

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1208

2001 HOUSE JUDICIARY

HB 1208

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
Tape 1	x		2189 to 5478
Committee Clerk Signature <i>Joan Deers</i>			

Minutes: Chr DeKrey opened the hearing on HB 1208. Relating to DNA testing.

Rep Klemm: District 47 of Bismarek (see attached testimony).

Rep Delmore: Why did you make this so far reaching? The fiscal note on this is \$241,000.00, I am wondering if we need to be that broad. Are we covering all the crimes that are felonies in this state?

Rep Klemm: What we tried to do, is cover certain types of felons. If the committee wanted to is to narrow this bill, but it may defeat part of the purpose of the bill. I should point out that there a lot of misdemeanors included in the chapters, but they are not included in this.

Rep Delmore: I think your point is well taken, I just don't want to see this die by fiscal note.

Rep Klemm: The cost is small as opposed to the cost of the victims, if this could be used to determine the guilt or innocence of a person.

Rep Fairfield: How long is the DNA collected from the crime scene kept?

Rep Klemm: I don't know the answer.

Rep Fairfield: I assume the data base if kept indefinite, the reason I ask, I have heard of other states, getting rid of the DNA so that the criminals cannot reference it for an appeal.

Rep Klemm: I don't know the answer to your question. How long it is kept is not a part of this bill.

Vice Chr Kretschmar: A note in the bill, is DNA defined in the code?

Rep Klemm: It is defined in another section.

Rep Mahoney: District 33, Center, North Dakota. I am a States Attorney. In reference to Rep Kretschmars question, the name defines itself, it is a scientific term. This bill will move us into the 21st century. This is much better than finger printing. It is easier to take, with regard to the fiscal note, your local law enforcement takes it. I think this is something we should explore to bring down the fiscal note. The offenses that we are talking about are violent offenses. This is an excellent tool.

Rep Onstad: You mentioned ND CC 12.1-27, to performance by children, when a juvenile is involved, this goes into the data base, and is around for years, prior to 18, does this get scraped and they have a clean slate.

Rep Mahoney: If some one is a minor, who did the offense, they can be moved into adult court. If it is in juvenile court, I don't think that this would apply.

Rep Eckre: If convicted of DUI are they assessed the court costs for the testing?

Rep Mahoney: No, they are not.

John Olson: Representing the North Dakota States Attorney Association. And the North Dakota Peace Officers Association, here to register our support of HB 1208. Sometimes if a sample is taken that does not mean that they will do the test. Some of those tests are rather expensive. The

other comment that I have. In the original law, you are dealing with attempted sexual offenses, and you don't include that in the bill. Also attempted homicide should also be included at one grade lower.

Rep Delmore: Is there someone that can tell use about DNA testing and the fiscal note.

Ken Bullinger: Crime Lab Division with the North Dakota Department of Health. (see attached testimony).

Chr DeKrey: Is it going to be cheaper once we are certified here in North Dakota to do the testing?

Kevin Bullinger: We did some cost comparison, it would be more expensive to send them out. Cost less in house.

Rep Delmore: On the fiscal note why the drop in numbers?

Kevin Bullinger: That was a result of us having to profile all current offenders in custody as of July 31, 2000. That would get use caught up. It is estimated that we would have another 550 people to profile after that every year.

Rep Fairfield: Are the samples that you cross check with the crime scene collected or are they never cross checked?

Kevin Bullinger: we have a very strict procedures in the crime lab. All procedure are insured to be accurate.

Rep Fairfield: I am wondering if the collections from these people are then going to be cross checked with evidence?

Kevin Bullinger: The national data base, includes all offenders.

Rep Mahoney: There is a chain of evidence, have to show that the evidence is credible and taken from that person, profile is brought in etc. It is fair to say that your staff is overworked and probably understaffed.

Kevin Bullinger: We have added two people to our staff, so that has helped in the narcotic end. 70% of it is narcotic and the other 30% is in criminalistic. We are in the process of training people to pick up the slack.

Rep Mahoney: The fiscal note, is the major expense the actual testing costs, can it be brought down?

Kevin Bullinger: It is mostly staff costs, the actual cost of DNA testing is \$36.38 per sample for the supplies.

: Rep Mahoney Do you have a break down of offenders, if we need to par down the cost?

Kevin Bullinger: I am not the best person to ask, that question should be directed to the Department of Corrections.

Rep Maragos: Do you have a break down of first time offenders or repeat offenders?

Kevin Bullinger: I did not get those numbers, just the total.

Chr DeKrey: Any one else have questions, if not thank you for appearing in front of our committee. We will close the hearing on HB 1208. We will need a sub committee to work on the fiscal note. Rep Klemin, Rep Mahoney, Rep Delmore.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208a

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE 1	x		4410 to 6157
Committee Clerk Signature <i>Juan Diers</i>			

Minutes: Chairman DeKrey called the committee to order, we will take up HB 1208.

Rep Klemm has some amendments and he explained them. This bill will need a new fiscal note.

DISCUSSION.

Voice vote on the amendments, the amendments pass.

COMMITTEE ACTION

CHAIRMAN DeKrey: We have the bill before us, what are the wishes?

Rep Delmore moved a DO PASS as amended, seconded by Rep Disrud. The motion passes with

14 YES, 0 NO and 1 ABSENT.

Carrier Rep Fairfield.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1208b

House Judiciary Committee

Conference Committee

Hearing Date 02-07-01

Tape Number	Side A	Side B	Meter #
TAPE III	x		726 to 785
Committee Clerk Signature <i>Jan Davis</i>			

Minutes: Chairman DeKrey: HB 1208 will have to be referred to Appropriations.

Rep Eckre move to refer, seconded by Rep Delmore.

DISCUSSION

HB 1208 was passed as a DO PASS as amend and will be referred to Appropriations.

Name:	Kathy J. Albin	Agency:	Department of Health
Phone Number:	328-2392	Date Prepared:	04/05/2001

The Department of Health's fiscal impact (\$89,350) includes expenditures to fund an additional 1.0 FTE to train personnel and coordinate collection of samples from convicted felons; prepare samples according to the FBI Quality Assurance Standards; review data to verify integrity; perform random re-analysis on percentage of samples; evaluate results of raw data; and upload data into the Combined DNA Database System (CODIS) by trained CODIS examiner. Also included in the expenditures are costs incurred by the nursing staff of the state penitentiary to collect samples for the offenders (\$5,708) or a .25 FTE and increased time needed by the parole officers (\$5,788).

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The money needed to carry out the mandates of this legislation were not included in the ND Department of Health's appropriations bill SB 2004 or any other agencies impacted by this bill, so the Department's involved will need increased authority and funding.

Name:	Kathy J. Albin	Agency:	Department of Health
Phone Number:	328-2392	Date Prepared:	03/13/2001

