

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1092

2001 HOUSE JUDICIARY

HB 1092

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1092

House Judiciary Committee

Conference Committee

Hearing Date 01-15-01

Tape Number	Side A	Side B	Meter #
Tape I	x		4101 to 5412
		x	1253 to 1513
Committee Clerk Signature <i>Juan Rivera</i>			

Minutes: Chr DeKrey opened the hearing on HB 1092.

Ken Sorenson - Assistant Attorney General - (see attached testimony).

Rep. Kretschmar: Would this bill take care of the situation when Kyle Bell got away?

Ken Sorenson: That is what prompted the bill.

Chr DeKrey: Any other questions, is there anyone else here to testify for or against HB 1092?

We will close the hearing on HB 1092.

Chr DeKrey: We will take up HB 1092. Rep Maragos moved the amendments submitted on HB 1092, second by Rep Delmore. Chairman called for a voice vote on the amendments.

Amendments carried. What are the wishes of the committee? Rep Delmore moved a DO PASS as amended, seconded by Rep Maragos, the clerk will take the roll call vote. Motion passes 15 yes, 0 no, 0 absent. Floor assignment is Rep Gunter.

PROPOSED AMENDMENTS TO HOUSE BILL 1092

Page 1, line 1, remove "12-47-36 and a new"

Page 1, line 2, remove "subsection to section" and "from"

Page 1, line 3, remove "the custody of the warden"

Page 1, Line 8, remove lines 8 through 15⁴

Page 1, line 16, replace "SECTION 2" with "SECTION 1"

Page 1, line 21, after "state", insert a comma; after "Burleigh County" insert "or in the county in which the order committing the person to official detention was entered"

Page 1, line 22, remove "in all other cases, the jurisdiction of a violation of this section is within"

Page 1, remove lines 23 and 24

Page 2, line 1, replace "SECTION 3" with "SECTION 4"

Page 2, line 13, replace "SECTION 4" with "SECTION 3"

Page 2, line 15, replace "SECTION 5" with "SECTION 4"

VR
1/15/01

House Amendments to HR 1002 House Judiciary 01-16-01

Page 1, line 1, remove "12-47-34 and a new"

Page 1, line 2, remove "subsection to section" and remove "from"

Page 1, line 3, remove "the custody of the warden"

Page 1, remove lines 8 through 15

Page 1, line 20, remove the underscored comma

Page 1, line 21, after "state" insert an underscored comma, after "and" insert "is", and after "County" insert "or in the county in which the order committing the person to official detention was entered"

Page 1, line 22, remove "In all other cases, the jurisdiction of a violation of this section is within"

Page 1, remove lines 23 and 24

Renumber accordingly

Date: 01-15-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1092

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Rep Delmore Seconded By Rep Maragos

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep Hunter

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

REPORT OF STANDING COMMITTEE

HB 1092: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1092 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "12-47-34 and a new"

Page 1, line 2, remove "subsection to section" and remove "from"

Page 1, line 3, remove "the custody of the warden"

Page 1, remove lines 8 through 15

Page 1, line 20, remove the underscored comma

Page 1, line 21, after "state" insert an underscored comma, after "and" insert "is", and after "County" insert "or in the county in which the order committing the person to official detention was entered"

Page 1, line 22, remove "In all other cases, the jurisdiction of a violation of this section is within"

Page 1, remove lines 23 and 24

Renumber accordingly

2001 SENATE JUDICIARY

HB 1092

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1092

Senate Judiciary Committee

Conference Committee

Hearing Date JANUARY 31ST, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-17.0
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on HB 1092: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SUBSECTION TO SECTION 12-47-34 AND A NEW SUBSECTION TO SECTION 12.1-08-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ESCAPES FROM THE CUSTODY OF THE WARDEN AND JURISDICTION OVER ESCAPES; TO AMEND AND REENACT SUBSECTION 1 OF SECTION 12.1-08-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ESCAPES; TO REPEAL SECTIONS 29-03-15 AND 29-03-16 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ESCAPES; AND TO DECLARE AN EMERGENCY.

Ken Sorenson, Assistant Attorney General submitting testimony on behalf of the North Dakota Department of Corrections and Rehabilitation. (testimony attached)

Senator Bercler, how does this effect subcontractors?

Ken Sorenson, sheriff is using a transporter, they are sill officially detained. We're changing the language.

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1092
Hearing Date January 31st, 2001

Senator Traynor, Bell escaped in New Mexico. If we had this bill, how would it differ from the present law?

Ken Sorenson, it wouldn't because we have the Federal Fugitive Warrant.

Senator Nelson, in section 1, why is the warden of the pen only here?

Ken Sorenson, I don't think that changes much.

Senator Nelson, how about "a warden" instead of "the warden?"

Senator Lyson, I think what is done here is excellent.

Senator Bercler, a private contractor, who was doing this? How would this bill help?

Ken Sorenson, this won't help in the apprehension. This will help with jurisdiction. HB 1350 deals with subcontractors.

Senator Traynor what about the escape from a law enforcement center?

Ken Sorenson, their under official detention. Line 11, pg. 1. line 2 page 2 covers this.

Senator Nelson, what do they do now with transportation? A gentlemen's agreement?

Ken Sorenson, they still need to sign for jurisdiction. You need to extradite.

Senator Bercler, how about travel jurisdiction?

Ken Sorenson, this doesn't change that, when it comes to tribal jurisdiction.

Senator Lyson, we use same extradition as we do other states as well as territories.

Senator Bercler, could we include language to include the tribes?

Senator Lyson, when a person runs to another state, we need to give them over to the local authorities (sites MT as an example)

Senator Traynor closed the hearing on HB 1092.

SENATOR NELSON MOTIONED TO AMEND HB 1092, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT

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Senate Judiciary Committee

Bill/Resolution Number HB 1092

Hearing Date January 31st, 2001

**VOTING. SECOND MOTION WAS MADE BY SENATOR LYSON TO DO PASS AS
AMENDED, SECONDED BY SENATOR WATNE. VOTE INDICATED 7 YEAS, 0
NAYS AND 0 ABSENT AND NOT VOTING. SENATOR LYSON VOLUNTEERED TO
CARRY THE BILL.**

Date: 1/31/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1092

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend HB 1092

Motion Made By Nelson Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 1/31/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1092

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended.

Motion Made By Lyson Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Lyson

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

REPORT OF STANDING COMMITTEE (410)
February 1, 2001 8:48 a.m.

Module No: SR-18-2067
Carrier: Lyson
Insert LC: 18116.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1092, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1092 was placed on the Sixth order on the calendar.

Page 1, line 10, replace the first "the" with "a"

Page 1, line 24, replace the fourth "the" with "a"

Renumber accordingly

2001 TESTIMONY

HB 1092

