

**1999 HOUSE JUDICIARY**

**HB 1184**


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1184

House Judiciary Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1	A		27
Committee Clerk Signature 			

Minutes:

REP. PORTER: This bill was introduced at the request of law enforcement agencies.. Its intent is to create a penalty for giving false information to police investigators.

CYNTHIA FELAND (States Attys) This bill will fill a loophole in present law. As of now there is no penalty for sending an investigator on a wild goose chase. Both the State's Attorney's association and the Burleigh County State's Attorney's office support this change.

DICK PECK: (NDPOA) The Peace Officers Association support this legislation. It has the potential to save law enforcement a lot of time.

COMMITTEE ACTION: January 13, 1999

REP. CLEARY moved that the committee recommend that the bill DO PASS. Rep. Hawken seconded and the motion passed with a roll call vote of 15 ayes, 0 nays and 0 absent. Rep.

Disrud was assigned to carry the bill on the floor.

Date: 1/13  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~1082~~ 1184

House JUDICIARY Committee

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

Conference Committee

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

Action Taken Do Pass

Motion Made By Cleary Seconded By Hawken

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

Total (Yes) 15 No 0

Absent 0

Floor Assignment DISRUD

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

REPORT OF STANDING COMMITTEE (410)  
January 14, 1999 9:21 a.m.

Module No: HR-08-0595  
Carrier: Disrud  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1184: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the  
Eleventh order on the calendar.

**1999 SENATE JUDICIARY**

**HB 1184**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1184

Senate Judiciary Committee

Conference Committee

Hearing Date March 8, 1999

Tape Number		Side A	Side B	Meter #
	1	x		220 - 11126
3-23-99	1	x		2950 - 4428
3-29-99	1	x		0-2100
Committee Clerk Signature <i>Jackie Zollman</i>				

Minutes:

HB1184 relates to giving false information or a false report to law enforcement officers.

SENATOR STENEHJEM opened the hearing on HB1184 at 10:30 A.M.

All were present except Senator C. Nelson.

REPRESENTATIVE PORTER, District 38, testified in support of 1184. I was asked by the Peace Officers Association to sponsor this bill. This expands the current bill.

SENATOR STENEHJEM stated that they way he reads this bill, there should be something in the bill about pertinent information, the false report or information has to be for some purpose.

REPRESENTATIVE PORTER stated that my bills are always ready to be made better.

CYNTHIA FELAND, Burleigh County State's Attorney's Office, testified in support of HB1184. This bill is intended to eliminate problems where people deliberately give false

information or statements and send officers on a wild goose chase. This bill would be a helpful tool to the officers to aid them in their investigation.

DICK PECK, North Dakota Peace Officers, testified in support of HB1184. We have had a real problem in this area and this would be an additional tool to help them.

SENATOR STENEHJEM CLOSED the hearing on HB1184.

We will have Matt check on some other state statutes and make some amendments.

**MARCH 23, 1999      TAPE 1, SIDE A**

SENATOR STENEHJEM proposed an amendment to HB1184. Discussion on the amendment.

What I'm looking for is to make sure if you are lying to a police officer and you are to be charged with an offense for doing that and that it relates to something important and not just lying about your weight.

SENATOR TRAYNOR stated that the suspect may have an escape with these amendments. He would also have to know that the information would interfere in the operation of the law.

Changes were made to the amendment.

SENATOR WATNE made a motion on the Amendment, SENATOR NELSON seconded.

Discussion. Motion carried. 6 - 0 - 0

SENATOR LYSON made a motion for DO PASS AS AMENDED, SENATOR NELSON seconded. Discussion. Motion carried. 6 - 0 - 0

SENATOR LYSON will carry the bill.

**MARCH 29, 1999 TAPE 1, SIDE A**

SENATOR LEE appeared before the committee and proposed some amendments. Amendments attached.

SENATOR STENEHJEM stated that what this amendment does is simply requires that a person honestly answer the questions even if he has received a deferred imposition of sentence.

