

**1999 HOUSE JUDICIARY**

**HB 1032**


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1032

House Judiciary Committee

Conference Committee

Hearing Date January 11, 1999

Tape Number	Side A	Side B	Meter #
2		X	17
Committee Clerk Signature 			

Minutes:

TIM DAWSON (LC) explained the bill to the committee, saying that the interim committee felt that the information should be shared by all concerned.

JONATHON BYERS; (AG) Presented written testimony, a copy of which is attached.

MAX LAIRD: I am superintendent of an alternative high school in Grand Forks. My students are there mostly from adjudicated situations. We only get a history of the students past by asking the student. It is important that we know that history so we can anticipate what that student may do. Law enforcement and the schools need to share this information.

REP. BOUCHER: Sent a written message to the committee, a copy of which is attached.

COMMITTEE ACTION

REP. MAHONEY moved that the committee recommend that the bill DO NOT PASS. Rep Fairfield seconded and the motion carried on a roll call vote with 13 ayes, 1 nay and 1 absent.

Date: 4/20  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1032

House JUDICIARY Committee

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

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Mahoney Seconded By Fairfield

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

Total (Yes) 13 No 1

Absent 1

Floor Assignment Maragos

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

REPORT OF STANDING COMMITTEE (410)  
January 21, 1999 9:47 a.m.

Module No: HR-13-0949  
Carrier: Maragos  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1032: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS**  
(13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1032 was placed on the  
Eleventh order on the calendar.

**1999 TESTIMONY**

**HB 1032**

HOUSE BILL 1032 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 testify in favor of House Bill 1031 and to make a suggestion.

In the adult offender registration program, the term "offenders against children" is defined as an adult who commits certain non-sexual crimes against children under the age of eighteen. It makes sense to register these offenders, because an offender who kidnaps or physically abuses children may constitute a risk to the public.

The 1997 Legislature created a database of juvenile sex offenders and offenders against children. But because the offender as well as the victim is less than eighteen years old, those crimes that are "offenses against children" can be less threatening to the public than inclusion in the database would seem to indicate.

For instance, two sixteen year olds who get into a fight on a Friday night may both be charged with the delinquent act of simple assault. What happened may justify juvenile court intervention, but it doesn't seem to warrant inclusion in the database for up to 10 years, and the resulting disclosure to schools, police agencies, and the department of human services.

House Bill 1032 will still require a report to be sent to the Attorney General; however, the Attorney General would not make any disclosure of the information unless the juvenile commits a second simple assault.

Of the 110 juveniles currently reported to the Attorney General, 41 have committed the crime of simple assault. The time and resources of staff would be better spent focusing on the 23 juveniles who have committed sexual crimes.

The Attorney General would prefer that N.D.C.C. section 12.1-17-01 be removed from the list of offenses requiring reporting to the database.

I would be happy to answer any questions.

TESTIMONY FOR HB 1032

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 1032 amends and reenacts Section 27-20-52.1 of the North Dakota Century Code. The bill's intent is to deal with, and keep confidential, information related to a juvenile's first offense for act of simple assault.

The bill's intent is to protect the confidentiality of information for a first time offender. I believe that this is appropriate legislation and recommend that the House Judiciary recommend to the House of Representative a due pass.

Respectfully submitted by:

A handwritten signature in cursive script, appearing to read 'M. Boucher', with a long horizontal flourish extending to the right.

Representative Merle Boucher