

1999 HOUSE JUDICIARY

HB 1473

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1473

House Judiciary Committee

Conference Committee

Hearing Date : February 3, 1999

Tape Number	Side A	Side B	Meter #
1	X		0
Committee Clerk Signature			

Minutes:

BONNIE PALACEK (Coalition Against Sexual Abuse) Submitted written testimony, a copy of which is attached.

COMMITTEE ACTION: February 3, 1999

REP DELMORE moved that the bill be amended . Rep. Hawken seconded and the amendments were adopted by a unanimous voice vote.

REP. HAWKEN moved that the committee recommend that the bill DO PASS AS

AMENDED. Rep. Delmore seconded and the motion passed on a roll call vote with 14 ayes, 0 nays and 1 absent. Rep. Sveen was assigned to carry the bill on the floor

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1473 Amendment to: _____

Requested by Legislative Council Date of Request: 1-20-99

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:

HB 1473 allows for domestic violence/sexual assault agencies to utilize the domestic violence prevention fund to cover costs of services provided to sexual assault victims and domestic violence victims.

The fiscal impact on the State Department of Health is nil.

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:	-0-	-0-	-0-	-0-	-0-	-0-
Expenditures:	-0-	-0-	-0-	-0-	-0-	-0-


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: -0-
- c. For the 2001-03 biennium: -0-

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
	-0-			-0-			-0-	

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Robert A. Barnett

Department State Department of Health

Phone Number 328-2392

Date Prepared: 1-22-99

Date: 2/3
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1473

House JUDICIARY Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number Do Pass as Am

Action Taken _____

Motion Made By Hawken Seconded By Delmore

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

Total Yes _____ No _____

Absent _____

Floor Assignment Seen

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

REPORT OF STANDING COMMITTEE

HB 1473: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1473 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "or"

Page 1, line 16, replace "or" with "and"

Page 2, line 17, remove "or"

Page 2, line 18, remove "or"

Renumber accordingly

1999 SENATE JUDICIARY

HB 1473

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1473

Senate Judiciary Committee

Conference Committee

Hearing Date March 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		2709 - 3146
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

HB1473 relates to the domestic violence and sexual assault prevention fund; and to provide an appropriation.

SENATOR STENEHJEM opened the hearing on HB1473 at 9:45 A.M.

All were present except Senator C. Nelson.

BONNIE PALACEK, North Dakota Council on Abused Women, testified in support of HB1473.

Testimony attached.

SENATOR STENEHJEM CLOSED the hearing on HB1473.

SENATOR LYSON made a motion for DO PASS ON ENGROSSED BILL AND PUT ON THE CONSENT CALENDAR, SENATOR TRAYNOR 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. HB1473

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS to Engrossed Bill on
Consent Calendar

Motion Made By Senator Lyson Seconded By Senator Traynor

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					

Total (Yes) 4 No 0

Absent 2

Floor Assignment Senator Stenehjem

REPORT OF STANDING COMMITTEE (410)
March 1, 1999 2:09 p.m.

Module No: SR-36-3792
Carrier: W. Stenehjem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1473, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1473 was placed on the Tenth order on the calendar.

**1999 TESTIMONY
HB 1473**

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NW, ND
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VALLEY CITY
Abused Persons Outreach
Center
842-7878
WILLISTON
Therapists Crisis Center
642-2115
WILLISTON
Family Crisis Shelter
572-0757

Testimony on HB1473

Testimony HB1473
House Judiciary Committee
February 3, 1999

Chair DeKrey and Members of the Committee:

My name is Bonnie Palecek, and I am speaking on behalf of the ND Council on Abused Women's Services/Coalition Against Sexual Assault in ND.

The Domestic Violence Prevention Fund was created in 1981 in order to provide funds for 13 local domestic violence programs statewide. The Fund was initiated with a \$19 surcharge on marriage licenses, a surcharge which was eventually raised to \$29 and supplemented with a General Fund appropriation. That appropriation is currently \$45,000 a year for 20 programs.

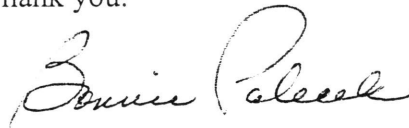
The state coalition of domestic violence service providers, the ND Council on Abused Women's Services, and the state coalition of sexual assault service providers, the Coalition Against Sexual Assault in North Dakota, merged in 1992. The membership in each organization was identical, and it was not feasible to sustain two organizations. Every local agency currently provides services to both victim populations.

