. The other thing I would add from FUSE's perspective is that the major priority for our coalition, amongst all the multi-disciplinary partners. When I talk about that, we have representatives from direct service organizations, Dept. of Health, Dept. of Human Services, and BCI. Some of them are working as a coalition; we do truly have multidisciplinary team that's talking about this. The top priority that we've identified as a coalition, is building regional response teams in different communities in ND. By that, we're looking at enabling teams to have a protocol and a policy, much like Erin described from Fargo, where you would have a crisis response ready to go when a trafficking victim is identified, so you have people cooperating that can provide appropriate services, depending on whether it is a juvenile victim, adult victim, international victim to assess what the needs are. I really see another portion of this money supporting that effort to collaborate. I think you will hear from folks doing this work; I don't think there is a single agency in ND that could provide all the services that a human trafficking victim needs. From FUSE's perspective, we would really like to see that money be potentially appropriated for an RFP that might be focused on a cooperative effort of service providers and a community, that would be committed to creating a protocol that would cooperatively work and meet. That's really a model that's been successful in other metropolitan areas. In Los Angeles County, they have a crisis response, where they immediately bring in service providers to work alongside of law enforcement. That really helps aid in the things that we've been talking about that are so important; securing a victim's safety, helping them build trust with the advocates. That ultimately helps police officers build strong cases against traffickers. I think from FUSE's perspective, one of the ways that we think the money could be most

effectively leveraged would be through an RFP process that would be focused on community-based services that connects various service providers.

Ch. Hogue: Thank you. Further testimony in support of SB 2199.

Winnie Lazenko, Exec. Director 4herND: Support (see attached #3). I want to encourage the funding proposed by SB 2199. Because of the taxing work that is on the domestic violence shelters, I think that they've done an amazing job responding to the needs under the circumstances. With the awareness that's being created and the education that law enforcement is receiving now, and the community's response through education and awareness, now we're starting to see victims be identified, but what do we do with them now is a big fear. 4herND could actively do outreach in places like truck stops, places where we know that the girls are being sold in public. We can't go out and provide them anything if we don't have a safe place to bring them or an opportunity to serve them in the best way that we can. That's an absolute critical need. The million dollars would help; for 4herND that's our ultimate goal to open up that crisis shelter to give 72 hours up to 32 days. There have been successful programs around the nation that are already doing absolutely incredible work that 4herND is in collaboration with Shared Hope International, see breaking free out of Minneapolis. We're going to recreate what is already working across the nation. That's going to be of great service to us. The difference in pricing is paid staff as opposed to volunteers, the housing, etc., as well as the expunging of the previous prostitution convictions. Again, being part of the National Survivor Network and knowing the struggles, I was blessed not to ever have a felony charge on my record. So I didn't have to battle through that, but I have many friends and girls that I mentored to this day, that want to move on with their life and even go into fields such as law enforcement, or even open up daycares and their hands are tied, and those dreams are squashed because of their records as a result of being a victim of human trafficking, not a person involved in prostitution. I stand in support of that. One of the things I stand in support of is SB 2250, which would make all pimping offenses felonies. Right now, it's hard to identify until education and awareness become solid, it's hard to identify the difference between human trafficking and pimping and we want to make sure that anybody who is involved in the pimping of another person, which I believe is always human trafficking, they would suffer the consequences of felony charges. I hope that my testimony brings some clarification on the issues.

Ch. Hogue: In your judgment, does the immunity provisions that we talked about in SB 2107, do you think that helps the victims or help law enforcement secure the cooperation of the victims.

Winnie Lazekno: I do; it's almost a case by case situation. I'm not clear on how to answer that. I know that it's absolutely key to have victim cooperation in order to get the prosecution of the trafficker. So whatever best suits the victim in that case, I would be in support of that.

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

Melanie Heitkamp, Exec. Director Youthworks: Support (see attached #4). I want to address a couple of matters regarding teenagers. The way we shelter the trafficked victims in our Fargo office, is by applying for and using AmeriCorp volunteers, because there is absolutely no money for shelters for teens. One of the responses that you'll find in the system is that there is the foster care system for adolescents and young adults. The foster care system costs about \$400/day on an emergency basis and anywhere from \$5,000-20,000 a month for a child to be in the foster care system. The only foster care services that we have right now are systems like Home on the Range, Dakota Boys & Girls Ranch, or places like that. Speaking on their behalf, I think that would be very difficult to integrate some of the special services that are needed for this, into their treatment program without some very specific training and addressing how that would be done. The other thing is whether that is, in fact, going to be best practices. I think the State has faced for some time, the challenges of moving youth out of foster care and the high cost of foster care and group care. I'm not certain that child victims, 16, 17 years of age are best served in a group home model. I think and urge, that as part of this process and looking at the services and how they are developed, because part of what I do, is represent adolescents and young adults, but that we look at whether the foster care system has adequate resources and needs to address that. For my sake, just having to go after AmeriCorps dollars just to provide the services that we do in the Fargo office. In the Bismarck shelter, I have been fortunate in that Sen. Dever introduced a pilot project for us to have our shelter receive some state funds. We do not have those worries about losing funding and then shutting the shelter down. Part of what we face when we work with our young adult victims, is that we have the pimps show up in our waiting room, have them show up in our parking lots. They are sitting outside waiting for the victims to leave when we are serving them. Some of the challenges that have occurred over the last year are addressing our policies,

procedure, and protocols to keep the staff safe, to keep those that we serve safe.

Sen. Luick: You mentioned that the pimps sit out in the parking lot or the waiting room to pick up these victims. Is there is a process you go through to make sure that they have the rights to pick up these individuals, how can you just hand over someone that is maybe in that condition to someone that you don't know.

M. Heitkamp: Some of the victims are young adults, so they are 18-21 and it's really obvious to us what's happening in terms of that. The pimp knows that they can get some free services; we have a drop-in and a food pantry and things like that. With our minors, we do everything we can to contact social services and let them know that we're concerned about who's bringing this individual to our agency. We have an excellent working relationship with county social services and law enforcement. We do everything within our power to address that. The unfortunate thing, to be perfectly honest, is sometimes parents are absent. When we call the parents and say we're concerned, they aren't concerned, and we're not quite certain why they aren't, then it's a matter of child protection report, but really how do you flesh that out, with a child. It is very frustrating.

Sen. Luick: Is it very often that those are the instances.

M. Heitkamp: I think that as we are all getting training, when we look back, we see that this was happening a lot more than what we were really aware of. We assumed this was somebody that was a parent or a friend of the parent; now that we know what to look for, we're seeing it more and more. It may have been there and we may not have noticed it. Although, in a couple of situations that happened, the boldness of the pimp really shocked me in the waiting room.

Sen. Luick: What about return events; clients coming back, is that common.

M. Heitkamp: It is common. We're trying to build a process of trust, of reminding them that they are worth something, that there is hope out there. The issue that was raised earlier that I want to address, is the issue with attorneys. It would be wonderful if they had an opportunity representing them. They are always concerned about the law, what their rights are, what can happen to them. It stops them from really getting help. If we have an attorney who was there to represent them that would be incredibly helpful. But we do not.

Ch. Hogue: Thank you.

Stacey Pflieger, ND Catholic Conference: Support (see attached #5). I want to draw your attention to the amendment that I've attached to the testimony. It's essentially the same amendment of SB 2107 that Sen. Dever had alluded to.

Ch. Hogue: Seeing no additional testimony on SB 2199, we will close the hearing.

# 2015 SENATE STANDING COMMITTEE MINUTES

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

SB 2199  
2/3/2015  
23119

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Ch. Hogue: We will take a look at SB 2199. This is Sen. Dever's bill.

Sen. Casper: I move a Do Pass and be Rereferred to Appropriations.

Sen. Armstrong: Second the motion.

**6 YES 0 NO 0 ABSENT**

**DO PASS**

**CARRIER: Sen. Grabinger**

Date: 2/3/2015

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 2199

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. Casper Seconded By Sen. 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 2199: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was rereferred to the Appropriations Committee.**

**2015 SENATE APPROPRIATIONS**

**SB 2199**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2199  
2/9/2015  
Job #23480

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Provision for Alice DeLzer*

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

A BILL for an Act to provide an appropriation to Department of Human Services for a human trafficking victim's treatment and support services pilot project

### Minutes:

Testimony 1- 3

**Chairman Holmberg** called the committee to order on Monday, February 09, 2015, at 10:45 am in regards to SB 2199. All committee members were present. Michael Johnson, Legislative Council, and Lori Laschkewitsch, OMB, were also present.

**Senator Dever, District 32**, introduced the bill as an important component of dealing with the problem of human trafficking in ND. It's important for your purposes to know we are not creating a new program but rather providing grants to programs that would offer the services that are being asked for. It is providing hope to victims of human trafficking. We need to think about 3 reasons why we should pass this bill and move this forward:

1. In support of the efforts of law enforcement. In order to prosecute they need to have a witness. The victims are reluctant to do that.
2. Because it's a business, we need to do everything we can to raise the cost of doing business.
3. It's simply morally the right thing to do.

I hope the members for the committee can appreciate the purpose.

**Senator Heckaman:** Was there a reason you chose \$1M.

**Senator Dever:** There are others that will talk about the money. As a pilot project, it is an amount of money that we think will be minimally necessary to move a project forward. It currently says to go to the Department of Human Services. Another option would be to do it through the Attorney General. One of the benefits of that would be that it is part of the comprehensive approach to dealing with the problem. It is not creating a program; it is providing grants to organizations. The selfish reason for doing that is if it is not in the governor's budget, the DHS cannot advocate for it but the Attorney General can and he has a real passion for this.

**Senator Carlisle:** Is this part of your package?

**Senator Dever:** It is a package. I believe there were 7 bills in the Senate and there are also some in the House. I think this is the only bill that deals specifically with providing treatment for victims.

**Senator Wanzek:** Is there any current program that would benefit the victims of human trafficking now or is there nothing out that's provided by human services where they would qualify?

**Senator Dever:** When you think about the problem with victims of human trafficking there are addiction issues. We have programs for dealing with addiction issues. There are issues dealing with domestic violence and we have those kinds of programs. Somebody will be testifying later about the difficulty of just plugging them into one of those programs.

**Senator Mathern:** I am concerned about where this money should go. Why didn't the policy committee move the money from DHS to the Attorney General's office?

**Senator Dever:** I cannot answer that.

**Wayne Stenehjem, Attorney General,** emphasized that this is one piece of the puzzle of human trafficking in ND. That is why there are a number of bills dealing with this very issue on every front. This is the piece of the puzzle that deals with the funding to provide services for these victims. One of the things law enforcement is finding is that these victims are very difficult to establish trust. The only way you can really establish trust is to work with them over a course of many meetings. Then it's essential we're able to tell them that there are treatment programs, some options, some assistance that we can provide for them. That is an essential ingredient of the entire mix. That's why I'm here and urging a favorable review of this appropriation. (8.43)

**V. Chairman Bowman:** Do we have any idea of the numbers to see if the money matches?

**Wayne Stenehjem:** The numbers are very difficult to come up with. Part of the reason is because we are unable to provide the kind of services to get people who may be victims to come forward and be willing to share information. We know there are a lot of people who are engaged in the sex trade in North Dakota. We know there is never a shortage of customers. I have no doubt that, of the people who are engaged in human trafficking, few, if any, are doing so as independent contractors or willingly. They are, by and large, and I think without exception, victims. This level of funding will not be sufficient. It is a pilot program. The numbers nationally are 300,000 children at risk. There is no reason to expect that ND is any different than any other state.

**Christina Sambor, Coordinator of FUSE - the statewide anti-trafficking coalition:** She testified in favor of SB 2199 and provided written Testimony Attached # 1. To answer a previous question from Sen. Wanzek about other service providers - she thought the issue with human trafficking and the reason for the direct appropriation is that these victims tend to be highly traumatized and highly apt to run. When you are dealing

with piecemeal service provision they tend to not stick around for that. What we really need to work on is having service providers that can provide for them relationships in the sense that someone really does care about them. Our vision is to create a comprehensive group of service providers that would work together to make sure these people aren't slipping through the cracks and aren't dropping out of these services. (13.00)

**Windie Lazenko, Founder of 4her North Dakota:** She testified in favor of SB 2199 and provided written Testimony Attached # 2. (16.00)

**Melanie Heitcamp, Executive Director of Youthworks:** She testified in favor of SB 2199 and provided written Testimony Attached # 3. (21.26)

**Senator Mathern:** Where do think this money should be placed? Our committee should designate a home for this?

**Heitcamp:** As a pilot project, because we are working so closely with law enforcement, I am comfortable with it being with the Attorney General's office. On a long term, as we identify what best practices should be in this state, I can see it being moved over to the DHS.

**Chairman Holmberg:** You gave a strong case, and this committee will look at that.

**Senator Carlisle:** That money in the crisis beds, the 24 beds, would this qualify in this?

**Senator Kilzer:** The crisis beds in those budgets are mainly for disposition of people who would either be needed to be taken care of in a temporary in-patient facility for mental health or detoxification for the most part. I think incarceration is available. It is more for the two conditions

**Dan Ulmer:** I wanted to answer the question by Sen. Mathern about how come the policy decision was not to move it. I missed that part.

**Tom Freier, ND Family Alliance, and Voice for the Captives:** On the policy side we are in favor of all the bills. On the money side we understand that to have an impact there needs to be dollars to put in place the services that are required. We would appreciate you doing that. I would agree on the placement of the owner. I think Attorney General Stenehjem has a real passion for this and as the owner he would make sure the money is spent very appropriately. We endorse the bill.

**Chairman Holmberg:** I can't imagine the DHS being sad if the end result was to reduce human trafficking. We're all on the same page. It's getting from here to there.

The hearing was closed on SB 2199.

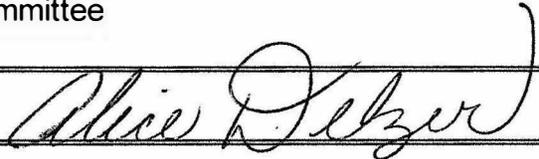
# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2199  
2/17/2015  
Job # 24009

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act relating to human trafficking victims treatment and support services (DHS) (Do Pass as Amended)

### Minutes:

Attachment # 1 amendment

Chairman Holmberg called the committee to order on Tuesday, February 17, 2015 in regards to SB 2199. All committee members were present. Tammy Dolan, OMB and Chris Kadmas, Legislative Council were also present.

