

1999 SENATE JUDICIARY

SB 2394

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2394

Senate Judiciary Committee

Conference Committee

Hearing Date February 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		5150 - end
1		x	0 - 870
2-2-99 2		x	1710 - 2240
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

SB2394 relates to arrest without a warrant by a peace officer.

SENATOR STENEHJEM opened the hearing on SB2394 at 10:00 a.m.

All were present.

SENATOR ST. AUBYN testified in support of SB2394. Testimony attached. There may need to be amendments drafted to make this bill less broad.

DUANE CZAPIEWSKI, Chief of Police at the University of North Dakota, testified in support of SB2394. Testimony attached.

SENATOR NELSON asked if the police at NDSU have similar problems.

DUANE CZAPIEWSKI stated that yes they have the same problems.

SENATOR LYSON asked if you have talked to the Grand Forks Chief of Police and what are his feelings.

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Senate Judiciary Committee

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DUANE CZAPIEWSKI stated that yes they have and he has not objected to us to have authority to and from our jurisdiction.

SENATOR LYSON asked if there needs to be a law with this or can you just be deputized by the Chief of Police of Grand Forks.

DUANE CZAPIEWSKI stated that he didn't know. They are separate entities. At the present time, we do work together.

SENATOR STENEHJEM asked what are the jurisdictional limits of the campus police.

DUANE CZAPIEWSKI stated that the jurisdictional limits that we have established with the Grand Forks police encompasses the campus and to include residential areas.

SENATOR STENEHJEM asked if they had authority in the fraternities and sororities.

DUANE CZAPIEWSKI stated that yes they do.

SENATOR LYSON asked how NDSU and Wahpeton feel about this.

DUANE CZAPIEWSKI stated they are in agreement.

SENATOR STENEHJEM asked what the jurisdiction of the city police are.

DUANE CZAPIEWSKI stated that the city police have a 1 to 1 ½ mile outside of the city limits.

SENATOR NELSON asked about other campuses like the University of Mary.

DUANE CZAPIEWSKI stated that the Highway Patrol would have jurisdiction there.

DICK PECK, North Dakota Peace Officers, testified with some concern of SB2394 as it is written now. With certain amendments we would be in support of SB2394.

SENATOR STENEHJEM CLOSED the hearing on SB2394.

Discussion.

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SENATOR STENEHJEM suggested that he would talk to Senator St. Aubyn before any action is taken.

SENATOR WATNE made a motion for DO NOT PASS, SENATOR BERCIER seconded.

SENATOR BERCIER will carry the bill.

5 - 1 - 0

Date: 2-2-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 0394

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Watne Seconded By Bercier

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) 5 No 1

Absent 0

Floor Assignment Senator Bercier

REPORT OF STANDING COMMITTEE (410)
February 3, 1999 7:29 a.m.

Module No: SR-22-1741
Carrier: Bercier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2394: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

SB 2394

SB 2394
Senate Judiciary
February 1, 1999

Mister Chairman and members of the Judiciary Committee, for the record I am Senator Rod St. Aubyn, representing District 43, in Grand Forks. I was asked to introduce this legislation at the request of the Chief of Police at the University of North Dakota. UND Police have a specifically designated area of jurisdiction within Grand Forks. On one occasion the police were patrolling along one of the boundary streets of their jurisdiction. They encountered a car in the ditch on the opposite side of the street of their jurisdiction. Upon further investigation, the officer discovered that the driver was intoxicated and was subsequently arrested. However, the charges were later dismissed because the judge felt that the UND Police were beyond their area of jurisdiction. I have spoken with the chairman of this committee about this bill. I had asked the legislative council staff to write the legislation. However, the language of this bill may not be exactly what is needed to accomplish what we desire. I ask for your assistance in working with us in drafting any amendments which may be necessary to deal with the problems. Mr. Chairman and committee members, I would normally stand for questions, however, this is way beyond my expertise and I would suggest we wait until Chief Czapiewski gives his testimony. I ask for your support in giving SB 2394 a Do Pass recommendation. Thank you.

Testimony on SB 2394
Senate Judiciary
February 1, 1999

Mister Chairman and members of the Judiciary Committee, for the record I am Duane Czapiewski, Chief of Police at the University of North Dakota, in Grand Forks. The University has properties off the campus proper and our department has the responsibility for law enforcement and security issues for those areas as well as the main campus. UND Police has been designated a specific jurisdiction which entails the UND campus along with a section of residential area within Grand Forks. We are a licensed peace officers in the State of North Dakota. We have the same training as any other law enforcement agency in North Dakota and must maintain the same standards. We also do document transfers to the court and transporting prisoners to the correctional center. We often encounter various violations going to or returning from those areas. With our present statutes campus law enforcement does not have the authority to intercede or stop the suspects. The incident relayed by Senator St. Aubyn is one of many which have occurred and the court has dismissed charges because they felt we were beyond our jurisdiction. Based on the 1990 Campus Security Act and the 1997 Higher Education Act, our Department is mandated to report all criminal statistics to the public and identify the crimes adjacent to our jurisdiction which may affect students.

Under section 15-10-17.1, the Board of Higher Education could ask our department to investigate an incident or situation at another campus. We could do so within the campus jurisdiction. However, it is questionable that we would have the legal authority to pursue a criminal charge. On college campuses, many activities are better left as a campus administrative sanction, versus criminal charges. When a campus does not have their own campus police, it

becomes more of a problem working with their city's police department because of the nature of campus organizations. Our intent is not to broaden our power, we have more work than we can handle at this time. We do want to have the ability to handle those other types of situations which may occur at some of our other campuses. We are sensitive to the public reaction of having the public see a police officer at the scene of a crime, but not be able to deal with it. Mister Chairman and committee members, while the language in this bill may not be exactly what should be enacted, I hope you can help us correct the problems we currently experience. I ask for your support in giving SB 2394 a Do Pass recommendation. Mr. Chairman, I would be willing to answer any questions the committee may have.