HB1473 asks a statutory name change to reflect the scope of the current organization. If more money were ever to be appropriated to the Fund, it would allow local centers the flexibility of using it where it was most needed. This is especially important for sexual assault services because no state dollars and very limited federal dollars have been specifically earmarked for these services. Eventually, if enough funds were available, it would also be helpful to have flexibility to include the state coalition, because currently no state dollars are earmarked for its services, and non-federal match is a critical problem.

Newly released statistics on sexual assault in North Dakota in 1998, reveal 876 new cases, 344 secondary victims served (such as boyfriends and spouses), and 1,284 hotline calls. The attached data sheet will give you a profile of those victimized.

We share this information with you to illustrate that providing services to victims of sexual assault has indeed been integrated into community based crisis intervention agencies across the state. A change in the name and scope of the Domestic Violence Prevention Fund will reflect the reality of our mission as we enter the next century. We ask your support.

Thank you.



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota
418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-800-472-2911 • Fax: 255-1904





SEXUAL ASSAULT PROGRAM - DATA COLLECTION
 NORTH DAKOTA DEPARTMENT OF HEALTH
 MATERNAL AND CHILD HEALTH DIVISION
 SFN 19753 (Rev. 05-98)

Program Name Sexual Assault Statistics	Month of January-December 1998
Report Completed By Andrea Martin/NDCAWS/CASAND	Telephone Number 255-6240

1. Total Number of New Cases 876	2. Total Number of Secondary Victims Served For New Cases 344	3. Total Number of Calls to Hotline 1,284
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NOTE: COMPLETE THE FOLLOWING FOR **NEW CASES**. A new case is defined as a person who has been sexually assaulted, and the program has provided services to the primary victim or secondary victim(s) (family or friend of victim) for the first time this month in the current year. (#1 only)

4. CURRENT AGE OF PRIMARY VICTIM

63 0-5 years
157 6-12 years
205 13-17 years
208 18-29 years
115 30-44 years
40 45-64 years
3 65 and older
85 Unknown

5. ETHNIC BACKGROUND OF PRIMARY VICTIM

745 Caucasian/White
64 American Indian/Alaskan Native
 African American/Black
 Asian/Pacific Islander
15 Hispanic
 Other
 Unknown

6. PREVIOUSLY KNOWN DISABILITY OF PRIMARY VICTIM (Mark all that apply)

6 Visually Impaired/Blind
5 Hearing Impaired/Deaf
59 Developmentally Delayed
21 Physical/Medical Disability
52 Mentally Ill
4 Other (Specify) _____
90 Unknown

7. REFERRAL SOURCE (Indicate for person making initial contact with program)

295 Self
144 Friend/Family Member
117 Mental Health/Human Svcs (including Teachers, Clergy, etc.)
96 Criminal Justice (Including Law Enf., Co. Atty., Court)
101 Social Services/Child Protection
65 Medical Services
10 Other Victim Assistance Program
 Media Announcement (Public Service Announcement, etc.)
 Program Brochure(s)
 Other Program Outreach (Heard a Presentation, etc.)
24 Other
12 Unknown

8. VICTIM & ASSAILANT GENDER (Mark only one assault per case; if more than one, use presenting or most current)

758 Male Assailant/Female Victim
56 Male Assailant/Male Victim
22 Female Assailant/Female Victim
22 Female Assailant/Male Victim
9 Assailant Gender Unknown/Female Victim
5 Assailant Gender Unknown/Male Victim
 Male Assailant/Victim Gender Unknown
2 Female Assailant/Victim Gender Unknown
2 Both Assailant and Victim Gender Unknown

9. ASSAILANT'S RELATIONSHIP TO VICTIM (Mark only one assault per case; if more than one, use presenting or most current)

A ADULT VICTIM	B CHILD VICTIM	C AGE UNKNOWN	
<u>6</u>	<u>101</u>	<u> </u>	Parent*
<u>2</u>	<u>32</u>	<u> </u>	Stepparent*
<u>3</u>	<u>29</u>	<u> </u>	Other Cohabiting Adult in Parental Role*
<u>4</u>	<u>59</u>	<u> </u>	Sibling*
<u>12</u>	<u>72</u>	<u> </u>	Other Relative*
<u>7</u>	<u>30</u>	<u> </u>	Person in Position of Authority
<u>161</u>	<u>173</u>	<u> </u>	Friend/Acquaintance/Date
<u>46</u>	<u> </u>	<u> </u>	Spouse/Cohabiting Adult
<u>13</u>	<u>1</u>	<u> </u>	Co-Worker/Employer
<u> </u>	<u> </u>	<u> </u>	Therapist/Counselor
<u>1</u>	<u>4</u>	<u> </u>	Other Professional
<u>48</u>	<u>21</u>	<u> </u>	Stranger
<u>14</u>	<u>37</u>	<u> </u>	Information Unknown
<u>317</u>	<u>559</u>	<u> </u>	TOTALS