Senator Mathern presented Testimony Attached # 1 - Proposed Amendment # 15.0707.02001. He explained the amendment stating the money for this bill would be moved from the DHS to Attorney General's budget. This was approved by the Attorney General. He moved the amendment. 2<sup>nd</sup> by Senator Heckaman.

Chairman Holmberg: asked for a voice vote on the amendment. It carried.

Senator Mathern moved Do Pass as Amended on SB 2199. 2<sup>nd</sup> by Senator Heckaman.

Chairman Holmberg: Call the roll on SB 2199.

A Roll Call vote was taken. Yea: 12; Nay: 1; Absent: 0. Senator Grabinger from Human Services will carry the bill.

The hearing was closed on SB 2199.

*TW*  
*2/17/15*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2199

Page 1, line 1, replace "department of human services" with "attorney general"

Page 1, line 8, replace "department of human services" with "attorney general"

Page 1, line 10, replace "department of human services" with "attorney general"

Page 1, line 20, replace "department of human services" with "attorney general"

Renumber accordingly

Date: 2-17-15  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2199

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: 15.0707.02001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Refer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Mathern    Seconded By Heckaman

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

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

Absent \_\_\_\_\_

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

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

Date: 2-17-15  
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
 BILL/RESOLUTION NO. 2199

Senate Appropriations 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 Mather    Seconded By Heckaman

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman	✓	
Senator Bowman	✓		Senator Mather	✓	
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson	✓	
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓	✓			
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12    No 1

Absent 0

Floor Assignment DHS Grabinger

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

**REPORT OF STANDING COMMITTEE**

**SB 2199: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "department of human services" with "attorney general"

Page 1, line 8, replace "department of human services" with "attorney general"

Page 1, line 10, replace "department of human services" with "attorney general"

Page 1, line 20, replace "department of human services" with "attorney general"

Renumber accordingly

**2015 HOUSE JUDICIARY**

**SB 2199**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee  
Prairie Room, State Capitol

SB 2199  
3/17/2015  
24982

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

An Act to provide an appropriation to the attorney general for a human trafficking victims treatment and support services pilot project; and to provide for a report to the legislative management.

## Minutes:

Testimony #1,2,3,4,5,6,7,8

Chairman K. Koppelman: Opened the hearing on SB 2199.

**Senator Dever:** Introduced the bill. In 2009 I sponsored a bill on that put in place the current penalties for people involved in human trafficking at the request of the Attorney General and God's Child Project. I thought this was an international problem and if it ever comes to ND then those penalties will be in place. Now it has and we are dealing with several bills trying to deal with the issue. Human trafficking is a business. The John who makes contact with the prostitute and engages in a physical activity with no strings attached. The business person is actually the human trafficker. The John is the customer and the prostitute is the product. This bill provides a \$1 million to help victims to get out from under. When I testified for it in the Senate I had three good reasons why this was important. One of the reasons it is important to this is we need to do everything we can to frustrate that business person. It is the right thing to do. The difference on this bill is it originally was appropriated to the Dept. of Human Services; now it is appropriated to the Attorney General. The Dept. of Human Services cannot advocate to anything that is not in the governor's budget; the Attorney General can. We are providing grants to organizations that already to that. This is one of the bills I think should be considered as a first priority as we go forward.

**Chairman K. Koppelman:** About the budgetary part of this we almost missed it. Why wasn't it a part of the budget?

**Senator Dever:** I am not sure it was considered part of their appropriation request.

**Rep. Lois Delmore:** It is a uniform law so the money had to be put in another place. Is it your intent that information be given to all these victims to human trafficking. Perhaps a list

of support services that they may need. Is that part of the intent of what the money will be used for?

**Senator Dever:** I think as providing it as a grant to an organization is they can do what they want to with it. We recognize that it is a transiting kind of commerce. You may want to get them out of the community that they are in. To provide a shelter somewhere else is important.

**Chairman K. Koppelman:** How do you envision this money will be used?

**Senator Dever:** I think as a grant it goes to organization that provide those kinds of services.

**Chairman K. Koppelman:** Do you know if these programs that are up and running or is this money that jump start things that don't exist?

**Senator Dever:** It would be for organizations that are up and running. Over time I think this problem is going to be less. One is because of the increased efforts of law enforcement and of programs like this. The other I think because the people that are coming to our state are putting down their roots and defining their future and they don't want to live in that crime any more than we do.

**Wayne Stenehjem, Attorney General:** (See Testimony #1) (10:40-19:45) This is a very serious problem in ND. I commend Senator Dever on bring this forward. Many of the bills coming forth today and tomorrow are on this topic. We have a serious problem with human trafficking in the whole state of ND. I commend everybody who has worked so hard on this issue and on all the bills you have on front of you.

**Rep. D. Larson:** If the \$1 million is stripped from the bill by appropriations will you still be able to put together some kind of pilot project for the victims and keep that as part of your mission without the money?

**Wayne Stenehjem:** We certainly will not be able to provide the grants that are provided in SB 2199. That is why I am hoping this committee becomes the advocate for that part of the budget. In the whole scheme of things it is not all that much money. Now when we do see a victim they are sent over to the domestic violence programs. These are folks who are not trained to deal with human trafficking victims. They deal with victims of domestic violence and they are overwhelmed anyway. Since it is a grant program it would work with the programs that now exist.

**Rep. L. Klemin:** I am puzzled about this bill. Your testimony and Mr. Devers does not seem to say that \$1 million does not show up as a grant on the bill. That seems like an outline of something that would be implemented once the whole package is put together. Does this need some revision to comply with the intent?

**Wayne Stenehjem:** I don't know. I want real programs and real assistance for victims as soon as I can. If you wish to have more specific language I am certainly happy to work with this committee and with the sponsors of the bill to assure that is what happens.

**Rep. L. Klemin:** I don't want to just throw money out on the floor and let people pick it up. I have not heard anything from you that describe something in this bill.

**Rep. K. Wallman:** if there was language in this bill and allocate grants to qualified providers that would be amendable to you?

**Wayne Stenehjem:** We have another bill to establish my office would establish a human trafficking commission. That is the group that we would work with to be more specific.

**Chairman K. Koppelman:** On the history of the bill it appears the only change made in the Senate was the movement of dollars from the Human Services Department to the Attorney General's office. I am wondering what if the budget curtails this. How would this money be used and what is really needed. Can you provide guidance on why these kinds of dollars are necessary? Is \$1 million the right number?

**Wayne Stenehjem:** This isn't a bill we introduced. The idea of moving this from Human Services into my office was not my idea either. I think it will be very useful and more appropriate but that is not how the bill was introduced. You will hear from others who will talk about the need for funding.

**Rep. Karls:** When Senator Dever was testifying he explained the three parts. The John is the customer, human trafficker is the business person; and the middle part was the victim. Did he say the prostitute was the product? Prostitution is illegal in this state. Is that line going to become blurred? Do we prosecute some woman and consider other woman victims and how do you tell the difference?

**Wayne Stenehjem:** There are few women in this business that are voluntarily involved as voluntary contractors. They are coercion into participating in activity.

**Rep. G. Paur:** How much of the budget request you put in did you target for human trafficking?

**Wayne Stenehjem:** Specifically the resources I have asked for in my budget for internet trafficking are the two internet crimes against children; agents and human trafficking agents who will be placed in Williston, BCI Agents and a victim advocate.

**Rep. L. Klemin:** Maybe this thing in the bill is more appropriately in your budget instead of a standalone bill.

**Wayne Stenehjem:** That is certainly something that is possible.

**Chairman K. Koppelman:** If this committee recommends passage of this bill it will need to be referred to appropriations and that committee could make any number of recommendations.

**Rob Fontenot, Special Agent ND BCI:** (See testimony #2) (33:11-42:32)

Rep. Lois Delmore: You are not the first person that I have heard about the backpage.com. Is there anything we can do to take that down? This is a priority for many of us.

**Rob Fontenot:** I cannot answer that for you. I feel 100% confident when you go onto backpage.com and click under escorts every single woman in that category is being prostituted.

**Rep. G. Paur:** What percentage of prostitutes are minors?

**Rob Fonenot:** The numbers so far have been small so far.

**Rep. Mary Johnson:** Do you find the John's are more representative in any certain industry? There are more in transportation than other professions?

**Rob Fonenot:** I don't think it is safe to say what the Johns do for a living. They come from all walks of life. The traffickers are nothing more than a product.

**Chairman K. Koppelman:** I support your efforts. In your testimony you said in your work you think 80-90% are being victimized yet I suspect that there are still people that do this willingly? Are we to the point that prostitution is always considered a victim scenario and I don't know how you tell the difference?

**Rob Fonenot:** As law enforcement I believe that prostitution was a victimless crime. When I sent to Atlanta, Georgia and listed to a lady from Honduras talk to this group of law enforcement as we were going through training. She came to the US illegally; she got a quota across the border. A family member had sent for her because she could come up here and clean houses. She thought it would be a great way to generate income in a place where they have none. She quickly realized that this was not what was going to happen. She was put out into human trafficking. I listened to her say that her pimp required her to have service with 40 men a day. I was shocked and felt like a real jerk. She told us at one point she had serviced 68 guys in a day and she became so physically sore that she could not go on. So the trafficker's wife came and got cocaine and smeared it inside her vagina so she could continue. We had seen this crime through the eyes of a John. Now we are starting to see it through the eyes of the victim.

**Chairman K. Koppelman:** I don't for a moment believe it is a victimless crime. What I am saying is we assume it is 100%. We have laws against using drugs because it is a criminal act yet we realize people are trapped by addiction etc. so we have programs to help them.

**Rob Fonenot:** There are a percentage of girls that do this on their own free will, but not very many. More often we see the other girls who have been pimped out. Many are worried about going back to jail.

**Rep. Brabandt:** Do you know how many prostitutes there are at one time in ND?

**Rob Fonenot:** I don't know exactly. I went on line and one day in Minot last week was 23 new postings in one day. I am sure if you go to Williston and Dickinson there is in excess of 100 girls working on sex trafficking.

**Rep. G. Paur:** Would it be a reasonable assumption if a prostitute would more than likely be exploited when working with a pimp they are more likely to be exploited than if they don't and are working on their own?

**Rob Fonenot:** I think that is a natural assumption a person would make. I would hope that people would understand that even though that very small percentage of people who are operating on their own or independently are still going to be victimized; therefore they are going to be in that same category.

**Chairman K. Koppelman:** When we look at these websites why can't we shut them down?

**Wayne Stenehjem:** I wish it was that easy. We met with individuals from the previous primary sources of escort services and that was craigslist and we persuaded the to shut down their service website. We did the same thing with backpage.com and they were unwilling to do the same thing. The result was the federal district court ruled the federal law that provides for anti-trafficking legislation is restricted to enforcement by federal agencies and prohibits the states from doing that same thing. We are unable to do something about that on the state level so all we are left with is a resolution encouraging congress to enact that legislation. I have visited with our delegation to give us this additional tool because we need to fight this on each and every front.

**Chairman K. Koppelman:** Obviously it involves interstate commerce and that is where the Feds get their jurisdictional muscle.

**Janelle Moos, Executive Director of CAWS ND:** (See Testimony #3) (59:20-1:04:52)

**Rep. L. Klemin:** The focus on this bill I don't see this bill as being just an appropriation. This bill says we will use this money to develop a model and then implement it into a pilot project. What am I missing here?

**Janelle Moos:** This bill has gone through several drafts. We did not want to dictate to communities. We are open to change some language to accomplish what we want here. We have to have a statewide protocol. We need to have a framework at least to what this will look like. If we can grant out communities to do this work they may only need assistance in developing a law enforcement response. This could use some changing it.

**Rep. L. Klemin:** This bill is not intended to fund all those things.

**Janelle Moos:** We did offer some testimony on the Senate side that we had several representatives' detail out how they would anticipate sending out the dollars if they were successful in receiving some of this grant funding. If it is just a matter of adding the language Rep. Wallman talked about that the Attorney General can grant funding to provide these types of services that are up to the committee.

**Rep. L. Klemin:** Again you are saying you are going to use this money to provide services? The bill says we are going to use this money to develop the program. I am confused.

**Rep. K. Wallman:** Could this bill do both?

**Janelle Moos:** I think you could do both. You can implement treatment and support services.

**Christina Sambor, Coordinator of FUSE:** (See Testimony #4) (1:11:40-1:16:10)  
(See Testimony #5) Handed out for Heather Ingman who was not here.

**Rep. L. Klemin:** I think you need some work on this.

**Christina Sambor:** I think we have the Attorney General's office, our coalition and service providers that are all talking and I think we are on the same page about the Attorney General and commission managing a grant program that would support victim service providers who are doing this work. That is what this should reflect. I provided some general comments: I did a presentation in December for some attorneys for continuing legal education presentation and I went on backpage.com on December 11 and I counted 170 ads statewide. There was as many ads coming out of the Fargo-Moorhead area as there were out of the Bakken Region. We have talked a lot about the impact around the state. There was a question about what the funding would be used for and beds is one of them. What we think of as prostitution could be defined as human trafficking as well. Maybe we could do this work absent the funding, but it would be three or four years down the road. There was a question about what the money would be used for and I think it is a mixture of enabling existing programs but crisis beds are a very necessary piece of the funding. That is a critical need. I am looking into the future to try and mobilize private resources and do fund raising opportunities. How do we make this response permanent? Backpage.com can be a very good tool for law enforcement. We could become a natural leader on this topic.

**Rep. D. Larson:** What is FUSE?

**Christina Sambor:** I am contracted with CAWS. Basically FUSE is a coalition of state agencies, federal agencies, and nonprofits. Some of our members include the US Attorney's office; BCI, various domestic violence and sexual assault coalitions; representatives from the human services centers so we have built a multidisciplinary and statewide board that oversees FUSE. I am an independent contractor.

**Rep. Lois Delmore:** We need lots of tools in our chest. If we could at least get a handle on some of that. Having backpage.com out there doesn't send a message about our state that I prefer to send.

**Christina Sambor:** Backpage.com is a tool used by traffickers. I think if we got rid of this we would see a shift to something else. Christian Mingle has been used too.

**Rep. K. Hawken:** Since you are an independent contractor you may look at differently. Can it happen without the money? We don't adequately fund our domestic violence organizations so I can see why they can't take on a whole new venue. My frustration that I don't think there is anybody that doesn't think this is becoming a bigger issue. My concern if we don't do this; what are the ramifications?

