

1999 HOUSE JUDICIARY

HB 1205


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1205

House Judiciary Committee

Conference Committee

Hearing Date January 26, 1999

Tape Number	Side A	Side B	Meter #
2	X		8.2
Committee Clerk Signature 			

Minutes:

REP. KOPPELMAN: This is an attempt to help identify sex offenders to law enforcement officers. HB 1031 came out of the Criminal Justice Interim Committee and called for an identifying mark on an offender's drivers license. I think HB 1205 does the same thing in a better way. This legislation will create a situation that when an officer makes a stop and calls the stop in to state radio, he will be told if the person stopped is on the offender registry. This will be cheaper, more discreet and more effective.

JONATHAN BYERS (AG) I am not here to be for or against this bill, but just to provide information. This bill will have a fiscal effect on Attorney General's office which will be covered by a federal grant. Law enforcement will keep the list restricted and will only tell those who have a right to know if they are dealing with an offender.

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House Judiciary Committee

Bill/Resolution Number 1205

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LINDA ISAKSON: (Children's Caucus) Presented written testimony, a copy of which is attached. We prefer this bill to HB 1031.

DICK PECK: (NDPOA) The Peace Officers Association prefer this bill to HB 1031. This information should go out to the officer making the stop based on both drivers license and car license. If this bill passes we won't need the Y on the drivers license.

COMMITTEE ACTION: January 25, 1999

REP. SVEEN moved that the committee recommend that the bill DO PASS. Rep. Hawken seconded and the motion passed on a roll call vote with 13 ayes, 0 nays and 2 absent. Rep. Disrud was assigned to carry the bill on the floor.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1205 Amendment to: _____

Requested by Legislative Council _____ Date of Request: 1-8-99

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:

The Pam Lychner Sexual Offender Tracking and Identification Act of 1996, 42 United States Code § 14072 establishes a national sexual offender tracking system at the FBI. In order to provide North Dakota information to the FBI/NCIC, the information will be electronically transmitted from the BCI to State Radio. A federal grant was obtained to help achieve this.

The objective of providing offender registration information to law enforcement officers on patrol will be met by this project. This system is expected to be operational in July 1999.

The BCI has no anticipated costs which are not already covered by federal grant funds.

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:

Expenditures:

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

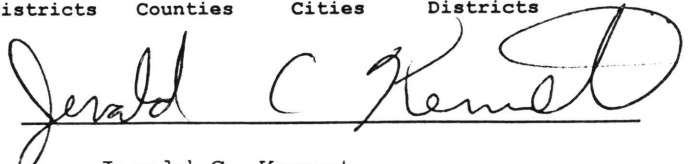
- a. For rest of 1997-99 biennium: _____
- b. For the 1999-2001 biennium: _____
- c. For the 2001-03 biennium: _____

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

1995-97 Biennium			1997-99 Biennium			1999-2001 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed attach a supplemental sheet.

Signed



Typed Name

Jerald C. Kemmet

Date Prepared

1-12-99

Department

Office of Attorney General, BCI

Phone Number

328-5500

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

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1205

House JUDICIARY Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken _____

Motion Made By Sveen Seconded By Hawken

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 0

Absent 2

Floor Assignment Disrud

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

REPORT OF STANDING COMMITTEE (410)
January 25, 1999 3:49 p.m.

Module No: HR-15-1142
Carrier: Disrud
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1205 was placed on the
Eleventh order on the calendar.

1999 SENATE JUDICIARY

HB 1205

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1205

Senate Judiciary Committee

Conference Committee

Hearing Date March 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		5263 - end
1		x	0 - 552
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

HB1205 is to provide for the accessibility of sexual offender and crimes against children information to law enforcement officers.

SENATOR STENEHJEM opened the hearing on HB1205 at 10:45 A.M.

All were present except Senator C. Nelson.

REPRESENTATIVE KOPPELMAN, District 13, testified in support of HB1205. Testimony attached.

SENATOR TRAYNOR asked what process are they using now.

REPRESENTATIVE KOPPELMAN stated that I believe its just a normal record check, this would be instantaneous.

JONATHAN BYERS, Attorney General's Office, testified in support of HB1205. Testimony attached.

SENATOR STENEHJEM asked what information is given now.

JONATHAN BYERS stated if the officer requested the information he may get it, but with this bill they would get the information automatically either in North Dakota or other states.

SENATOR STENEHJEM asked if this would be nationwide.

