

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1035
HOUSE JUDICIARY COMMITTEE
JANUARY 26, 2021

Members of the House Judiciary Committee, I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here to testify in support of House Bill No. 1035, which updates and re-enacts the Uniform Juvenile Court Act.

HB 1035 is the result of a study of the juvenile justice process conducted during the 2017-2018 interim pursuant to Senate Concurrent Resolution No. 4003, which had been requested by the North Dakota Supreme Court, and a continuation of the study during the 2019-2020 interim pursuant to House Concurrent Resolution No. 3031. The interim Judiciary Committee, in collaboration with the Commission on Juvenile Justice, drafted HB 1035 to revise and update the Uniform Juvenile Court Act contained in Chapter 27-20 of the North Dakota Century Code. Chapter 27-20 is based on the Uniform Juvenile Court Act of 1968, which was enacted in North Dakota in 1969. Although there have been some amendments to this chapter over time, it has remained basically the same as originally introduced in 1969 and needed to be updated and reorganized to reflect best practices in juvenile justice.

HB 1035 is a lengthy bill due to a reorganization of existing law as well as provisions to improve the law. About half of the bill is because of the many cross references in other chapters of the law that needed to be included.

The Commission on Juvenile Justice was created in Section 50-06-43.2 of the North Dakota Century Code during in the 2019 Session to review all facets of juvenile justice and child welfare in North Dakota and is comprised of members from numerous agencies of state and local government, as well as six members of the Legislature who were appointed from the House and Senate Judiciary Committees. One of the primary duties of the Commission was to review the Juvenile Court Act. HB 1035 is the work product of the Commission and the interim Judiciary Committee.

The Commission on Juvenile Justice and the interim Judiciary Committee have worked well together over the past year in a partnership to revise and update the Juvenile Court Act. Many hours have been spent in researching and drafting HB 1035, with input from all affected entities. There have been many public meetings by the Commission to receive comments and recommendations on the bill, as well as meetings with stakeholders to explain the bill. This has been done with the assistance of the Justice Center of the Council of State Governments, which was funded by a federal grant awarded through the North Dakota Juvenile Justice State Advisory Group.

In this hearing today, you hear testimony presented to explain the bill, as well as testimony on behalf of the Juvenile Court, the Department of Human Services, prosecutors, defense attorneys, the CSG Justice Center, and others who were a part of the workgroup for the bill. There is also testimony on LAWS in support of the bill from numerous other parties.

HB 1035 contains several delayed effective dates in order to allow the schools, the Department of Human Services, the juvenile courts, and other interested entities time to plan and implement best practices for the juvenile justice process in this State. The delayed effective dates will assist the Commission on Juvenile Justice and the interim Judiciary Committee in the next interim between the sessions to continue the implementation of the Juvenile Court Act. Following this hearing is the hearing on HB 1427, which establishes three committees to do the planning for the implementation of the new Juvenile Court Act

The drafting of the bill has been an ongoing process that continued after the bill was initially introduced as an agency bill last December. Consequently, there are some amendments to the bill that will be discussed during this hearing. To follow along, it would be best to look at HB 1035 with the amendments in context (the "Christmas Tree" version), which is online on LAWS.

This has been a long project that has been worked on by many talented and knowledgeable people involved with juvenile justice. I would like to thank them for their hard work over the past year and also to thank them in advance for the work that they have yet to do in the next interim following this Session.

Now I would like to introduce Lisa Bjergaard, the Director of Juvenile Services for the Department of Corrections and Rehabilitation. Ms. Bjergaard is the person in charge of the Youth Correctional Center and was appointed by the Governor to serve as the Chairman of the Commission on Juvenile Justice.