9a. Of total adults served in column A, how many assaults were:

235 Rape
41 Attempted rape
41 Other sexual contact
42 Of total adults seen, how many were also victims of incest? (any first five categories of #9 marked with an asterisk.)
19 Of total adults served, how many were also victims of child sexual abuse (not incest)?

9b. Of total children served in column B, how many assaults were:

211 Rape
266 Attempted rape
122 Other sexual contact

10. **MULTIPLE ASSAULTS**
399 Number of cases in which the victim was known to have been assaulted more than once.

MULTIPLE ASSAILANTS
81 Number of cases in which the victim was known to have been assaulted by more than one assailant.

12. **ASSAULTS REPORTED**
515 Reported to Law Enforcement
300 NOT Reported to Law Enforcement
49 Unknown If Reported to Law Enforcement

13. **LENGTH OF TIME BETWEEN ASSAULT AND CONTACT WITH PROGRAM**

A ADULT VICTIM	B CHILD VICTIM	C AGE UNKNOWN	
<u>50</u>	<u>30</u>		Same Day
<u>29</u>	<u>23</u>		1 Day
<u>16</u>	<u>19</u>		2 Days
<u>41</u>	<u>30</u>		3-6 Days
<u>52</u>	<u>85</u>		1 Week - 1 Month
<u>28</u>	<u>62</u>		2 - 6 Months
<u>5</u>	<u>24</u>		7 - 11 Months
<u>34</u>	<u>102</u>		1 - 5 Years
<u>10</u>	<u>47</u>		6 - 10 Years
<u>7</u>	<u>13</u>		11 - 15 Years
<u>18</u>	<u>53</u>		Over 15 Years
<u>27</u>	<u>71</u>		Unknown

LOCATION OF ASSAULT

A ADULT VICTIM	B CHILD VICTIM	C AGE UNKNOWN	
<u>106</u>	<u>178</u>		Victim's Home
<u>59</u>	<u>145</u>		Assailant's Home
<u>18</u>	<u>87</u>		Victim's and Assailant's Home
<u>9</u>	<u>20</u>		Assailant's Car
<u>19</u>	<u>30</u>		Outside
<u>13</u>			College Campus
<u>16</u>	<u>4</u>		Workplace
<u>9</u>	<u>10</u>		Institution
<u>30</u>	<u>24</u>		Other (Specify)
<u>38</u>	<u>61</u>		Unknown

NOTE: ALL PRIMARY AND SECONDARY/ (BOTH NEW AND CONTINUING).

15. **NUMBER OF CONTACTS**
 PRIMARY VICTIM 3,449 SECONDARY VICTIMS 855 NOTE: Each time a person contacts your program for services, count that person as a contact (e.g., if both a primary and secondary victim are present, count as two contacts).

16. **SERVICES PROVIDED** (Include all services provided. More than one service may be provided during a contact).

PRIMARY VICTIM	SECONDARY VICTIMS	
<u>831</u>	<u>475</u>	Crisis Intervention
<u>2,937</u>	<u>763</u>	Support Counseling (Indiv., Family, or Group)
<u>329</u>	<u>192</u>	Criminal Justice Information/Advocacy

<u>223</u>	<u>94</u>	Medical Information/Advocacy
<u>332</u>	<u>38</u>	Victim Compensation Claim Information/Advocacy
<u>1,442</u>	<u>517</u>	Prevention/Safety Information/Advocacy
<u>847</u>	<u>436</u>	Other Information/Advocacy
<u>168</u>	<u>60</u>	Emergency Services (e.g., Housing, Transportation, Financial, Child Care)
<u>425</u>	<u>176</u>	Other (specify)
<u>7,534</u>	<u>2,751</u>	TOTAL SERVICES PROVIDED

17. **REFERRALS MADE** (Count all referrals made. More than one referral may be made during a contact.)