**Christina Sambor:** I don't think it is too physical. In Watford City there are all these prostitutes in our hotels; what are we going to do about it? When law enforcement makes an arrest of the women who are considered commodities and we are leaving the traffickers and Johns to continue to engage in that. Most of the time the women are arrested and 1% of the time it is the trafficker. When we compare that to how we are treating drug traffickers if you get caught with more than 50 grams of a mixture containing meth; you are looking at a 10 year minimum. When you get arrested for soliciting a prostitute it is a Class B misdemeanor. When you pimp someone it is a Class A misdemeanor so these are the problems when you are looking at organized crime and weighing their options; what would you chose.

**Mark Heinert: Licensed Social Worker:** (See Testimony #6) (1:33:30-1:37:25)

**Rep. Lois Delmore:** To get trained counselors and people that are able to help these victims we need more education and training.

**Mark Heinert:** We are aware this concern was going on but we need further training. There is not an individual that would say I am and expert in human trafficking. There are many individuals that know more now than they did just two years ago.

**Chairman K. Koppelman:** Do you see this funding being instrumental in helping to provide that?

**Mark Heinert:** Funding is the problem because of the backlog that is going on. We also seeing that it is very difficult to help the victim to acknowledge it and build that trust that we have to build. We have had workers working for months to seek that trust.

**Chairman K. Koppelman:** Even though we are spending more in ND than we ever have there is always an appetite for more.

**Rep. K. Wallman:** In Fargo we had a high school student whose parents were trafficker and a victim and he was the product of the relationship and was recruiting students in high school. Our school districts really don't have a handle on this at all. I feel the education funding for this is huge. Do know of any training happening at this point with our schools?

**Mark Heinert:** I have not heard any specific training for schools, but they have been part of the overall discussion.

**Stacey Pfiliger, ND Catholic Conference;** (See testimony #7) (1:43:00-1:50:16)

**Winnie Lazenko, CEO/Founder 4herND:** (See Testimony #8) (1:43:58-1:48:10) There is a desperate need for shelters for victims. We have served over 20 girls in the short period of time I have been here.

**Chairman K. Koppelman:** How are you funded?

**Winnie Lazenko:** We are a 501 3 c status in ND with federal pending so we will be able to apply for grants. Right now when I speak people make donations. All of the money is personal donations. I don't receive any kind of income unless somebody gives directly to me for speaking fees etc. On a federal prosecution we served the victim in that case for 30 days so she could go to trial and kept her safe in a motorhome; camping because there was no other place for her. I couldn't keep her at my home because we got a text message from her trafficker of our GPS location so there are lots of security risks for me to continue taking these girls home; which I can't do any longer. We were able to get her to testify in front of the grand jury and get a prosecution on that trafficker which is not going to happen in every case but that is the ultimate goal.

Opposition: None

Neutral: None

Closed hearing.

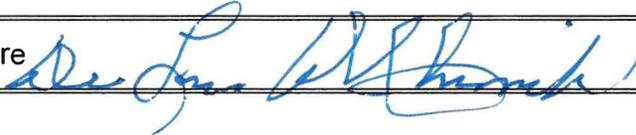
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2199  
3/25/2015  
25442

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Proposed amendment #1,2,3,4

**Chairman K. Koppelman:** Reopened the meeting on SB2199.

**Rep. L. Klemin:** (See proposed amendment #1) Went over the proposed amendment. There is a typo that needs to be corrected on page 1 where it says replace lines 9-19 that should be July 1.

**Chairman K. Koppelman:** It did occur to me that grant program should say something like pilot grant program. Do we run the risk of implying that this is a new government program?

**Rep. L. Klemin:** Using the work pilot does the same thing. Having the grants program in this and dub tailing with SB2107. I have given a copy of this to the Attorney General. A grants program with no pilot project was what he was looking for. I did work these amendments out with Janelle Moos of CAWS. I have given a copy of this to the Attorney General.

**Motion made to move the amendment .03001 by Rep. L. Klemin: Seconded by Rep. D. Larson:**

**Voice vote carried**

**Chairman K. Koppelman:** (See proposed amendments 2, 3, 4) Went over the amendments. .03002 would be a one to one match; 03003 should be 50 cents on that one instead of two dollars. I just threw it out there just to get us thinking.

**Rep. Lois Delmore:** I don't know if we want to tie the hands of the Attorney General. You do have may in there. It sounds like it is limiting more for matching grants.

**Chairman K. Koppelman:** It would be the organization that wants the money.

**Rep. K. Hawken:** What if it is law enforcement? There are things they could do under these that there wouldn't be any matching funds. I don't like the \$1 for \$1, but if it all has to be that way we are cutting off opportunities.

**Rep. P. Anderson:** This is for one biennium so maybe to keep this going we do need that?

**Chairman K. Koppelman:** They might come back and say you funded us before so now we need your ongoing incentive.

**Rep. D. Larson:** What are listed in here are court officials; prosecutors and public defenders. We were talking this intern that our court fees. To require a match there are some who cannot do fund raisings.

**Chairman K. Koppelman:** My concern is when it gets to the appropriations committee they might say if you think this is important you got a big budget Mr. Attorney General; take it out of your budget.

**Rep. L. Klemin:** One concern I would have in these match things is the appropriation committee might say we will give you \$500,000 if you match it.

**Chairman K. Koppelman:** No action on proposed amendments 2 and 3. Went on to proposed amendment 03004. This amendment says that if a human trafficker is caught and if there is money ceased the money that is ceased needs to go into this program. It might help fund this program and that fund.

**Rep. L. Klemin:** I think this is a good idea, but can't this be done anyway? The Attorney General did not have any objection to this, but there probably wouldn't be a lot of money involved.

**Chairman K. Koppelman:** Maybe someday there would be a big payday if there was an organized crime bust one day.

**Rep. Lois Delmore:** Maybe some of that money is already going somewhere else?

**Rep. L. Klemin:** Certainly it couldn't be a problem to provide that money comes from forfeiture of funds in the hands of a human trafficker to go into this for the grants.

**Rep. K. Wallman:** In the uniform law there is mandatory restitution. It might be fiscally responsible.

**Motion made to move the amendment 03004 by Vice Chairman Karls: Seconded by Rep. L. Klemin:**

**Voice vote carried**

**Do Pass Motion As Amended Made by Rep. K. Hawken: Seconded by Rep. P. Anderson:**

**Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Chairman K. Koppelman:**

House Judiciary Committee

SB 2199

March 25, 2015

Page 3

**Referred to appropriations.**

;

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, remove "pilot project"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in prevention and treatment services related to human trafficking victims for the biennium beginning July ~~31~~, 2015, and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

Page 1, line 21, replace "pilot project" with "grant program"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:
  1. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.

- ~~6.~~
  - f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims."

Renumber accordingly

March 25, 2015

AK  
3/25/15  
1/2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, remove "pilot project"

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in prevention and treatment services related to human trafficking victims for the biennium beginning July 1, 2015, and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

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Page 1, after line 21, insert:

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  1. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.

2/10

3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
  6. f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
  3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims."

Renumber accordingly

Date: 3-25-15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB2199

House JUDICIARY Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.0707.03001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Larson

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					

*Vote carried*

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

Absent \_\_\_\_\_

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

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

Date: 3-25-15  
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2199

House JUDICIARY Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.0707.03004

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep Karls Seconded By Rep. Klemin

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					

voice  
VOTE  
CARRIED

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

Absent \_\_\_\_\_

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

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

Date: 3-25-15  
 Roll Call Vote #: 3

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2199**

House JUDICIARY Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.0707.03004

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep Hawken 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. Koppelman

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

**REPORT OF STANDING COMMITTEE**

**SB 2199, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "pilot project"

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in prevention and treatment services related to human trafficking victims for the biennium beginning July 1, 2015, and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

Page 1, line 21, replace "pilot project" with "grant program"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:
  - 4- a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  - 2- b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  - 3- c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section

19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.

- 4- d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  - 5- e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
  - 6- f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
  3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims."

Renumber accordingly

**2015 HOUSE APPROPRIATIONS**

**SB 2199**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

SB 2199  
4/2/2015  
Job # 25790

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A BILL for an Act to provide an appropriation to the attorney general for a human trafficking victims treatment and support services; to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide for a report to the legislative management

### Minutes:

Attachments

**Chairman Jeff Delzer** opened the meeting.

**Rep. Kim Koppelman** spoke on the bill.

**Chairman Jeff Delzer:** How many facilities do we have in the state?

**Rep. Koppelman:** I don't think there are any in the state solely dedicated to this. We really support the program and we understand that you need to make money decisions. I would encourage you to have the language in the bill go forward.

**Chairman Jeff Delzer:** You don't think it's covered in 2107?

**Koppelman:** I think there is more specific language here that we would need to be amended into 2107 if you wanted to accomplish this in one bill. I have three suggestions: Two of them are matching grant ideas; if you don't want to fund this the way it is. Rather than just giving entities money, we can ask them to raise money. The first is a one for one, another was a one to two match. If a human trafficker is arrested money is seized and that money can go to supplement this, however I have been told that so far there has not been much money seized.

**Chairman Jeff Delzer:** Section 2 of the bill is basically all existing language except they added subsection 3?

**Brady:** That is correct.

**Chairman Jeff Delzer:** How is this used currently, because they're adding, "subsection 3 adds continuing appropriation"?

**Rep. Koppelman:** I don't know if I can answer that. The other sections are current law and they deal with the assets and forfeiture of funding and so on. I think this is the appropriation piece.

**Chairman Jeff Delzer:** On page 2 of the bill those first seven or eight lines, we'd need some sort of discussion about the 200,000 dollar limit. What kind of money would be not payable to another governmental entity? I understand that's current language, but what does that do to subsection 3?

**Rep. Skarphol:** How much discussion did your committee have about the dollar amount; what did they envision as adequate?

**Rep. Koppelman:** If anything, our committee supported the million dollars and there were questions on if it was enough. However, we understand that there may not be any extra money to put into this. If that's the case I would like to see us tighten our belts and find the money from elsewhere to do this. A million dollars is adequate to get this started, where it will need to be increased down the road depends on a lot of things.

**Chairman Jeff Delzer:** Did you talk about limiting any particular agency to a particular amount?

**Rep. Koppelman:** I would hope the Attorney General's Office in administering the program would be careful about that.

**Rep. Skarphol:** When we don't prohibit the Attorney General from requiring matching funds he seems to think he has the ability to require them, would it be at his discretion to require a match?

**Rep. Koppelman:** That wasn't discussed in this bill.

**Chairman Jeff Delzer:** If we wanted it required we'd have to say so.

**Rep. Skarphol:** That's correct.

**Rep. Bellew:** In the department of health budget; does it not fall under that?

**Chairman Jeff Delzer:** There is also discussion out of the formula bill on the impact dollars about something like this too.

**Rep. Koppelman:** I would leave it to your discretion as to where the dollars come from.

**Chairman Jeff Delzer:** How much is in the health department?

**Rep. Bellew:** No, there's a significant amount of domestic violence going in.

**Vice Chairman Keith Kempenich:** It seems out West a lot of the trafficking involves the reservation, a lot of them that do get caught the victims are (from) out of state.

**Chairman Jeff Delzer:** Is this restricted to in state providers; is this something that could be given to out of state providers? Was there any discussion about working on the reservation and what kind of authority you have working on a reservation?

**Rep. Koppelman:** I don't remember any discussion in which reservations were a focal point. What we heard about is that in the oil patch it's a growing problem.

**Rep. Skarphol:** There is grant money designated in the Energy Impact Grants for law enforcement. There was 20 million dollars in the Attorney General's budget for grants. We passed a couple million dollars for the construction of domestic violence centers in the state. I think we need to make sure we get all of this coordinated.

**Chairman Jeff Delzer:** That's an awful lot of money. Brady, try to find all of those that have been adopted.

**Rep. Pollert:** The domestic violence grants we had for Grand Forks and Devils Lake are one and one out of Lake Region and one for three out of Grand Forks. Maybe the two million is not needed out West, parts of that could go to here?

**Chairman Jeff Delzer:** I think we should seriously think of some sort of match with it.

**Rep. Koppelman:** I would point out that when this bill came forward Senator Dever testified that he and the Attorney General indicated that this was Senator Dever's idea.

**Rep. Hogan:** On page one, line 11-14; you have a list of specific services you anticipate funding. Did you talk about the differences in the service delivery for human trafficking victims and domestic violence, because they aren't the same.

**Rep. Koppelman:** Yes. These are two distinctly separate things; the list is important to set up these services.

**Chairman Jeff Delzer:** One of the things we do need to be cognizant of is if you put one million dollars out for grants somebody's going to come forward for it. That's why we need to make it a match because it makes it more vetted, because we want this to do some good.

**Rep. Skarphol:** Is there anything that prohibits a domestic violence center from providing services to the victims of human trafficking?

**Rep. Koppelman:** They have victims of human trafficking showing up on their door step but they feel ill equipped to handle them. That is why this other organization, FUZE, has risen up and is ready to deal with human trafficking victims.

**Rep. Skarphol:** The grant dollars in this case should not provide housing but the services, the housing takes place under domestic violence services.

**Koppelman:** I agree in general with you but in the implementation of direct care and emergency or long term crisis services I can see scenarios where someone is rescued or comes out of a situation and they need somewhere to go for a while.

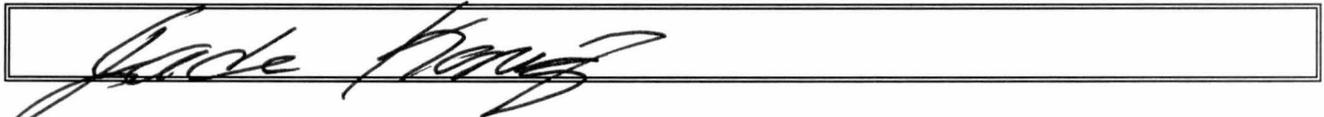
**Chairman Delzer** closed hearing.

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2199  
4/7/2015  
25898

- Subcommittee  
 Conference Committee



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

A BILL for an Act to provide an appropriation to the attorney general for a human trafficking victims treatment and support services; to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide for a report to the legislative management

## Minutes:



**Chairman Jeff Delzer:** SB 2199 is a bill which deals with human trafficking and it has a million dollars in it. SB 2107 has the language for granting from the Attorney General to private and public entities. I think the amendment that I'm having drafted would put in a one to one match on the granting side. I think Representative Skarphol wanted to have a discussion on the money on 2199. Apparently there is some money that is residing in the Attorney Generals budget which is a certain amount of that specified for this. The amendment I was going to have was either we take the money out all together or put a minimal amount no more than 500,000 dollars.

