

**1999 HOUSE JUDICIARY**

**HB 1031**


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1031

House Judiciary Committee

Conference Committee

Hearing Date January 11, 1999

Tape Number	Side A	Side B	Meter #
1	X		44.2
Committee Clerk Signature 			

Minutes:

REP BOUCHER: This bill will require an ID of each sexual offender be placed on their drivers license. The bill came out of the criminal justice committee and was very controversial. The intent is to alert law enforcement that the person before him is an offender. It is true that this is an intrusion on some of our rights, but we also have an obligation to protect those who might be victims.

TIM DAWSON: (LC) This will require the ID stay on the license for 10 years after the first conviction and for a lifetime after a subsequent conviction. The ID will be a "Y" on the license.

JONATHAN BYERS: (AG) Presented written testimony, which is attached.

DEBBRA HILL: I am for this bill. My 14 year old daughter was attacked by a man who had been convicted of a sex offense in Minnesota and who was not registered in North Dakota.

REP. BOUCHER furnished the committee with a memo on this bill, a copy of which is attached.

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House Judiciary Committee

Bill/Resolution Number 1031

Hearing Date January 11, 1999

COMMITTEE ACTION: January 25, 1999

REP. HAWKEN moved that the committee recommend that HB 1031 DO NOT PASS. Rep.

Sveen seconded the motion which passed on a roll call vote of 12 ayes, 2 nays and 1 absent.

DEC 21 1998

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1031 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: December 10, 1998

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

**Narrative:** Program changes would be needed for printing the "Y" on the Drivers License, creation of a suspension code, and a means of creating a tickler file. The "tickler file" would be needed to record the date the individual is no longer required to register.

It should be noted that no additional examiners are needed at this time. Should the trend of Drivers License being used as a "smart card" continues to expand, more examiners would be needed.

- 2. State fiscal effect in dollar amounts:

1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds

Revenues: Any revenue is based on cost of generating a duplicate license at \$3--volume unknown.

Expenditures: \$15,000

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:
  - a. For rest of 1997-99 biennium: N/A
  - b. For the 1999-2001 biennium: +15,000
  - c. For the 2001-03 biennium: N/A

- 4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

N/A

If additional space is needed, attach a supplemental sheet.

Signed Marsha M. Lembke

Typed Name Marsha M. Lembke

Department Department of Transportation

Date Prepared: December 15, 1998

Phone Number (701) 328-4865

Date: 4/25/99  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1031

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number D.

Action Taken D. NOT Pass

Motion Made By Hawken Seconded By Sveen

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓		REP. SVEEN	✓	
REP. CLEARY	<del>✓</del>				
REP. DELMORE	✓				
REP. DISRUD	✓				
REP. FAIRFIELD		x			
REP. GORDER	✓				
REP. GUNTER	✓				
REP. HAWKEN	✓				
REP. KELSH		x			
REP. KLEMIN	✓				
REP. KOPPELMAN	✓				
REP. MAHONEY	✓				
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Sveen

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

REPORT OF STANDING COMMITTEE (410)  
January 25, 1999 3:53 p.m.

Module No: HR-15-1144  
Carrier: Sveen  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1031: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
(12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1031 was placed on the  
Eleventh order on the calendar.

1999 TESTIMONY

HB 1031

HOUSE BILL 1031 TESTIMONY  
HOUSE JUDICIARY COMMITTEE  
JANUARY 11TH, 1999  
PRAIRIE ROOM

By Jonathan Byers, Assistant Attorney General

Chairman DeKrey, Members of the Committee:

My name is Jonathan Byers and I appear on behalf of the Attorney General. I wish to make a few comments that are neither for nor against House Bill 1031.

In a criminal justice committee hearing during the interim, I happened to mention that Delaware had passed a law requiring a mark to be placed on the driver's licenses of convicted sex offenders. Several law enforcement officers had commented to me that it would be helpful to know when stopping a motorist whether he was a registered offender or not.

The Attorney General is responsible for maintaining the lists of convicted and registered sex offenders in North Dakota. In administering that program, we try to provide the information in the manner that is most helpful to police officers and the public.

By the time this legislation takes effect, should it be passed by the 56<sup>th</sup> Legislative Assembly, we should be capable of electronically providing the information to state radio or law enforcement dispatchers without the need for an



actual mark to be on the driver's license. However, this assumes that a state radio check is called in for every traffic stop.

Peace officers are in the best position to know what tools will help them do their jobs. The Attorney General will provide the information to them in whatever manner this Legislature deems appropriate.

I would be happy to answer any questions.

TESTIMONY FOR HB 1031

Prepared by Representative Merle Boucher

Monday, January 11, 1999

Chairman DeKrey and members of the House Judiciary Committee for the record I am Representative Merle Boucher from District 9, which is all of Rolette County.

House Bill 1031 would require that an individual convicted of felony offense as defined in Chapter 12.1-32-15 of the North Dakota Century Code, relating to the sentencing of sexual offenders and individuals who commit a crime against a child. This bill would require that individuals convicted of a felony under this chapter of the law would be required to have on their driver's license an identification symbol, the letter "Y".

There was considerable debate during the interim in regards to this concept. This bill has not been debated without controversy. I am asking that the House Judiciary Committee give this bill an objective and thorough hearing. I wish you godspeed and that wisdom prevails.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "M-B", followed by a horizontal line extending to the right.

Representative Merle Boucher