JONATHAN BYERS stated that yes, that it what they indicate with the NCIC 2000.

SENATOR TRAYNOR asked how much it is costing the Federal government to implement this in North Dakota.

JONATHAN BYERS stated that the 100% grant that they gave us which we didn't have to have any matching funds for was about \$200,000.

DICK PECK, North Dakota Peace Officers, testified in support of HB1205.

LINDA ISAAKSON, Children's Caucus, testified in support of HB1205.

SENATOR STENEHJEM CLOSED the hearing on HB1205.

SENATOR WATNE made a motion for DO PASS, SENATOR LYSON seconded. Motion carried. 4 - 0 - 2

SENATOR STENEHJEM will carry the bill.

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

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1205

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

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					
SenatorCarolynn Nelson					

Total (Yes) 4 No 0

Absent 2

Floor Assignment Senator Stenehjem

REPORT OF STANDING COMMITTEE (410)
March 1, 1999 12:49 p.m.

Module No: SR-36-3749
Carrier: W. Stenehjem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS
(4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1205 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

HB 1205



Children's Caucus

January 25, 1999

House Judiciary Committee

House Bill 1205

Chairman DeKrey and members of the committee:

My name is Linda Isakson. I am executive director of the Children's Caucus. The Caucus is a membership organization formed to promote the health, safety and welfare of North Dakota's children through education and policy.

The Children's Caucus stands in favor of House Bill 1205.

This bill allows for the accessing of information about those offenders on the registration list by persons who most need to know. It is important that law enforcement have access to this information upon request especially when stopping vehicles in which children seem to be upset or agitated.

The Caucus supports the Attorney General supplying this information to the Department of Transportation where license plate characters or license driver's numbers can readily access it.

Many members were surprised that this information was not available in this means.

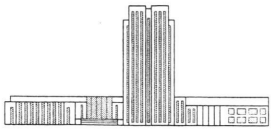
In studying other bills concerning the same information, this bill seems to be a reasonable compromise in protecting children and the right to know.

Thank you for your consideration of this testimony.

Respectfully Submitted:

Linda Isakson

Children's Caucus



Representative Kim Koppelman
District 13
513 First Avenue NW
West Fargo, ND 58078-1101

NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions

Testimony on House Bill 1205 before the Senate Judiciary Committee

by Rep. Kim Koppelman
3-1-99

Mr. Chairman and Members of the Senate Judiciary Committee, I am Rep. Kim Koppelman and I represent District 13, which consists essentially of West Fargo and a small surrounding rural area.

House Bill 1205 would give law enforcement officials virtually instantaneous notification of a convicted sex offender's status. I believe this may prove an invaluable law enforcement tool and, consequently, an important deterrent to combat these heinous crimes in our state.

Under this legislation, we can make use of the technology available to us to alert law enforcement personnel in situations when it could make a life and death difference. It will make a convicted sex offender's status known to law enforcement, when a check is run on that individual's driver's license or license plate. This would alert an officer investigating a suspicious situation and possibly lead to the prevention of crimes.

In the past interim, the Criminal Justice Committee studied this issue and proposed a bill which would have placed a "Y" on the driver's license of convicted sex offenders. While this bill was motivated by some of the same worthwhile objectives, it also, in my opinion, was flawed legislation. Both the law enforcement community and the House of Representatives agreed and that bill was defeated in favor of this approach.

Mr. Chairman and Members of the Committee, I urge a "Do-Pass" recommendation on House Bill 1205 and I'll be happy to attempt to answer any questions you might have.

**HOUSE BILL 1205
MARCH 1ST, 1999
SENATE JUDICIARY COMMITTEE
FORT LINCOLN ROOM**

Testimony by Jonathan Byers, Assistant Attorney General

Chairman Stenehjem, members of the Senate Judiciary Committee:

I appear on behalf of the Attorney General and testify in support of House Bill 1205. This bill was introduced as an alternative to having a mark appear on the driver's license of registered sex offenders. The intent is to make sure that officers making traffic stops are informed whether the motorist is a registered sex offender.

The Attorney General has indicated that although there may be a fiscal impact for providing this information, a federal grant that we have received will cover those expenses. The system is expected to be operational in July 1999.

The bill requires the Attorney General to provide information in a form that is referenced by the driver's license number or number plate characters. The information that is available in July 1999 will reference driver's license numbers.

I would be happy to answer any questions.