PRIMARY VICTIMS	SECONDARY VICTIMS	
<u>206</u>	<u>118</u>	Criminal Justice/Legal
<u>120</u>	<u>50</u>	Medical Service Provider
<u>61</u>	<u>101</u>	Social Services/Child Protection
<u>185</u>	<u>96</u>	Mental Health/Human Services Provider
<u>68</u>	<u>38</u>	Other Victim Assistance Program
<u>89</u>	<u>26</u>	Self-Help Group
<u>57</u>	<u>38</u>	Other
<u>786</u>	<u>466</u>	TOTAL REFERRALS MADE

NOTE: If more than one presentation to same group count each presentation, but # of participants only once.

18. **TRAINING PROVIDED TO PROFESSIONALS**

NUMBER OF PRESENTATIONS	NUMBER OF PARTICIPANTS	
<u>14</u>	<u>184</u>	Law Enforcement
<u>21</u>	<u>389</u>	Medical
<u>1</u>	<u>30</u>	Legal
<u>19</u>	<u>239</u>	Human Services
<u>4</u>	<u>145</u>	Clergy
<u>39</u>	<u>721</u>	Teachers/Educators
<u>38</u>	<u>446</u>	Other Victim Services
<u>16</u>	<u>351</u>	Multidisciplinary
<u>14</u>	<u>571</u>	Other (Specify)
<u>166</u>	<u>3,076</u>	TOTALS

19. **PREVENTION/EDUCATION PRESENTATIONS MADE**

NUMBER OF PRESENTATIONS	NUMBER OF PARTICIPANTS	
<u>165</u>	<u>3,926</u>	Grades K-4
<u>227</u>	<u>6,774</u>	Grades 5-9
<u>113</u>	<u>3,756</u>	Grades 10-12
<u>48</u>	<u>2,370</u>	4 Year College
<u>2</u>	<u>30</u>	Post Graduate
<u>11</u>	<u>454</u>	Parent Groups
<u>5</u>	<u>60</u>	Disabled Groups
<u>29</u>	<u>1,118</u>	Religious Groups
<u>39</u>	<u>736</u>	Employee/Workplace Groups
<u>77</u>	<u>4,301</u>	General
<u>65</u>	<u>1,170</u>	Other (Specify)
<u>781</u>	<u>24,695</u>	TOTALS

20. **NUMBER OF SCHOOLS IN WHICH YOU GAVE SEXUAL ASSAULT PRESENTATIONS.**

<u>53</u>	Grades K-4
<u>45</u>	Grades 5-9
<u>80</u>	Grades 10-12
<u>23</u>	4 Years College
<u>3</u>	Post Graduate

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Testimony HB1473
Senate Judiciary Committee
March 1, 1999

Chair Stenehjem and Members of the Committee:

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Testimony on HB1473



FACTS ABOUT SEXUAL ASSAULT IN NORTH DAKOTA January-December 1998

- ❑ 876 **primary victims** and 344 secondary victims were served by 18 sexual assault crisis centers throughout ND.
- ❑ At least 64% (559) of primary victims were under the age of 18 years old at the time of the assault/s.
- ❑ At least 90% (789) of the **victims** were **female**.
- ❑ At least 93% (814) of the **assailants** were **male**.
- ❑ At least 5% (46) of the **assailants** were **female**.
- ❑ In at least **515** of the 876 **cases** (59%) **the crime was reported to law enforcement**.
- ❑ At least 21% (188) of the victims **contacted** a sexual assault center about the crime within 1 day-1 month of the assault.
- ❑ At least 87% (758) of the cases were **male assailant/female victim**.
- ❑ At least 6% (56) of the cases were **male assailant/male victim**.
- ❑ At least 51% of the assaults were **rape**, 30% **attempted rape**, and 19% were **sexual contact** other than rape or attempted rape.
- ❑ In at least 86% (756) of the cases the **assailant was known to the victim**.
- ❑ In at least 42% (366) of the cases the **assailant was a family member**.
- ❑ In at least 38% (334) of the cases the **assailant was a friend/acquaintance/date** of the victim.
- ❑ At least 38% (335) of the cases were **incest or indicated a history of incest**.
- ❑ At least 46 (5%) of the adult victims seeking sexual assault services were **assaulted by a spouse or cohabiting partner**.
- ❑ At least 68% of the **assaults occurred in the victim's or assailant's home**.
- ❑ At least 50% (439) of the victims were **referred** to sexual assault service providers by **themselves, friends, or family members**.
- ❑ *1,284 calls to program hotlines were made.*
- ❑ 166 **training presentations** were made to more than 3,076 **professionals** working with sexual assault issues.
- ❑ 781 **public education presentations** were made to more than 24,695 **people from various groups** within communities throughout ND.