



JUDICIARY COMMITTEE

Wednesday, July 22, 2020
Senate Chamber, State Capitol
Bismarck, North Dakota

Representative Lawrence R. Klemin, Chairman, called the meeting to order at 9:05 a.m.

Members present: Representatives Lawrence R. Klemin, Ruth Buffalo, Karla Rose Hanson, Pat D. Heinert, Mary Johnson, Terry B. Jones, Karen Karls, Jim Kasper, Kim Koppelman, Aaron McWilliams, Bob Paulson, Shannon Roers Jones, Steve Vetter; Senators JoNell A. Bakke, Michael Dwyer, Diane Larson, Larry Luick, Janne Myrdal

Members absent: Representative Daniel Johnston; Senator John Grabinger

Others present: Representative Scott Louser, Minot, member of the Legislative Management
See [Appendix A](#) for additional persons present.

It was moved by Representative Roers Jones, seconded by Representative McWilliams, and carried on a voice vote that the minutes of the February 4, 2020, meeting be approved as distributed.

RECREATIONAL MARIJUANA STUDY

Chairman Klemin called on Mr. Dale Quigley, Deputy Coordinator, National Marijuana Initiative, High Intensity Drug Trafficking Areas, for a presentation ([Appendix B](#)) relating to the impacts of recreational marijuana. Mr. Quigley said in 2019, more than 12,796,868 edible marijuana products and 436,116 pounds of marijuana flowers and buds were sold in Colorado. He said the legalization of marijuana is a policy experiment, the effects of which will not be realized for at least a decade. Although the tax rate for marijuana is nearly 30 percent in Colorado, he said, less than 1 percent of marijuana tax revenue goes to the state.

In response to a question from Senator Luick, Mr. Quigley said the legalization of marijuana has had adverse effects in relation to workforce safety. He said jobsite impairment is an additional expense to employers in Colorado and across the country.

Chairman Klemin called on Pastor Phil Wolverton, Executive Director, Adult & Teen Challenge, North Dakota, for a presentation ([Appendix C](#)) relating to the potential implications of the legalization of recreational marijuana.

JUVENILE JUSTICE STUDY

Chairman Klemin called on Mr. Joel Friesz, Director, Youth Interventions, Lutheran Social Services of North Dakota, for a presentation ([Appendix D](#)) relating to restorative justice services for youth.

In response to a question from Representative Hanson, Mr. Friesz said the rate of recidivism among the youth who complete the program is about 12 percent. He said the facilitators in the schools are employed through juvenile justice contracts and generally provide community services outside the school.

In response to a question from Representative Jones, Mr. Friesz said the source of funding for the program to operate on a greater scale has not been determined.

In response to a question from Senator Dwyer, Mr. Friesz said the schools work closely with school resource officers, counselors, and facilitators.

In response to a question from Representative Buffalo, Mr. Friesz said divisions in Fargo, Devils Lake, and Bismarck contract with local nonprofits to provide the cultural aspect of restorative justice.

In response to a question from Senator Luick, Mr. Friesz said the programming involves the entire family.

Chairman Klemin called on Ms. Heather Traynor, Coordinator, Court Improvement Program, North Dakota Supreme Court, for a presentation ([Appendix E](#)) relating to the dual status youth initiative.

In response to a question from Representative Heinert, Ms. Traynor said if the state decriminalized unruly behavior, the behavior could be addressed through the child welfare system.

Chairman Klemin called on Mr. Josh Weber, Justice Center, Council of State Governments, for a presentation ([Appendix F](#)) relating to the Council of State Governments' recommendations for the state's juvenile justice system. Mr. Weber said the Justice Center identified five initial recommendations for system improvement: decriminalizing unruly behaviors and developing pathways to serve youth outside the justice system; establishing more stringent criteria and research-based processes for system decisions; investing limited resources for building a more robust continuum of community-based services across the state; strengthening statement commitment to and capacity for evidence-based services, quality assurance, and data collection; and aligning statutes with research and best practices.

In response to a question from Representative Heinert, Mr. Weber said transitioning the services provided to unruly children from the juvenile court to local human service centers would maintain the same types of services while meeting the needs of young people.

Chairman Klemin called on Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, for a presentation ([Appendix G](#)) of a bill draft relating to the uniform juvenile court act.