**Representative Skarphol:** On 2199 I am sure that the same individual has talked to several of the committee members but her suggestion to me was a match would be more difficult than less funding. There is money set aside in the energy impact grants on HB 1176 that if it doesn't change the Attorney General would have 10 million dollars in grand money to disperse. That is 800,000 dollars more than he had last time. In this biennia he granted a lot of money for, cars for offices so he has some flexibility in the dollars that he would have available to grant some more money. I think we should leave some number in 2199 and if we want a match have a match come out of those grant dollars and the attorney generals budget.

**Chairman Jeff Delzer:** I think the issue is on 2107 the idea of a match would be to get the local communities to be taken part in it. That is why we should consider the one to one match on it. As far as using some of the grant dollars out of whatever the Attorney General ends up with I think that would be fine. I don't know what kind of dollar figure you want. I would have some concerns about saying that money could be match money, the money that we put in here from the general fund is that what I understood you to say you wanted?

**Representative Skarphol:** We could say he cannot go more than what's been suggested here initially.

**Chairman Jeff Delzer:** Then there would be no skin in the game so to speak from the local communities at all with that?

**Representative Skarphol:** My perspective on the locals having to contribute to this is that I don't think as a fault of the local communities that this going on. They are kind of a victim as well.

**Representative Streyle:** Why does the community get punished for something that is not their fault? If we want to do a one to one matching grant this thing is not going to get going for a year and it's not going to be as good of a program as it should be. We should do something sooner. This is certainly a problem and to say you have to raise your money it is going to take a long time.

**Representative Brandenburg:** A lot of that money is going out to the locals on a needs basis.

**Chairman Jeff Delzer:** The 10 million dollars the Attorney General and he decided who he grants that money to. It is all for law enforcement or some such thing as that. He has the authority to do that they way it is set up. When we are doing all this stuff of saying we are going to put all this money into 1176 into these different social service or criminal sides that's does fly in the face of what the language says for the impact grant to be used for. If we want to continue this I think we can away with it because we are actually appropriating it but if we want to continue we may want to look at adjusting that language that deals with the qualifications of used for the impact grant.

**Vice Chairman Keith Kempenich:** What this bill is trying to reflect is a very fluid situation not just in western North Dakota. That is one of the issues about taking impact money and dealing with that, you could probably take and alleviate some of it but I think this is a state wide issue and is probably more prevalent from here east than it is from this way.

**Chairman Jeff Delzer:** I can understand that to me I don't think that would be problem to use that money state wide. If the Attorney General wanted to use that, the matching portion I do have a little bit of concern of us providing both sides of the matching portion.

**Representative Skarphol:** We could cut this to 500,000 dollars designated for the non-oil counties and that the 500,000 dollars will come out of that grant money that is available in energy impact for the oil counties. We could segregate it in that regard.

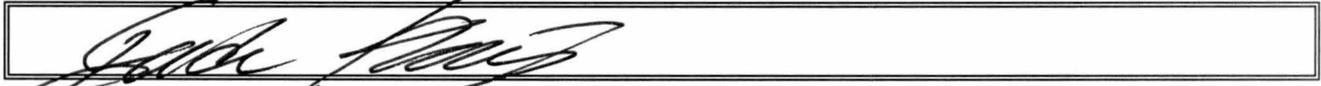
**Chairman Jeff Delzer:** Get an amendment drafted so that we can do that.

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

SB 2199  
4/8/2015  
25948

- Subcommittee  
 Conference Committee



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

A BILL for an Act to provide an appropriation to the attorney general for a human trafficking victims treatment and support services; to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide for a report to the legislative management

## **Minutes:**

Handout #1

**Chairman Jeff Delzer:** SB 2199 talks about of 1 million dollars for the Attorney General to be used for grants for organizations involved in prevention and treatment services related to human trafficking for the two years. The House judiciary put in the asset forfeiture fund to be used for this as well as revenue for the Attorney General.

**Representative Skarphol:** (Handout #1) Handed out amendment .03009. After getting and looking at the amendments they aren't quite what I hoped they would be and I have been best guessing it with Mr. Knutson. What this is intended to do is take 500,000 dollars; I would like to take that out of onetime funding, for the non-oil area of the state for this purpose and then 750,000 dollars out of the law enforcement grants that are in the energy impact dollars. In order to consummate everything that we want to try to accomplish we would have to create transfer language somewhere to transfer the money back into the non-otherwise appropriate because that would be the undesignated dollars in the energy impact money and it wasn't my intent to take money away from that but rather the law enforcement grants. It is a little difficult to do because one of the moving parts we have and I also wanted it to have a reporting requirement as to the utilization.

**Knutson:** The concern is it is still under consideration. The section on the delivering could change in that bill. Look at it here we could put a language in here that's really a designation for law enforcement.

**Chairman Jeff Delzer:** Couldn't we just say that in the law enforcement grants given for granting given to the Attorney General 750,000 of that is available for this?

**Knutson:** We could not appropriate the money and just say that from the allocation of law enforcement the 750,000. Yeah we can do that.

**Representative Skarphol:** Whatever we can make work as far as language and like I said add the reporting requirement to the Attorney General since he is the one dispersing the money and to the 65<sup>th</sup> legislative assembly. I would move amendment .03009 as suggested.

**Representative Thoreson:** Second

Motion to Adopt Amendment .03009 with suggested language dealing with the 750,000 dollars and the reporting requirements and the 500,000 coming from onetime funding.

Motion made by Representative Skarphol.

Seconded by Representative Thoreson.

Voice vote.

Motion carries.

**Representative Skarphol:** I move a Do Pass As Amended.

**Representative Thoreson:** Second.

Motion for a Do Pass As Amended on SB 2199.

Motion made by Representative Skarphol.

Seconded by Representative Thoreson.

Total yes 23. No 0. Absent 1.

Motion carries.

Floor assignment Representative Skarphol.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, replace "pilot project; and" with "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, line 3, after "management" insert "; and to declare an emergency"

Page 1, line 5, after the dash insert "**GENERAL FUND - OIL AND GAS IMPACT GRANT FUND -**"

Page 1, line 7, replace "\$1,000,000" with "\$500,000"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties and out of any moneys in the oil and gas impact grant fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the attorney general for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in areas encompassing hub cities for the period beginning with the effective date of this Act and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

Page 1, line 21, replace "pilot project" with "grant program"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:

4. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
6. f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Removes the establishment of a pilot project for human trafficking victims treatment and support services and establishes a grant program for organizations providing prevention and treatment services relating to human trafficking victims.
- Increases the appropriation from \$1 million to \$1.25 million, of which \$500,000 is from the general fund for providing grants to organizations involved in prevention and treatment services related to human trafficking victims in non-oil-producing counties and \$750,000 is from the oil and gas impact grant fund for providing grants to organizations

involved in prevention and treatment services related to human trafficking victims in oil-producing counties.

- Adds a section allowing certain funds in the assets forfeiture fund to be used for grants to organizations providing prevention and treatment services to human trafficking victims.
- Adds an emergency clause.

SK  
4/14/15  
1/2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

- Page 1, line 2, replace "pilot project; and" with ", to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"
- Page 1, line 3, after "management" insert "; to provide a continuing appropriation; and to declare an emergency"
- Page 1, line 5, after the boldfaced hyphen insert "**REPORTS -**"
- Page 1, line 7, replace "\$1,000,000" with "\$500,000"
- Page 1, line 8, remove "implementing a human trafficking victims treatment and"
- Page 1, remove lines 9 through 18
- Page 1, line 19, replace "support of advocacy services; and programs promoting positive outcomes for victims" with "providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program"
- Page 1, line 21, replace "pilot project" with "grant program"
- Page 1, line 21, after the period insert "This appropriation is a one-time funding item."

**SECTION 2. BOARD OF UNIVERSITY AND SCHOOL LANDS - USE OF OIL AND GAS IMPACT GRANTS - REPORTS.** The board of university and school lands funds, from funds designated in House Bill No. 1176 as approved by the sixty-fourth legislative assembly, for grants to law enforcement agencies impacted by oil and gas development, shall make available \$750,000 for grants to organizations involved in providing prevention and treatment services related to human trafficking victims in hub cities located in oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The board of university and school lands shall award the grants as directed by the attorney general. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program.

**SECTION 3. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys,

assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:

- 1- a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  - 2- b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  - 3- c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  - 4- d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  - 5- e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
  - 6- f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
- 2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
  - 3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly



Date: 4/8/15  
 Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES

BILL/RESOLUTION NO. 2199

House: Appropriations Committee

Subcommittee

Amendment LC# or Description: 9 15. 0707. 03010

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: Skarphol Seconded By: Thoreson

Representatives	Yes	No	Absent
Chairman Jeff Delzer	✓		
Vice Chairman Keith Kempenich	✓		
Representative Bellew	✓		
Representative Brandenburg	✓		
Representative Boehning	✓		
Representative Dosch	✓		
Representative Kreidt	✓		
Representative Martinson	✓		
Representative Monson	✓		
Representative Nelson	✓		
Representative Pollert	✓		
Representative Sanford	✓		
Representative Schmidt	✓		
Representative Silbernagel	✓		
Representative Skarphol	✓		
Representative Streyle	✓		
Representative Thoreson	✓		
Representative Vigesaa	✓		
Representative Boe	✓		
Representative Glassheim			AB
Representative Guggisberg	✓		
Representative Hogan	✓		
Representative Holman	✓		
TOTALS	22	0	1

Floor Assignment: Skarphol

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

**REPORT OF STANDING COMMITTEE**

**SB 2199, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2199, as amended, was placed on the Sixth order on the calendar.**

Page 1, line 2, replace "pilot project; and" with ", to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, line 3, after "management" insert "; to provide a continuing appropriation; and to declare an emergency"

Page 1, line 5, after the boldfaced hyphen insert "**REPORTS -**"

Page 1, line 7, replace "\$1,000,000" with "\$500,000"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, remove lines 9 through 18

Page 1, line 19, replace "support of advocacy services; and programs promoting positive outcomes for victims" with "providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program"

Page 1, line 21, replace "pilot project" with "grant program"

Page 1, line 21, after the period insert "This appropriation is a one-time funding item."

**SECTION 2. BOARD OF UNIVERSITY AND SCHOOL LANDS - USE OF OIL AND GAS IMPACT GRANTS - REPORTS.** The board of university and school lands funds, from funds designated in House Bill No. 1176 as approved by the sixty-fourth legislative assembly, for grants to law enforcement agencies impacted by oil and gas development, shall make available \$750,000 for grants to organizations involved in providing prevention and treatment services related to human trafficking victims in hub cities located in oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The board of university and school lands shall award the grants as directed by the attorney general. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program.

**SECTION 3. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received

from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:

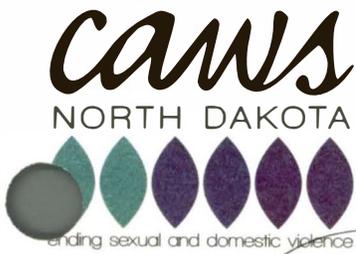
- 1- a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
- 2- b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
- 3- c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
- 4- d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
- 5- e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
- 6- f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**2015 TESTIMONY**

**SB 2199**



#1-1

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Testimony on SB 2199  
Senate Judiciary Committee  
January 28, 2015

Chairman Hogue and Members of the Committee,

My name is Janelle Moos and I am the Executive Director of CAWS North Dakota. Our Coalition is a membership based organization that consists of 20 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf and to urge your support of SB 2199.

Safety is and always will be our first priority for victims. Shelter (or emergency housing) is an essential service that enables us to provide safety for victims fleeing violence. Our state has all but reached a crisis. Domestic violence shelters are at or above capacity. The numbers of victims seeking services from our centers have doubled in some areas of the state and show no signs of slowing down. Up until recent years our shelters would be able to house a victim for up to 30 days but now length of stays are turning into 60 days to as long as 6 months or one year. And the number of victims that our shelters have to turn away due to lack of space is growing every day. Further complicating our ability to provide a safe space for all victims is the steady rise of victims of human trafficking seeking services from our centers.

About 18 months ago, we started receiving calls at our office from local crisis centers, law enforcement and community partners asking if and how were we going to help trafficking victims. We along with our programs felt ill equipped to offer resources or provide appropriate services to victims seeking our help but our shelters were almost always identified as the best and most often the only place to take victims. What we didn't know and still don't is how many victims there are. Not surprisingly human trafficking victims don't identify themselves as a victim. More often than not they come to one of the shelters because 1) they had been arrested along with their pimp, 2) they had been physically assaulted, or 3) they had been sexually assaulted. The more time the advocate spent with the victim the more they would share about their story and our centers became concerned about if they were the most appropriate service provider. Obviously our strengths lie in providing crisis services, assisting with court orders or offering emergency shelter victims but human trafficking victims often have more complex and unique needs that our advocates aren't trained to provide.

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Since we started receiving the first calls we've brought in several trainers to assist our advocates on the basics on human trafficking, recognizing and screening for victims, and making appropriate referrals for long term care (transitional living) if victims choose that option (most likely out of state). We've also worked with state, federal and local law enforcement to provide training on identification and the need for a collaborative response to the issue. And finally, we helped co-found FUSE, the statewide anti-human trafficking coalition. We've done what we can with minimal resources.

As you can see, SB 2199 appropriates funding to implement human trafficking victim treatment and prevention pilot projects. We support this proposal for several reasons. Although our crisis centers have been providing services they have done so without additional funding. We've also started to have concerns about co-locating trafficking victims with domestic violence victims and their children. We've become aware of incidents where recruitment has occurred in the shelters and there have been several cases where law enforcement have asked our shelters to hold the victim as a witness in a state or federal case (which is in conflict with their mission- they will let victims leave if and when they want). These instances have caused a strain on resources and relationships that are invaluable in communities that are already working in crisis mode. We cannot go on in this way. We feel like we often are doing more harm than good. You can't have a comprehensive response to trafficking without allocating resources for victim services. You won't have cooperative victims. We can't encourage victims to come forward if we have nothing to offer.

In closing, I can't stress enough the need for funding to support the development and implementation of a victim centered comprehensive response to human trafficking victims, therefore, I urge you to look favorably upon SB 2199 and move a DO PASS recommendation.

Thank you.

Testimony from Erin Prochnow, Executive Director, YWCA Cass Clay  
North Dakota Senate Judiciary Committee  
January 28, 2015  
Human Trafficking Related Bills, Specifically SB 2199

**Introduction:**

Good morning Chairman Hogue and members of the committee, my name is Erin Prochnow, the Executive Director of the YWCA Cass Clay in Fargo. Our agency offers the largest Emergency Shelter serving women and children in the state of North Dakota and northwestern Minnesota. We have been providing services in our community for over 100 years, spending the past 40 years providing emergency shelter and housing services to women and their children escaping domestic violence and abusive situations.

