

**1999 SENATE JUDICIARY**

**SB 2211**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2211

Senate Judiciary Committee

Conference Committee

Hearing Date January 20, 1999

Tape Number	Side A	Side B	Meter #
1	x		4467 - end
		x	0 - 178
1-27-99 2		x	4200 - 5108
Committee Clerk Signature <i>Jackie Folmer</i>			

Minutes:

SB2211 relates to the definition of types of bodily injury.

SENATOR WATNE opened the hearing on SB221 at 10:00 A.M.

All were present except SENATOR STENEHJEM AND SENATOR TRAYNOR.

LONNIE OLSON, Ramsey County States Attorney, testified in support of SB2211. The problem that comes up is the rule of statutory interpretation. When you have two definitions that are contradictory to each other, the more specific definition outweighs the more general definition. The argument that has been used successfully is that a bone fracture is conceived to be extremely painful, therefore the bone fraction definition is more specific and the bone fraction definition takes precedence over the allocation of extreme pain. The States Attorney Association strongly feels that a broken bone from an assault should be a felony.

SENATOR WATNE asked about section 1 amended and reenacted.

LONNIE OLSON stated that they made the definition of the Courts different effective. What this bill does is changes substantial bodily injury and serious bodily injury for both now and in the future.

SENATOR NELSON asked since serious outrules substantial and therefore you want the bone fracture in serious and not in substantial and serious is a felony and substantial is a misdemeanor.

CYNTHIA FELAND, Burleigh County States Attorney, testified in support SB2211. We want the bone fracture to placed serious instead of substantial. Bone fractures are not permanent disfiguration, but they may have a lifetime pain. We would like the ability to make the punishment to fit the crime.

JOHN V. EMTER testified. We have lawyers saying we have to fight other lawyers. You have one bill saying that lawyers are disputing it is not a person who commits a crime, it is lawyers saying he did not commit a crime. The Constitution is saying he is innocent of the crime. Now we have lawyers fighting lawyers. The people who are protecting us are fighting each other. Now they want to make more bills so they can fight each other harder. They are not trying to solve the crimes they are trying to create crimes by fighting harder by making more laws. Can you answer that question?

SENATOR LYSON stated we are talking about one bill here right now. As a former law enforcement officer, I can tell you that we have people that punches his wife in the face just so he can break her cheekbones and has done it several times. They do this because nobody sees those things and all they can do is charge them with a minor misdemeanor and should be getting charged with a felony and put in the pen.

JOHN V. EMPETER asked if we really need that. Do we really need all these laws so somebody can fight over them.

SENATOR LYSON stated we need laws because we are a nation of laws. And as a nation of laws, we need laws to protect the citizens. And as these laws come about with this one here, yes we need a law like this because if someone attacks someone they should be put someplace to protect the public.

JOHN V. EMPETER said he can go into court and lie about it. We can have lawyers make them this is there living. They don't make a living out of honesty, they make a living out of dishonesty. Ask any lawyer you want to, any police officer. We cannot make a living on honesty. There is no price for honesty.

SENATOR WATNE CLOSED the hearing on SB2211.

SENATOR WATNE made a motion for DO PASS, SENATOR LYSON seconded.

SENATOR NELSON will carry the bill.

5 - 0 - 0

Date: 1-27-99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2211

Senate Judiciary Committee

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

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

Action Taken Do PASS.

Motion Made By Watne Seconded By 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 Nelson

REPORT OF STANDING COMMITTEE (410)  
January 27, 1999 4:07 p.m.

Module No: SR-17-1309  
Carrier: C. Nelson  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2211: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the  
Eleventh order on the calendar.

**1999 HOUSE JUDICIARY**

**SB 2211**

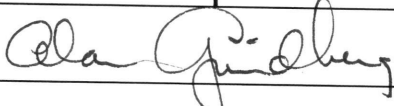
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2211

House Judiciary Committee

Conference Committee

Hearing Date : February 16, 1999

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

Minutes:

REP. MAHONEY This is a simple bill which was introduced in response to a holding by a judge that a broken bone was not a serious injury. Its purpose is to make sure that this doesn't happen again.

CYNTHIA FELAND (SA Assoc.) We support this bill. The law defines bodily injury, substantial bodily injury and serious bodily injury as the criteria for assault, as to whether it is simple assault or aggravated assault. A judge held that a broken nose was not substantial injury and only allowed a charge of simple assault. Yet, the treating physician said that if he had been hit just a little harder his bones would have been driven back into his brain, and he would be dead.

BONNIE PALACEK We support this bill. Forty percent of the charges in domestic violence cases is simple assault, and this will more clearly define what the charge should be.



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House Judiciary Committee

Bill/Resolution Number 2211

Hearing Date : February 16, 1999

COMMITTEE ACTION

REP. SVEEN moved that the committee recommend that the bill DO PASS. Rep. Mahoney seconded and the motion was passed on a roll call vote with 12 ayes, 0 nays and 3 absent. Rep. Hawken was assigned to carry the bill.

Date: 2/16  
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 221**

House JUDICIARY Committee

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

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

Action Taken Do Pass

Motion Made By Sveen Seconded By Mahoney

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 12 No 0

Absent 3

Floor Assignment Hawken

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

**REPORT OF STANDING COMMITTEE (410)**  
February 16, 1999 1:12 p.m.

**Module No: HR-31-3136**  
**Carrier: Hawken**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2211: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2211 was placed on the  
Fourteenth order on the calendar.