Chairman Klemin called on Dr. Anna Schimmelpfennig, Assistant Mental Health Director and Supervisor, Red River Children's Advocacy Center, for a presentation ([Appendix H](#)) relating to juvenile justice.

In response to a question from Representative Koppelman, Dr. Schimmelpfennig said although the juvenile and adult systems are similar, the adult system often is easier for victims to understand. She said the adult system initiates a protection order almost immediately, whereas in the juvenile system a victim often feels scared because of a lack of protection from the offender.

In response to a question from Senator Luick, Dr. Schimmelpfennig said it is important to provide adequate treatment for juveniles. She said mental health services are needed to treat specific behaviors.

Chairman Klemin called on Ms. Rosa Strubbe for a presentation ([Appendix I](#)) relating to the juvenile justice system.

Committee Discussion

Chairman Klemin invited the public to submit written comments relating to the bill draft to Samantha E. Kramer, Counsel, Legislative Council, by August 5, 2020. He said the second draft of the bill will be presented at the next meeting.

At the request of Chairman Klemin, Mr. Adam Mathiak, Senior Fiscal Analyst, Legislative Council, reviewed a memorandum entitled [Funding for Juvenile Programs](#).

ARTICLE XIV OF THE CONSTITUTION OF NORTH DAKOTA STUDY

Chairman Klemin called on Representative Hanson for a presentation ([Appendix J](#)) regarding two bill drafts relating to the implementation of Article XIV of the Constitution of North Dakota.

In response to a question from Senator Luick, Representative Hanson said state elected officials and legislators would not be required to follow the requirements in the bills because those groups are subject to separate laws.

In response to a question from Chairman Klemin, Representative Hanson said the bill would apply to initiated measure committees to determine the ultimate and true source of the funds.

Chairman Klemin presented ([Appendix K](#)) and a bill draft [[21.0080.02000](#)] relating to written advisory opinions regarding ethics.

In response to a question from Senator Luick, Chairman Klemin said advisory opinions would be provided at no charge.

Chairman Klemin called on Mr. David Thiele, Executive Director, Ethics Commission, for a presentation ([Appendix L](#)) relating to a legislative proposal.

In response to a question from Representative Kasper, Mr. Thiele said in the case of an anonymous complaint, if the individual who files the complaint wishes to remain anonymous and will not authorize the disclosure of the complainant's name to the accused, the complaint would be dismissed.

In response to a question from Representative Vetter, Mr. Thiele said the Ethics Commission is developing rules relating to gifts. Although states have various rules relating to gifts, he said, the goal of the Ethics Commission is to maintain the educational aspect of legislative events and gifts and provide fairly black and white rules for legislators and lobbyists.

In response to a question from Representative Kasper, Mr. Thiele said Article XIV does not apply to contributions from political action committees or individual contributions to legislative candidates.

REPORTS

Chairman Klemin called on Dr. Rosalie Etherington, Superintendent, State Hospital, for a presentation of a report ([Appendix M](#)) relating to individuals at the State Hospital who have been committed to the care and custody of the Executive Director of the Department of Human Services.

In response to a question from Representative Heinert, Dr. Etherington said certain treatments are more favorable for juvenile offenders. Although it generally is unlikely for juvenile sex offenders to reoffend, she said, psychotherapy and psychosocial interventions provide better outcomes for juveniles.

In response to a question from Representative Jones, Dr. Etherington said individuals released from the State Hospital and placed on postcommitment community release are under the supervision of probation and parole and have to follow several requirements, including attending outpatient therapy and holding a job.

Chairman Klemin called on Dr. Christopher Johnson, Presiding Officer, Task Force of the Prevention of Sexual Abuse of Children, for a presentation of a statutorily required report ([Appendix N](#)).

CIVIL COMMITMENT STUDY

Chairman Klemin presented ([Appendix O](#)) and a bill draft [[21.0107.03000](#)] relating to the voluntary surrender of a firearm by a family or household member and a firearm and suicide prevention video.

In response to a question from Representative Jones, Chairman Klemin said the responsibility to return the firearm would fall on law enforcement.

In response to a question from Representative Koppelman, Chairman Klemin said the bill provides an avenue to deal with someone who may be suicidal by removing the firearm from a home instead of going through the civil commitment process.

No further business appearing, Chairman Klemin adjourned the meeting at 3:35 p.m.

Samantha E. Kramer
Counsel

ATTACH:15