In 2014 alone, the YWCA offered 23,579 nights of shelter to 1,426 women and children seeking safety and shelter, and operated at or above capacity more than 60% of the time. 91% of those we served in 2014 had been victims of abuse. The vast majority of women we serve, including those who are human trafficking victims, come from right here in ND and MN. Last year, 66% of the women we served came from Cass County and 97% of women came from ND or MN. Typically, women we serve grew up in poverty and have not been able to break the cycle of poverty for their families.

Our unique empowerment approach and comprehensive programs make our shelter the only resource of its kind in the region. Once basic needs such as food, personal hygiene, and clothing are met, we turn to empowerment. We offer each woman the support she needs to find peace and begin recovering physically, emotionally, and spiritually from the damaging effects of poverty and violence.

**Presence of Human Trafficking Victims in Shelters:**

Women from all walks of life come to our shelter for safety and support. Human trafficking victims, specifically sex trafficked victims are in our shelters seeking support and advocacy today.

2-2

National research shows traffickers often target vulnerable young women and a significant portion of trafficked minors had interacted with the child welfare system at some point. The victims we serve often had very little self-confidence when recruited to trafficking. Their traffickers were likely the first person in their life that appeared to care about them, make them feel special and provide things that many of the young girls never had - ranging from basic items like food and place to live, to more extravagant things like a new pair of designer jeans. Then, the first time women are asked to perform a sex act or the first time they are assaulted, women have reported to our Advocates, "How could I say no to him? He has given me everything and I know he loves me." And, the cycle begins.

Human trafficking victims have a different kind of connection to their abusers. By that I mean, they usually do not have one abuser but many that might include the other women being trafficked. Women have reported feeling ostracized by the other women being trafficked. They have been told what they are doing is illegal and that they will get arrested. Our housing director identified five women served in one of our housing programs that were victims of the same trafficker and those are the victims we were able to identify.

**Victim Based Response:**

Identifying victims of human trafficking and helping them find appropriate resources is an enormous challenge in North Dakota. The women we see in our shelter are embarrassed, ashamed and frequently fear for their lives. Because of this, women often do not openly admit they have been victims of trafficking. Our advocates need to be trained to recognize the signs of trafficking and have the skills necessary to gain the trust of women who have been taken advantage of by people who said they cared for them. Establishing this level of trust and asking the appropriate questions to help women get the help they need isn't easy.

In conversations with our shelter leadership team, they have tracked the additional hours necessary while working with a trafficking victim largely because of the additional layers of complexity. According to our case management records, on average, assisting victims of human trafficking takes three times more resources than helping a victim of domestic violence or homelessness. The YWCA provides a broad continuum of care for women in our shelter and is

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committed to providing these services to human trafficking victims, but our staff needs additional resources to build trafficking-specific programming and to support the increased workload associated with these cases.

In addition to providing resources to support the YWCA and the broader network of providers that assist human trafficking victims, a greater investment in law enforcement is also needed. If an additional investment is made in law enforcement without additional investments to service providers, more victims will be identified with nowhere to go. We cannot adequately provide safety and security while stabilizing victims on their pathway towards healing without additional resources. We would all like to see our partners in the criminal justice system successfully prosecute perpetrators of this horrific crime but they will need the help of service providers who work hand in hand with victims.

**Bottom line:**

The bottom line on human trafficking in ND is that service providers, law enforcement and government agencies currently are and must continue to work together. This is an emerging challenge with unique complexities that require additional resources if we are to address the issue head on, genuinely help women who have been human trafficking victims, and break the cycles of poverty and abuse thereby preventing trafficking from happening in the first place. More funding is needed to support providers, specifically funds for additional advocates and training, and more funds are needed to support law enforcement's investigation and prosecution of the criminals that continue to prey on vulnerable women and children.

Wherever a woman may be on her journey, together we must walk alongside her to ensure she has access to the tools and resources necessary to heal, reach her goals and ultimately, build a future free from violence for her family.

Thank you.

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SB 2107, SB 2199, SB 2250

North Dakota Senate Judiciary Committee

Testimony from Windie Lazenko, Executive Director 4her North Dakota

Chairman Hogue, Members of the Committee:

My name is Windie Lazenko, I am the Executive Director of 4her North Dakota, a private non-profit agency that conducts outreach for victims of commercial sexual exploitation and provides crisis care and referrals for victims to long term comprehensive treatment. I am also a member of the National Survivors' Network, which is a group of survivors of commercial sexual exploitation. First and foremost, based on my experience as an advocate in North Dakota and based upon the relationships I have built over many years with survivors of sex trafficking, I want the committee to know that with the appropriate support and services, survivors of sex trafficking can and do recover from the trauma associated with trafficking and prostitution to lead full, amazing, powerful lives.

I have seen victims go on to complete high school, attend medical school, get law degrees, start businesses, have healthy, thriving families and achieve success that any of us wish for our families and loved ones. My dream as an advocate in North Dakota is to see service providers, faith communities, law enforcement and leaders build a network that supports survivors in their healing process, educates the public on the need for funding and services, and prosecutes the traffickers (a.k.a pimps) that engage in these horrific crimes.

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The funding proposed in Senate Bill 2199 is critical to begin this work in North Dakota. I am most passionate about seeing this money used to establish a crisis shelter in North Dakota so that victims of sex trafficking that are identified by law enforcement have a place to go where they know they will be safe from their trafficker, and where they are surrounded by advocates and a support system that not only provides them with the immediate needs of food, clothing, safety and shelter, but can also work to connect them with long term services that help them recover from the trauma they have suffered. From experiences I have had working in direct advocacy, I grow concerned about the impact we may have on victims and survivors if we fail to provide them this safety net. I know many law enforcement officers that are striving to proactively investigate these crimes, but just assume that the victims will have somewhere safe to go. I personally have had to house sex trafficking victims in my home for weeks at a time because there was nowhere for them to go that could offer them safety. Housing victims in existing domestic violence shelters may be a viable option for some victims, but may prove dangerous and difficult for others. Having a crisis shelter dedicated for trafficking victims would provide short term housing where different longer term housing options could be evaluated for their appropriateness. This crisis shelter could be part of the pilot program, and could work in conjunction with funding given to other existing sexual assault service providers to meet the various needs, both immediate and long term, of trafficking victims. Therefore, I urge you to recommend a do pass vote on SB 2199, so that we can work together to build services for sex trafficking victims.

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I am also testifying today in support of SB 2107, the Uniform Act on Remedies For and Prevention of Human Trafficking. In particular, victims would benefit from the availability of expungement of previous prostitution convictions they received as a result of being trafficked. Survivors face huge challenges in rebuilding their lives, and having a prostitution conviction on their record makes job searches and housing incredibly difficult. We should not continue to punish survivors for having been trafficked by leaving them with the label of "prostitute." I also echo the support of the other witnesses on passing the "safe harbor" provision, which would treat minor victims as children in need of services, not as criminals.

I also urge to recommend a do pass vote on SB 2250, which would make all pimping offenses felonies. Traffickers are often charged with facilitating prostitution, especially if charged by law enforcement and prosecutors who may not have training or experience with trafficking cases. Pimps should be charged with felonies. They exploit vulnerable women, force them to have sex with dozens of customers per week, take the money and beat the women if they do not meet their nightly "quota" of required money. Pimps are not, and never have been nice "bosses" who help women earn money in the sex trade. They are vicious and they destroy their victims lives. This type of horrific behavior occurs every day in North Dakota, I have seen it with my own eyes. Pimps should not be charged with merely a misdemeanor. I thank the committee for your consideration today.

Winnie Lazenko

4/28/15  
SB 2199

SB 2199

North Dakota Senate Judiciary Committee

Testimony from Melanie Heitkamp, Executive Director Youthworks

Chairman Hogue, Members of the Committee.

My name is Melanie Heitkamp and I am the Executive Director of Youthworks, a private, non-profit, youth serving agency, serving Runaway and Homeless youth ages twelve to twenty-two. Youthworks has two emergency shelters in Bismarck and Fargo, sheltering underage youth for law enforcement and human services. For young adults ages eighteen to twenty-two years of age, Youthworks provides housing and social services for homeless young adults. We work closely with law enforcement, juvenile court, the schools, county social services and homeless providers.

I have come before you today in support of SB 2199. In the past year staff at Youthworks have worked with fourteen youth/young adults who have been victims of trafficking. The victims who have come before us have fit the profile of human trafficking victims:

- They describe being fearful for their life and that of their loved ones
- They are ashamed of what has been happening but feel there is no way out
- They have been physically and sexually abused by the person who is trafficking them
- They do not trust the system (law enforcement, human services, social workers, etc.) to protect them and believe they will be punished

1/28/15

- They have very low self-esteem and do not see themselves as having the potential to move beyond their current situation.
- Some have had prior histories of being sexually abused by adults.
- Many were already in the system as foster, runaway or corrections youth, making them easy targets as the techniques traffickers use make them feel cared for and needed.
- Several have been brought into "the life" because of a mistake they made texting sexually explicit pictures of themselves; where the trafficker threatens to post the pictures on social media fearing the shame it will bring on their families.
- Many have been provided with drugs and alcohol by their traffickers in an effort to control them and assure compliance.
- Most state they are aware of many other girls who are victims that no one knows about.
- They often go to school, work in jobs during the day and are trafficked at night.
- Some have children who are also at risk

We have had traffickers show up in our waiting rooms looking for the victims or waiting in our parking lot until the young adult victims leave.

As the Executive Director, I have had to address the need to change protocols as it relates to staff safety when routine apartment checks are done at our homeless apartments. We have watched victims leave our program and return; and leave and return, until they are ready to trust that someone will indeed help them.

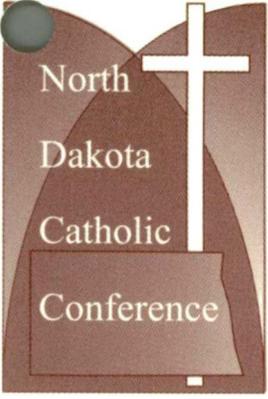
SB 2199  
1/28/15

Youthworks is currently involved in regional efforts to develop a seamless service delivery system to trafficked youth and young adults with local domestic violence programs, law enforcement, prosecution, medical examiners, social services and state authorities responsible for the welfare of children. Service providers are deeply concerned about effectively serving victims within a system where shelters are already full or inadequate to meet the needs of children and adult victims who have been trafficked. SB 2199 is an excellent beginning to address the need for adequate community protocols and the provision of comprehensive services through a multidisciplinary approach.

By providing additional resources, law enforcement and prosecutors will ultimately stand a better chance at bringing the traffickers to justice and assuring the victims that they can indeed trust that they will be protected and treated humanly.

#5-1

January 28, 2015



Representing the Diocese of Fargo and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director and  
General Counsel

TO: Senate Judiciary Committee

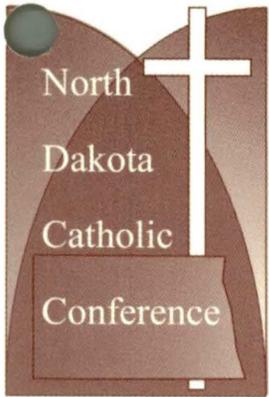
FROM: Stacey Pfliiger, Associate

SUBJ: Senate Bill 2199

Chairman Hogue and Members of the Committee, my name is Stacey Pfliiger and I am here on behalf of the North Dakota Catholic Conference. The North Dakota Catholic Conference supports SB 2199 and urges a do pass recommendation.

As a just society, it is imperative that we develop a victims treatment program that supports victims of this modern day slavery. The needs of human trafficking victims are very different than any other victim of any other crime. Often times victims are NOT willing to trust, so a lot of time and energy is expended on building relationships until that victim feels secure enough to leave the abusive situation.

The professions identified in Senate Bill 2199 are all important components to help identify and combat human trafficking in North Dakota. Uniform protocols from crisis intervention, to law enforcement, to advocacy, to sheltering, to prosecution are



*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

Christopher T. Dodson  
Executive Director and  
General Counsel

imperative while supporting victims and promoting positive outcomes.

To ensure that state-funded victim services are conducted in a manner consistent with our state's values, the North Dakota Catholic Conference asks that Senate Bill 2199 be amended to ensure that state taxpayer dollars are not used in the program to counsel or refer for abortions. Current law contains a general prohibition on using state funds to pay for the performance of an abortion, but the restrictions on the use of state funds for counseling and referrals are piecemeal and apply only to specific programs. To make the services created through SB 2199 consistent with those other provisions, an amendment to the bill is needed. [See attached proposed amendment.]

The North Dakota Catholic Conference urges a DO PASS recommendation on Senate Bill 2199.

1/28/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2199

Page 1, line 20, after the period insert "Except as required by federal law, no funds appropriated for the pilot project may be used to refer for or, counsel in favor of, abortion."

Renumber accordingly

1/28/15

Senate Bill 2199

**Testimony Before Senate Appropriations Committee  
by Christina Sambor – Coordinator, FUSE – Statewide Anti-trafficking Coalition  
February 9, 2015**

Chairman Holmberg and Members of the Committee:

My name is Christina Sambor, and I am the Coordinator of FUSE, the statewide anti-trafficking coalition in North Dakota. FUSE is a multidisciplinary coalition made up of direct service providers, advocacy organizations, state agencies, the faith community and law enforcement that seeks to build a coordinated, comprehensive response to sex trafficking in North Dakota.

FUSE has worked closely with the Attorney General's Office and the US Attorney's Office to coordinate human trafficking services, conduct public awareness events, give training for direct service providers and give input on the legislation that is before you today. FUSE strongly supports SB 2199, which, if passed, would increase services and remedies available to victims of commercial sexual exploitation.

During my work with FUSE, I have often encountered the question of whether or not sex trafficking is truly happening in North Dakota. The reality is our domestic violence shelters, our runaway and homeless youth shelters, and our law enforcement regularly encounter victims of sex trafficking in North Dakota. Before I presented to a group of attorneys in December, I spent some time looking at ads on backpage.com, which is one of the most prominent internet websites where commercial sex is advertised. I counted approximately 170 ads placed in North Dakota on one day. Of those ads, many of them advertised that the commercial sex

worker was “back in town” or “only here for the weekend.” The presence of that language in an ad is a strong indicator that the person in the ad is being “trafficked” or is under pimp control. This is because women who are being trafficked are typically moved from city to city, state to state, on a “track” in an effort to isolate the victims and evade law enforcement. Sadly, you need only take a digital “step” into this world to see the prevalence of trafficking in our state.