SENATOR LYSON stated that there may be a problem with the Labor Department with this amendment. He will discuss this with them and make sure there is no problem.

DICK PECK appeared before the committee and stated that the law enforcement position is in favor of this amendment.

SENATOR WATNE made a Motion to Reconsider, SENATOR NELSON seconded. Voice vote. Motion carried unanimously.

SENATOR WATNE made a Motion to Reconsider Amendments, SENATOR NELSON seconded. Voice vote. Motion carried unanimously.

SENATOR NELSON made a Motion on the Amendment, SENATOR LYSON seconded.  
Discussion. Motion carried. 5 - 0 - 1

SENATOR WATNE made a motion on Further Amendments, SENATOR LYSON seconded.  
Discussion. Motion carried. 5 - 0 - 1

SENATOR LYSON made a motion for DO PASS AS AMENDED, SENATOR WATNE seconded. Discussion. Motion carried. 5 - 0 - 1

SENATOR LYSON will carry the bill.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1184

Page 1, line 9, replace "knowing" with "and that person knows" and after "false" insert "and  
~~knows that the information or report may interfere with the orderly operation of a law~~  
enforcement agency or may materially mislead a law enforcement officer"

Renumber accordingly

*officer  
and the information*

Date 3-23-99  
Roll Call Vote = 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL RESOLUTION NO. HB 1184

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Motion on Amendment

Motion Made By Senator Watne Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Caroloyne Nelson	X				

Total (Yes) 6 No 0

Absent 0

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

Date 3-23-99  
Roll Call Vote = 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL RESOLUTION NO. HB1184

Senate Judiciary \_\_\_\_\_ Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass AS Amended

Motion Made By Senator Lyson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Carolynn Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Lyson

March 26, 1999

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1184

Page 1, line 1, after "to" insert "provide for questions on an application for a position as a law enforcement officer; and to"

Page 1, after line 14, insert:

**"Law enforcement officer job application. Every applicant for a position as a law enforcement officer for any state or political subdivision agency must be asked in any written application for that position whether that applicant has ever pled or been found guilty of a felony including a felony charge that was later dismissed under a deferred imposition of sentence."**

Renumber accordingly

Date 3-29-99  
Roll Call Vote #: #1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1184

Senate Judiciary Committee

- Subcommittee on \_\_\_\_\_
- or
- Conference Committee

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

Action Taken Motion on Amendment

Motion Made By Senator Nelson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier					
Senator Caroloyne Nelson	X				

Total (Yes) 5 No 0

Absent 1

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

Date: 5-29-99  
 Roll Call Vote #: 11

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1184**

Senate Judiciary \_\_\_\_\_ Committee

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

or

Conference Committee

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

Action Taken Motion on Further Amendments

Motion Made By Senator Watne Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier					
Senator Carolynn Nelson	X				

Total (Yes) 5 No 0

Absent 1

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

Date: 3-29-99  
Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1184

Senate Judiciary Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass As Amended

Motion Made By Senator Lyson Seconded By Senator Watne

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier					
SenatorCarolyn Nelson	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Lyson

**REPORT OF STANDING COMMITTEE**

**HB 1184: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "provide for questions on an application for a position as a law enforcement officer; and to"

Page 1, line 9, replace "knowing the information or report to be false" with "which that person knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer"

Page 1, after line 14, insert:

**"SECTION 2. Law enforcement officer job application.** Every applicant for a position as a law enforcement officer for any state or political subdivision agency must be asked in any written application for that position whether that applicant has ever pled or been found guilty of a felony including a felony charge that was later dismissed under a deferred imposition of sentence."

Renumber accordingly



1999 TESTIMONY

HB 1184

House Bill 1184

12.1-11-03

False information or report to law enforcement officers or security officials. A person is guilty of a class A misdemeanor if that person:

1. Gives false information or a false report to a law enforcement officer and that person knows the information or report to be false; and ~~that~~ the information or report may interfere with an investigation or may materially mislead a law enforcement officer.