Depending on the source, research and interviews with commercial sex workers indicates that upwards of 98% of commercial sex workers experience coercion which pushes them into the commercial sex industry. Reports indicate that on average, commercial sex workers survive seven to ten years beyond their entry into the industry, with the average age of death reported by recent studies as 34 years of age. We have long operated in this country under the impression that life for a commercial sex worker is like it was for Julia Roberts in the movie *Pretty Woman*. Plain and simple, it is not. It is a highly lethal, coercive and abusive industry, and the victims in its grip need well-funded, comprehensive services.

As indicated above, life under a trafficker or “pimp” is often brutal. A trafficker can be a family member, a friend of the family, a boyfriend, or a total stranger. Researchers describe pimp control as follows:

“Pimps assume psychological, biological, social, and economic control over the lives of the women they sell to johns through the use of chronic terror, cunning use of various aspects of captivity, and isolation from others who might offer support and validation. In addition they employ starvation, sleep deprivation, protein deprivation, conditioned physiologic hyperarousal, unexpected sexual violence, and learned helplessness.”

In addition, consider the following statistics:

- 65% to 95% of those in prostitution were sexually assaulted as children.

- 70% to 95% were physically assaulted in prostitution
- 60% to 75% were raped in prostitution
- 75% of those in prostitution have been homeless at some point in their lives.
- 85% to 95% of those in prostitution want to escape it, but have no other options for survival.

These statistics, and the prevalence of commercial sex in North Dakota, paint a picture of a crisis that must be addressed. We are here today in the hope that SB 2199 will receive a do pass recommendation, and therefore provide funding to assist in eliminating this form of abuse from our state.

This morning, direct service providers from Youthworks and 4her North Dakota will provide testimony about their observations in their respective organizations, and about the need for crisis beds and crisis care for trafficking victims, as well as the need for longer term comprehensive care. Funding victims' services is a critical piece of the fight against human trafficking. Without a safe place to stay, food to eat, and support services to deal with trauma, human trafficking victims cannot move forward with their lives, and cannot assist prosecutors in bringing their traffickers to justice. I respectfully request that you fund the provision of direct services to trafficking victims as will be described in more detail this morning.

Respectfully submitted,

Christina Sambor

SB 2199

Testimony by Windie Lazenko, CEO/Founder

4her North Dakota

Member of The National Survivor Network

February 9, 2015

#2

Chairman Holmberg, Members of the Senate  
Appropriation Committee:

My name is Windie Lazenko, I am the founder of 4her North Dakota. We provide crisis care to victims of sexual exploitation and trafficking here in the State of North Dakota. Although there are other direct service providers adjusting and making change to the programs already in place here in North Dakota to respond to victims, 4 her is the only Non-Profit ministry providing direct services solely to victims at this time.

I have been in the state for the past year. I arrived with the goal of identifying the reality of sex trafficking, locating resources already in place and creating awareness if the state needed additional support addressing the issue. I was shocked when I saw firsthand the severity of the issue and the lack of understanding, training and services available to victims at all stages of involvement in "The Life". I made the hard decision to stay and become "boots on the ground" with the focus being training, awareness and to be utilized as a resource to programs already in place such as the Domestic Violence Shelters, Law Enforcement, Health Care Providers and the community in general.

In the past year I personally have been able to interact with and serve 20 young women. Half of whom have been able to exit and engage in long term services outside the State. This is the goal of 4her. A good majority of the young women I have served refused to go to the DV shelters, which is common. Or they would go through intake and run within 12-24 hours. The main reason they run is because most victims' don't identify as victims and the shelters are not prepared or trained to address the individual needs and specialized services required to help the girls we bring in. Because of this I have personally allowed girls to stay with me at my home, provided all tangible needs and in some situations provided medical care, emergency dental care, mental health services, travel needs, document replacement and spiritual needs. All of this being done without receiving a salary and funding being available only through contributions made through the public who are aware of the needs of 4her.

It has been a long time goal and personal dream of mine to open a safe place for victims to come for help, encouragement and service. My vision is to open a crisis shelter that offers 72 hour critical care and

2.1

up to 30 day stays all while building relationship and empowering victims to enter into long term treatment facilities outside the state of North Dakota through a large network of direct service providers.

I am here to testify in support of SB 2199 which could enable 4 her to work with the State to open a home with 6 beds, employ trained professionals to care for the victims and continue being a resource for programs throughout the state.

4her North Dakota is not looking to "recreate the wheel" or develop any "new" concept in providing care to survivors of trafficking. We are mirroring several successful programs around the Nation such as GEMS in NYC, Breaking Free in MN, and Hope House in NC. We have the support of Polaris Project, Shared Hope International and professional mentoring from Rahabs Hideaway in Ohio.

We partner with FUSE in collaborating a statewide response to providing critical training, awareness as plans to address the reality of Sex trafficking in North Dakota. By creating the funds needed by passing SB 2199 the most critical need, safe housing, would become a reality and we would be able to grow in addressing more of the needs in the state through outreach and public awareness.

Respectfully Submitted,

Windie Lazenko



Submitted by: Windie Lazenko- Founder

4her North Dakota  
 PO Box 3522  
 Minot, ND 58702  
 406-844-0377

[www.4hernd.org](http://www.4hernd.org)  
[info@4hernd.org](mailto:info@4hernd.org)

30 Day Crisis Center Pilot Program Start Up Budget  
 2015-2016 Planning Year

**Housing Cost**

Rent	\$2,500 per Month	\$30,000 Annual	
Food	\$1600 per Month	\$19,200 Annual	
Utilities	\$600 per Month	\$7200 Annual	
Maintenance	\$1100 Per Month (lawn, snow removal, misc)	\$13,200 Annual	
			\$69,600 Annual

**Saleries**

Program Manager	\$55,500 Annual		
Program Director	\$45,00 Annual		
Socail Worker	\$30,000 Annual		
2- Advocates	\$54,000 Annual	(\$27,000 per Advocate	

**Per Client Services (Health Care, Mental Health Services, Tangible Needs, Education, Entertainment, Misc)**

6 Beds	\$150 per day	\$4,500 Monthly	\$54,000 Annual
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**Program Operation Annual Cost \$307,600**

<b>Non Profit Operation</b> (Fundraising, Admin, IT, Marketing)	<b>\$200,000</b>
<b>Total Funding Requested</b>	<b>\$507,600</b>

2.9

SB 2199

Testimony by Melanie Heitkamp, Executive Director, Youthworks

February 9, 2015

Chairman Holmberg, Members of the Senate Appropriations Committee:

My name is Melanie Heitkamp and I am the Executive Director of Youthworks, a Private, non-profit agency serving Runaway and Homeless Youth and Young Adults in North Dakota, with offices in Fargo and Bismarck. I am here today to testify in support of SB 2199. I am a member of the Human Trafficking Response Team based in the Red River Valley and have been asked by this team to represent the work and vision of our team. We have been meeting for the past 12 months in an effort to provide a seamless professional delivery system to human trafficking victims. Our team is working to support safety and basic needs for the victims, prosecution of traffickers, and mental and physical health services for victims of trafficking. Our team consists of professionals from the domestic violence/sexual assault programs, local child welfare agencies, Children's Advocacy Center, emergency shelters, health systems, faith based community, the Juvenile Court, the Minnesota Regional navigator for trafficking in our region, and FUSE. We have also been working closely with supporting the work of the federal, state and local law enforcement officials regarding protocols and support to bring the traffickers to justice and victims to safety.

Our grassroots work to develop comprehensive programming and protocols is currently unfunded. Getting these protocols in place is very important to our team, but implementing the programming requires investment. Like many other changes brought about in our state over the last several years, the problem of human trafficking is here, and must be remedied, just like many of our other infrastructure needs. Our social service infrastructure also needs support to deal with these new demands.

SB 2199 would provide such support and funding, and our vision is that our human trafficking team would work with state agencies to utilize the funds to build out trafficking-specific services that we've been working on. In addition, we would utilize the funds to provide best practices training, public education and programming, and

facilitate collaboration among agencies. This would help the State's investment reach from East to West.

Getting protocols and crisis response planning in place is crucial to ensure that the victim gets routed to the appropriate service provider based on their age, gender, immigration status, etc., and receives expert, comprehensive services. As it currently stands, victims fall through the cracks and experience inconsistent messages and unreliable help, causing them not to trust the system to keep them safe. This also causes them to be reluctant or unable to assist in the prosecution of their trafficker.

At Youthworks, we have worked with 14 victims of human trafficking in the last year. The challenges in helping them move out of victimization are many. They may be frightened, addicted, suffering from post-traumatic stress disorder and have little or no support from family. They have been forced to recruit other girls/women and have tremendous guilt about their actions. In turn, this makes sheltering challenging, recruitment must be considered in keeping other women and girls safe. In addition, existing shelters are often full and emergency placement somewhere other than a secure shelter leaves them vulnerable to their traffickers.

For our juvenile victims, the child welfare system would look to foster homes or group homes facing many of the same issues. In response to these needs, our regional team continues to prepare a service delivery model as to what we believe is needed in our region to adequately address the needs of victims.

Attached you will find an approximate budget for the funding we believe necessary to carry out the vision of our human trafficking team. Without funding these social services, we are leaving sexually exploited youth, young women and men without effective help in our state, and we are leaving our State without an effective response to human trafficking. Our budget reflects a total cost per year of \$198,780 for the emergency 72-hour response; and an additional \$464,245 per year for the long term, comprehensive response; for a total of \$663,025 per year. I am happy to take questions on our process for arriving at these numbers, and thank you for your consideration.

72 Hour Response		
<b>Navigator</b>		
FTE (.5)	35,000	\$33 X 20 hours/week
Employee Expenses	5,000	Supplies, Travel, Computer, etc.
<b>Direct Services</b>		
Victim Advocacy and Counseling Services	27,420	
Interpretive Services	2,000	20 hours X \$55
<b>Emergency Housing</b>		
Shelter - Adult Women	20,535	\$123/day at 3 days X 15 People + 15,000 for space for the year
Shelter - Youth	28,825	\$280/day at 3 days X 15 People + Supportive Services
<b>Medical</b>		
Emergency Medical	40,000	20 people X 2,000
Extended Ferensic Interviewing and Medical Exam(Juvenile)	40,000	\$2,000 X 20 kids

Past 72 Hour Response		
<b>Direct Services</b>		
Victim Advocacy and Counseling Services	95,955	
<b>Temporary Housing</b>		
Shelter - Adult Women	71,965	Day 4 - Day 42 X \$123 X 15 People
Shelter - Youth	19,300	\$280/day at 4 days X 15 People + Supportive Services
Apartment - Young Adult	24,025	1 apartment/ 2 beds + Supportive Services
<b>Permanent Housing</b>		
Long Term Housing - Adult Women	125,000	housing for 1 year for 5 women and supportive services
Foster Homes - Youth	38,000	2 specialized foster homes and supportive services
<b>Misc. Costs</b>		
legal, visa, education, benefits, lifeskills	90,000	30 people X \$3000

<b>Grand Total:</b>	663,025	
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15.0707.02001  
Title.

Prepared by the Legislative Council staff for  
Senator Mathern

February 17, 2015

#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2199

Page 1, line 1, replace "department of human services" with "attorney general"

Page 1, line 8, replace "department of human services" with "attorney general"

Page 1, line 10, replace "department of human services" with "attorney general"

Page 1, line 20, replace "department of human services" with "attorney general"

Renumber accordingly

SB 2199

2-17-15

#1  
SB2199  
3-17-15

HOUSE JUDICIARY COMMITTEE  
HUMAN TRAFFICKING BILLS  
SB 2107, SB 2199, SB 2219, SB 2232, SB 2250

TESTIMONY OF ATTORNEY GENERAL WAYNE STENEHJEM  
March 17, 2015

Mr. Chairman, members of the Committee.

I am Attorney General Wayne Stenehjem, and I am providing testimony for consideration on all of the Human Trafficking bills before you today and tomorrow.

Twelve years ago I asked BCI about Human Trafficking. I was told, "We suspect there are some instances of human trafficking, but most of the cases involve transportation of individuals in the sex trade through North Dakota from Winnipeg and on to Minneapolis or Chicago."

Was that the pre-oil boom reality, or our lack of awareness? I suspect it was a combination of both.

**Now: we know more, and we know better.**

We know that human sex trafficking is the most common form of modern day slavery. Estimates place the number of domestic and international victims in the millions, mostly women and children enslaved in the sex trade for little or no money. Here in the US, as many as 300,000 children are at risk of becoming victims, according to the FBI.

It is big business. According to the FBI, it is the fastest growing business for organized crime, and the third largest criminal industry in the world, generating \$150 Billion a year.

The average age at which children in the United States first become victims of sex trafficking is 12-14.

This is a problem around the globe, across the United States, and yes, even here in North Dakota.

We know that because we have done a number of things in an effort to combat human trafficking in North Dakota:

1. We have conducted several operations utilizing federal, state, and local law enforcement officers targeting individuals (Johns) who attempt to obtain children via the internet for sexual exploitation. And it is common.
2. We have been actively participating in multiple trainings to law enforcement and the public designed to raise awareness on the issue of Human Trafficking.
3. We have been actively participating in under-cover operations in an effort to identify underage victims and adult women who are being trafficked and to identify and prosecute traffickers (pimps). And they are here.
4. We have been working with the media to raise awareness on human trafficking in North Dakota.
5. We have been assisting agencies from other states with operations targeting individuals involved in human trafficking.

This package of legislation represents a fight on all fronts against this pernicious problem:

- Funding for victim protection and services;
- Enhanced prosecution tools:
  - Stricter sentencing;
  - Longer statutes of limitations;
  - Prosecution assistance;
  - Training for law enforcement and state's attorneys;
  - A victim-based approach.
- Demand reduction, with enhanced penalties for customers.
- Additional law enforcement (our budget):
  - 2 ICAC and human trafficking investigation agents;
  - 7 additional agents around the state;
  - 1 victim advocate;
  - Prosecution assistance;
  - \$20 million for local law enforcement grants.

There is one additional bill addressing demand reduction, which increases the penalty for repeat "Johns," requires them to attend a "John School" to educate customers about the harm they cause by creating the demand, and requires repeat offenders to register as sex offenders.

There is also a Senate Concurrent Resolution urging the United States Congress to enact the Stop Advertising of Victims of Exploitation (SAVE) Act to enable state and local law enforcement to join in the fight to hold websites (that amount to internet brothels) accountable for promoting human trafficking.

**Our goal in working with victims is to work our way up the ladder,** to arrest and prosecute the traffickers. We can only do that with the assistance of victims.

This comprehensive package of bills addresses investigation and apprehension-prosecution-and victim centered laws and services.

You will hear from a number of people who are devoting their lives to eradicating this terrible crime. People at the forefront. When you have heard them out this week, I am confident you will agree that all of these proposals represent real solutions that will produce tangible results.

In closing, I have two messages:

**If you are a trafficker in the sex trade or a customer, we're coming after you.**

**If you are a victim, caught in the grips of this horrible life, we will work with you to help you find a better life.**

Thank you.

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#2  
SB 2199  
3-17-15

House Judiciary Committee  
SB 2107, 2199, 2250, 2266, 2332  
March 17 & 18, 2015  
Testimony given by:  
Rob Fontenot, Special Agent ND BCI

Chairman Koppelman and Members of the Committee:

My name is Rob Fontenot, and I have been a Special Agent with the North Dakota BCI for approximately six and a half years. Prior to that I was a deputy with the Morton County Sheriff's Department. My entire career in law enforcement has been devoted to investigations. For approximately ten years I was assigned to the Metro Area Narcotics task force as a narcotics investigator. For the past two years I have been investigating organized crime activities, specifically Human Trafficking. When I started in this position I truly thought, like a lot of people, that prostitution was a victimless crime. I believed that women and men worked in prostitution as a way to get money easily.

Since taking the position as the organized crime investigator I've learned that prostitution is anything but victimless. The average age of a girl who is introduced into prostitution (a/k/a sex trafficking) is between the ages of 12 to 14. According to national statistics, 90% of the women involved in prostitution are under pimp control. In my experience working with women who are currently working in commercial sex, I feel safe in saying that approximately 80 to 90 percent of the women I have talked to in North Dakota are under pimp control.

As an investigator these cases are difficult to work because the most of the women that are encountered by law enforcement don't self-identify as victims. You may think that is strange – for someone not to accept help from law enforcement when the alternative is to remain in what is essentially sexual slavery. In my experience, this happens for a variety of reasons. Many times victims fear retribution by their traffickers in the form of beatings, withholding of basic needs (sleep, food, isolation), fear and shame. It is not uncommon for these victims to have children in common with their traffickers. This is one way the trafficker can use threats of force, fraud or coercion to influence their victims.

These types of cases require a much higher level of collaboration between law enforcement, advocates and other victim service providers than other types of investigations. A primary reason is that we, as law enforcement, can often only build a case against a trafficker through victim testimony. For cases involving an adult victim, we cannot make a human trafficking charge stick without establishing the use of force, fraud or coercion by the pimp. No one besides the victim can establish these elements – the victim must testify to the climate of fear in which they live. An advocate is an absolute necessity to supporting a victim in a human trafficking investigation. They establish trust and maintain a relationship with the victim and make sure the victim is getting the services they need to begin to recover from the traumatic abuse they have suffered. I

have seen first hand how crucial the presence of an advocate in our investigations has been. We cannot get a cooperative victim who is willing to testify in a case against their trafficker if the victim does not have support they can trust, and someone who will help ensure, to the best of their ability, that the victim is safe and has their basic necessities met.

Human trafficking is not a phenomenon that is specific to the Bakken region of the state. Human Trafficking takes place in all areas of North Dakota including Williston, Minot, Bismarck, Dickinson, Fargo and Grand Forks. The victims I encounter across the state stick with me. The abuse they suffer keeps me up at night. As I continue to do this work, I have formed the firm belief that anyone (with very, very few exceptions) working in the commercial sex industry is a victim of exploitation.

In a recent operation in Williston, I encountered a young woman who was approximately 23 years old. She was brought to the hotel by a man in his forties and his sixteen year old son and another female from Milwaukee. At first glance, the young woman appeared well dressed, wearing jeans and a white jacket. However, the more I looked at this young lady, I realized that it had been quite sometime since she had been able to bath or even wash. Her clothes were very soiled. Her once white jacket was brown and her fingers looked as though she had been working in a garden. While talking with us, she divulged that she was being prostituted, and was required to give all the money she received from the customers (a/k/a "Johns") to the

man that drove her to the hotel (her pimp/trafficker) and in turn he would give her drugs and some food.

Another young women I met in Williston told me that she was "turned out" to a world of prostitution at the age of 13 by her mother who was still under pimp control in Atlanta. She told me that her last pimp had been sentenced to life in federal prison for human trafficking. She told me that when she was under his control he had raped her with his handgun. She lifted her shirt and showed me the tattoo of his name on her side that he had forced her to get.

Yet another woman I met in Williston was 18 years old. She initially told me that she was working independently – or without a pimp. She even went on to tell me that she loved her job. At one point in my interview of her I asked her if she had ever been beaten up or otherwise harmed while in Williston. She told me that two nights prior to our meeting her she went to an address to meet a man that had contacted her from her Backpage ad. She stated that as soon as she took her clothes off in his house he jumped on top of her and started hitting her. She told me that he took her money and her phone. She escaped the house without any clothes. This job that she supposedly "loves" has literally left her naked in the middle of the street.

Many of these stories illustrate to you the need to look below the surface in cases we traditionally have written off as victimless crimes. I continuously encounter women who are obviously scared, beaten, abused – and often tell me horror stories of the things they

experienced. However, most of these women, are conditioned to believe that they are not victims, that their traffickers love them, and that they are choosing this lifestyle. The reality is that these women, in my experience, are being forced into a lifestyle through emotional and psychological coercion, through fear and physical and sexual abuse, and through making them believe that in order to receive their basic needs (food, clothing, shelter), they must continue to be raped for someone else's profit. There are often more than 100 ads on Backpage.com in North Dakota on any given day. This tells me that there are dozens and dozens of women in our state being abused and exploited every day. We are trying to stop this, we are trying our best to help and empower these victims, but we are in need of additional resources in order to continue the fight.

There are service providers and advocates here today to talk to you specifically about the legislation before you. I am here today to let you know, from the front lines, that human trafficking is very real, and very present in our state. I encourage you to take a strong step towards eliminating human trafficking by supporting the proposed policy changes in the package of bills before you, and most importantly to fund the important anti-trafficking work of advocates and law enforcement in our state.

Thank you for your time. I will now entertain any questions that you may have.



#3  
SB2199  
3-17-15

525 N. 4th St. Bismarck, N.D. 58501  
(P) 701.255.6240 (TF) 1.888.255.6240 (F) 701.255.1904  
[www.ndcaws.org](http://www.ndcaws.org) • [facebook.com/NDCAWS](https://facebook.com/NDCAWS) • [Twitter @NDCAWS](https://twitter.com/NDCAWS)

Testimony on SB 2199

House Judiciary Committee  
March 17, 2015

Chairman Koppleman and Members of the Committee,

My name is Janelle Moos and I am the Executive Director of CAWS North Dakota. Our Coalition is a membership based organization that consists of 20 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf and to urge your support of SB 2199.

Safety is and always will be our first priority for victims. Shelter (or emergency housing) is an essential service that enables us to provide safety for victims fleeing violence. Our state has all but reached a crisis. Domestic violence shelters are at or above capacity. The numbers of victims seeking services from our centers have doubled in some areas of the state and show no signs of slowing down. Up until recent years our shelters would be able to house a victim for up to 30 days but now length of stays are turning into 60 days to as long as 6 months or one year. And the number of victims that our shelters have to turn away due to lack of space is growing every day. Further complicating our ability to provide a safe space for all victims is the steady rise of victims of human trafficking seeking services from our centers.

About 18 months ago, we started receiving calls at our office from local crisis centers, law enforcement and community partners asking if and how were we going to help trafficking victims. We along with our programs felt ill equipped to offer resources or provide appropriate services to victims seeking our help but our shelters were almost always identified as the best and most often the only place to take victims. What we didn't know and still don't is how many victims there are. Not surprisingly human trafficking victims don't identify themselves as a victim. More often than not they come to one of the shelters because 1) they had been arrested along with their pimp, 2) they had been physically assaulted, or 3) they had been sexually assaulted. The more time the advocate spent with the victim the more they would share about their story and our centers became concerned about if they were the most appropriate service provider. Obviously our strengths lie in providing crisis services, assisting with court orders or offering emergency shelter victims but human trafficking victims often have more complex and unique needs that our advocates aren't trained to provide.



Since we started receiving the first calls we've brought in several trainers to assist our advocates on the basics on human trafficking, recognizing and screening for victims, and making appropriate referrals for long term care (transitional living) if victims choose that option (most likely out of state). We've also worked with state, federal and local law enforcement to provide training on identification and the need for a collaborative response to the issue. And finally, we helped co-found FUSE, the statewide anti-human trafficking coalition. We've done what we can with minimal resources.

As you can see, SB 2199 appropriates funding to implement human trafficking victim treatment and prevention pilot projects. We support this proposal for several reasons. Although our crisis centers have been providing services they have done so without additional funding. We've also started to have concerns about co-locating trafficking victims with domestic violence victims and their children. We've become aware of incidents where recruitment has occurred in the shelters and there have been several cases where law enforcement have asked our shelters to hold the victim as a witness in a state or federal case (which is in conflict with their mission- they will let victims leave if and when they want). These instances have caused a strain on resources and relationships that are invaluable in communities that are already working in crisis mode. We cannot go on in this way. We feel like we often are doing more harm than good. You can't have a comprehensive response to trafficking without allocating resources for victim services. You won't have cooperative victims. We can't encourage victims to come forward if we have nothing to offer.

In closing, I can't stress enough the need for funding to support the development and implementation of a victim centered comprehensive response to human trafficking victims, therefore, I urge you to look favorably upon SB 2199 and move a DO PASS recommendation.

Thank you.

#4  
SB 2199  
3-17-15

**SB 2199, 2107, 2250, 2232, 2266 and 2332**

**Testimony Before House Judiciary Committee  
by Christina Sambor – Coordinator, FUSE – Statewide Anti-trafficking Coalition  
March 17<sup>th</sup> and 18<sup>th</sup>, 2015**

Chairman Koppelman and members of the Committee:

My name is Christina Sambor, and I am the Coordinator of FUSE, the statewide anti-trafficking coalition in North Dakota. FUSE is a multidisciplinary coalition made up of direct service providers, advocacy organizations, state agencies, the faith community and law enforcement that seeks to build a coordinated, comprehensive response to sex trafficking in North Dakota.

FUSE has worked closely with the Attorney General's Office and the US Attorney's Office to conduct public awareness events, training for direct service providers and input on the legislation that is before you today. FUSE strongly supports SB 2199, and the additional bills that will be considered by the committee tomorrow. These bills, if passed, would increase services and remedies available to victims, increase penalties on traffickers, and ensure that victims of human trafficking are treated as victims, not as criminals.

During my work with FUSE, I have often encountered the question of whether or not sex trafficking is truly happening in North Dakota. Before I presented to a group of attorneys in December, I spent some time looking at ads on backpage.com, which is one of the most prominent internet websites where commercial sex is advertised. I counted approximately 170 ads placed in North Dakota on a Thursday. Of those ads, many of them advertised that the commercial sex worker was "back in town" or "only here for the weekend." At a recent training provided to prosecutors and law enforcement officers, the presence of that language in the ads was flagged as a strong indicator that the person in the ad was being "trafficked" or was under pimp control. This is because women who are being trafficked are typically moved from city to city, state to state, on a "track" in an effort to isolate the victims and evade law enforcement. Sadly, you need only take a digital "step" into this world to see the prevalence of trafficking in our state.

The statistics around the commercial sex industry are very troubling. We have long operated in this country under the impression that life for a commercial sex worker is like it was for Julia Roberts in the movie *Pretty Woman*. Plain and simple, it is not.

Researchers describe pimp control as follows:

“Pimps assume psychological, biological, social, and economic control over the lives of the women they sell to johns through the use of chronic terror, cunning use of various aspects of captivity, and isolation from others who might offer support and validation. In addition they employ starvation, sleep deprivation, protein deprivation, conditioned physiologic hyperarousal, unexpected sexual violence, and learned helplessness.”

In addition, consider the following statistics:

- 65% to 95% of those in prostitution were sexually assaulted as children.
- 70% to 95% were physically assaulted in prostitution
- 60% to 75% were raped in prostitution
- 75% of those in prostitution have been homeless at some point in their lives.
- 85% to 95% of those in prostitution want to escape it, but have no other options for survival.
- 68% of 854 people in strip club, massage, and street prostitution in 9 countries met criteria for posttraumatic stress disorder or PTSD

These statistics, and the prevalence of commercial sex in North Dakota, paint a picture of a crisis that must be addressed. We are here today in the hope that this legislation will begin the march toward eliminating this form of abuse from our state.

FUSE supports and joins in the testimony of the direct services providers and from Youthworks, and 4her North Dakota and urges a do pass recommendation on SB 2199 and the additional human trafficking bills package of bills to be considered tomorrow.

Respectfully submitted,  
Christina Sambor

②

#5  
SB2199  
3-17-15

Heather Ingman-Direct Services Coordinator/Child Advocate  
Domestic Violence and Rape Crisis Center  
Testimony on SB 2107, 2199, 2219, 2232, 2250  
House Judiciary Committee  
March 17<sup>th</sup> and 18<sup>th</sup>, 2015

Chairman Koppleman and Members of the Committee:

My name is Heather Ingman. I have been employed with the Domestic Violence and Rape Crisis Center in Dickinson, ND for over five years. I directly work with clients through case management both of those clients who reside in the shelter and those who do not. As a child advocate I am a liaison with the schools to provide the best victim centered services for the children who reside in and out of the shelter.

#### Presence of victims in DV/SA programs

- In the past two years the Domestic Violence and Rape Crisis Center in Dickinson has seen at least 13 victims of trafficking utilize services.
- These victims did not always come forward for help, nor disclose that they were being trafficked. DVRCC staff was able to make educated guesses through case management and one on one advocacy with the clients.
- In the past two years the Domestic Violence and Rape Crisis Center has suspected at least 3 clients who resided in the shelter were trafficking out other shelter residents. These suspicions were made aware to shelter staff through case management of the clients they were trafficking.
- Of the three suspected traffickers, one was a mother trafficking out her underage daughter while they resided in the shelter.
- In the last year DVRCC has worked with two international clients who disclosed they were trafficking by a United States Citizen from their home country.

#### Demands of serving Human Trafficking victims

- The demand of serving Human Trafficking victims has greatly increased over the last year.
- As the population increases so do the demands of human trafficking. The money involved in trafficking is extensive. It is no secret that North Dakota has money to be made.
- The women and children we are seeing being trafficked are being trafficked from all over the world.
- Trafficking victims are often times vulnerable and have already experienced some form traumatic abuse in their life. The victims we have seen have been trafficked via the internet with the promise of something better, only to arrive in North Dakota and realize that it is nothing like what was promised.
- Again, with the growing population as well as the massive amount of money that is being distrusted daily, the increase and demand of services for victims of human trafficking increases at a rapid rate.

### Serving Human Trafficking victims vs. Domestic Violence/Sexual Assault

- In looking at the trafficking cases we have worked with at DVRCC, it is safe to say that the lethality is significantly higher than that of most domestic violence cases.
- Despite the many similarities in domestic violence and human trafficking victims; domestic violence victims typically (not always) have only one perpetrator. Whereas, victims of human trafficking typically have a trafficker with a wide network of people which poses a high risk for a victim to never feel or be safe.
- There is still a large stigma around human trafficking victims being considered prostitutes rather than victims of a malicious crime. Along with other factors, victims of human trafficking rarely come forward to disclose even within the context of a safe shelter. Victims often times are not aware of laws that may protect them.
- When looking at housing victims of human trafficking in a domestic violence shelter, the overall consensus is that it is not conducive.
  - Prosecution needs a victim of trafficking to move forward with a case, whereas prosecution of a domestic violence crime could potentially move forward without a victim. Staff managing a shelter cannot force a victim of any type to remain in the shelter.
- Due to the lack of services specific to victims of human trafficking, victims often times fail to remain in the shelter as a result of no help. Leaving them back in the hands of a trafficker.
- Serving victims of human trafficking must be a multidisciplinary approach as one agency cannot do it alone. Victims of human trafficking need a vast variety of services that includes collaboration of many agencies. This collaboration is VITAL as a victim will have to walk through a long process of healing and prosecution and the less the victim has to repeat the less the victim has to be traumatized.

### Need for increased human resources for service

- Resources for victims of human trafficking are few and far between. These resources lack state wide.
- There is a great need for shelters that specifically house victims of human trafficking.
- Counselors specifically trained in working with victims of human trafficking is greatly needed, as the trauma these victims have endured is extensive and complex.

### Need for increased funding

- Given the fact that human trafficking across the state has really only surfaced in the last couple of years, there is still a great need for funding.
- Funding that is needed includes but is not limited too; trained medical and mental health professionals, shelters specific to human trafficking, training for legal representatives to better understand prosecution of traffickers and johns.

Mark Heinert  
Homeless Programs Manager  
Youthworks  
Testimony in support of SB 2199, 2107, 2232, 2250, 2266 and 2332  
House Judiciary Committee  
March 17, 2015

DL  
SB 2199  
3-17-15

Chairman Koppelman, Members of the Judiciary Committee:

My name is Mark Heinert, and I am here today to deliver testimony in support of SB 2199, and also in support of the policy bills you will consider tomorrow. I have been a licensed social worker in North Dakota for 24 years, serving runaway and homeless youth for the last 18. I am the Homeless Programs Manager at Youthworks, a private, non-profit, youth serving agency serving Runaway and Homeless Youth in North Dakota. At Youthworks we provide diversion services for the Juvenile Court, as well as providing shelter for Runaways and other youth in need of emergency placement. We work closely with Law Enforcement, County Social Services, Juvenile Court and the schools.

Youthworks has two emergency shelters in Bismarck and Fargo, sheltering underage youth for law enforcement and human services. For young adults ages eighteen to twenty-one years of age, Youthworks provides housing and social services for homeless young adults.

In the past year staff at Youthworks have worked with fourteen youth/young adults who have been victims of trafficking. The victims who have come before us have fit the profile of human trafficking victims:

- They describe being fearful for their life and that of their loved ones
- They are ashamed of what has been happening but feel there is no way out

- They have been physically and sexually abused by the person who is trafficking them
- They do not trust the system (law enforcement, human services, social workers, etc.) to protect them and believe they will be punished
- They have very low self-esteem and do not see themselves as having the potential to move beyond their current situation.
- Some have had prior histories of being sexually abused by adults.
- Many were already in the system as foster, runaway or corrections youth, making them easy targets as the techniques traffickers use make them feel cared for and needed.
- Several have been brought into "the life" because of a mistake they made texting sexually explicit pictures of themselves; where the trafficker threatens to post the pictures on social media fearing the shame it will bring on their families.
- Many have been provided with drugs and alcohol by their traffickers in an effort to control them and assure compliance.
- Most state they are aware of many other girls who are victims that no one knows about.
- They often go to school, work in jobs during the day and are trafficked at night.
- Some have children who are also at risk

We have had traffickers show up in our waiting rooms looking for the victims or waiting in our parking lot until the young adult victims leave. In recent months,

our Director has estimated that she sees pimps waiting outside our emergency shelter nearly once a week. Accordingly, we have had to change protocols as it relates to staff safety when routine apartment checks are done at our homeless apartments. We have watched victims leave our program and return; and leave and return, until they are ready to trust that someone will indeed help them.

In addition to the direct services we provide, Youthworks is currently involved in the Red River Human Trafficking Response Team, which is a regional effort to develop a seamless service delivery system to trafficked youth and young adults with local domestic violence programs, law enforcement, prosecution, medical examiners, social services and state authorities responsible for the welfare of children. Service providers are deeply concerned about their ability to effectively serve victims for one very important reason – shelters in North Dakota are already full or inadequate to meet the needs of children and adult victims who have been trafficked. SB 2199 is an excellent beginning to address the need for adequate community protocols, appropriate crisis shelter and the provision of comprehensive services through a multidisciplinary approach.

By providing additional resources, law enforcement and prosecutors will ultimately stand a better chance at bringing the traffickers to justice and assuring the victims that they can indeed trust that they will be protected and treated humanely.

Another crucial piece to these efforts is the Safe Harbor provision found in Section 12.1-41-12 of SB 2107, the Uniform Act on Prevention of and Remedies for Human Trafficking, which you will be considering tomorrow.

As I've previously discussed, at Youthworks, we have become all too familiar with the child victims of human trafficking, who often come from poverty, have been mistreated or abused by adults, have low self-worth, have had exposure to drugs and alcohol, have runaway or been in foster care, have been sexually assaulted or raped, and have experienced homelessness; making them vulnerable for sexual exploitation.

Gaining the trust of victims is extremely difficult, as they have been threatened with abuse, public humiliation, harm to their family or friends or even death. Addiction to drugs has been a technique used by their traffickers to maintain control of them.

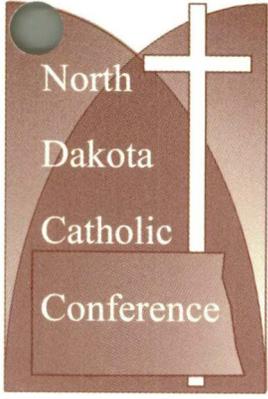
These children are truly victims of crime who have been "groomed" into a specific way to act, talk and behave that will please their adult perpetrators. They develop street smarts and have learned to be cautious of adults who make promises. When entering our system they are identified as delinquent or unruly teens and are often held in detention centers. The likelihood that they will trust helping professionals is compromised in our current system, with the victims giving very guarded, calculated answers to questions intended to help them. The Safe Harbor provisions of SB 2107 are another crucial component to addressing this problem. Treating minors as victims – not as delinquents – will help us in our ability to reach these youth and to establish a trusting relationship with them. This Safe Harbor

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provision will allow our workers to provide a consistent message to the victims they work with, that they are indeed victims and will be treated accordingly. Our current approach provides a very mixed message: "we believe you are a victim, but you will enter our court system with criminal charges." Enacting the Safe Harbor provision allow victims to move past their abuse and exploitation and pursue their dreams and goals, which, interestingly, often involve the desire to help others.

For these reasons, I urge you to pass the funding provided for in SB 2199, and to pass the Safe Harbor provision found in Section 12.1-41-12 of SB 2107, the Uniform Act on Prevention of and Remedies for Human Trafficking.

# 7  
SB 2199  
3-17-15



*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

Christopher T. Dodson  
Executive Director and  
General Counsel

March 17, 2015

TO: House Judiciary Committee  
FROM: Stacey Pfliiger, Associate  
SUBJ: Senate Bill 2199

Chairman Koppelman and Members of the Committee, my name is Stacey Pfliiger and I am here on behalf of the North Dakota Catholic Conference. The North Dakota Catholic Conference supports SB 2199 and urges a do pass recommendation.

As a just society, it is imperative that we develop a victims treatment program that supports victims of this modern day slavery. The needs of human trafficking victims are very different than any other victim, of any other crime. Often times victims are NOT willing to trust, so a lot of time and energy is expended on building relationships until the victim feels secure enough to leave the abusive situation.

The professions identified in Senate Bill 2199 are all important components to help identify and combat human trafficking in North Dakota. Uniform protocols from crisis intervention, to law enforcement, to advocacy, to sheltering, to prosecution are imperative while supporting victims and promoting positive outcomes.

The North Dakota Catholic Conference urges a DO PASS recommendation on Senate Bill 2199.

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#8  
SB 2199  
3-17-15

SB 2199  
Testimony by Windie Lazenko, CEO/Founder  
4her North Dakota  
Member of The National Survivor Network

March 17, 2015

Chairman Koppelman, Members of the House Judiciary Committee:

My name is Windie Lazenko, I am the founder of 4her North Dakota. We provide crisis care to victims of sexual exploitation and trafficking here in the State of North Dakota. Although there are other direct service providers adjusting and making change to the programs already in place here in North Dakota to respond to victims, 4 her is the only Non-Profit ministry providing direct services solely to victims at this time.

I have been in the state for the past year. I arrived with the goal of identifying the reality of sex trafficking, locating resources already in place and creating awareness if the state needed additional support addressing the issue. I was shocked when I saw firsthand the severity of the issue and the lack of understanding, training and services available to victims at all stages of involvement in "The Life". I made the hard decision to stay and become "boots on the ground" with the focus being training, awareness and to be utilized as a resource to programs already in place such as the Domestic Violence Shelters, Law Enforcement, Health Care Providers and the community in general.

In the past year I personally have been able to interact with and serve 20 young women. Half of whom have been able to exit and engage in long term services outside the State. This is the goal of 4her. A good majority of the young women I have served refused to go to the DV shelters, which is common. Or they would go through intake and run within 12-24 hours. The main reason they run is because most victims' don't identify as victims and the shelters are not prepared or trained to address the individual needs and specialized services required to help the girls we bring in. Because of this I have personally allowed girls to stay with me at my home, provided all tangible needs and in some situations provided medical care, emergency dental care, mental health services, travel needs, document replacement and spiritual needs.

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All of this being done without receiving a salary and funding being available only through contributions made through the public who are aware of the needs of 4her.

It has been a long time goal and personal dream of mine to open a safe place for victims to come for help, encouragement and service. My vision is to open a crisis shelter that offers 72 hour critical care and up to 30 day stays all while building relationship and empowering victims to enter into long term treatment facilities outside the state of North Dakota through a large network of direct service providers.

I am here to testify in support of SB 2199 which could enable 4 her to work with the State to open a home with 6 beds, employ trained professionals to care for the victims and continue being a resource for programs throughout the state.

4her North Dakota is not looking to "recreate the wheel" or develop any "new" concept in providing care to survivors of trafficking. We are mirroring several successful programs around the Nation such as GEMS in NYC, Breaking Free in MN, and Hope House in NC. We have the support of Polaris Project, Shared Hope International and professional mentoring from Rahabs Hideaway in Ohio.

We partner with FUSE in collaborating a statewide response to providing critical training, awareness as plans to address the reality of Sex trafficking in North Dakota. By creating the funds needed by passing SB 2199 the most critical need, safe housing, would become a reality and we would be able to grow in addressing more of the needs in the state through outreach and public awareness.

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March 24, 2015

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582199  
3-25-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, remove "pilot project"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in prevention and treatment services related to human trafficking victims for the biennium beginning July ~~20~~, 2015, and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

Page 1, line 21, replace "pilot project" with "grant program"

Renumber accordingly

15.0707.03002  
Title.

Prepared by the Legislative Council staff for  
House Judiciary Committee  
March 24, 2015

#2  
SB2199  
3-25-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 21, after the period insert "The attorney general may award grants under this section to nonstate entities to the extent the entity provides one dollar of nonstate matching funds for every dollar of grant funding awarded to the entity."

Re-number accordingly

15.0707.03003  
Title.

Prepared by the Legislative Council staff for  
House Judiciary Committee  
March 24, 2015

# 3  
SB 2199  
3-25-15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 21, after the period insert "The attorney general may award grants under this section to nonstate entities to the extent that the entity provides <sup>two</sup> ~~two~~ dollars of nonstate matching funds for each one dollar of grant funds awarded to the entity."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:
  1. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.

6. f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims."

Renumber accordingly

#7  
SB 2199  
4-8-15  
House Approps

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199

Page 1, line 2, replace "pilot project; and" with "to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund;"

Page 1, line 3, after "management" insert "; and to declare an emergency"

Page 1, line 5, after the dash insert "**GENERAL FUND - OIL AND GAS IMPACT GRANT FUND -**"

Page 1, line 7, replace "\$1,000,000" with "\$500,000"

Page 1, line 8, remove "implementing a human trafficking victims treatment and"

Page 1, replace lines 9 through 19 with "providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties and out of any moneys in the oil and gas impact grant fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the attorney general for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in areas encompassing hub cities for the period beginning with the effective date of this Act and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims"

Page 1, line 21, replace "pilot project" with "grant program"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:

4. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
  2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
  3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
  4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
  5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
  6. f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
  3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Removes the establishment of a pilot project for human trafficking victims treatment and support services and establishes a grant program for organizations providing prevention and treatment services relating to human trafficking victims.
- Increases the appropriation from \$1 million to \$1.25 million, of which \$500,000 is from the general fund for providing grants to organizations involved in prevention and treatment services related to human trafficking victims in non-oil-producing counties and \$750,000 is from the oil and gas impact grant fund for providing grants to organizations

involved in prevention and treatment services related to human trafficking victims in oil-producing counties.

- Adds a section allowing certain funds in the assets forfeiture fund to be used for grants to organizations providing prevention and treatment services to human trafficking victims.
- Adds an emergency clause.