

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1350

2001 HOUSE JUDICIARY

HB 1350

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Judiciary Committee

Conference Committee

Hearing Date 01-29-01

Tape Number	Side A	Side B	Meter #
TAPE III	x		01 to 3661
Committee Clerk Signature <i>Joan Deis</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1350. Relating to the transporting of violent or dangerous prisoners.

Rep Mahoney: District 33 form Center. Introduced the bill, this bill came as a result of the Kyle bill case. He explained the circumstances why they decided to move Bell and how he was moved. Rep Mahoney, Rep Eekre and Rep Disrud were part of the members who traveled to Nashville to view the situation. They were also to check to see if the state should be using a private company to transport prisoners. HB 1350 is a provision to provide transportation of violent or dangerous persons. One question is should the US Marshall service be used for this service. We will have amendments to add to the bill, to include the penitentiary personnel and also what offenses or to specify the crime level. Senator Dorgan had federal legislation passed as what to do with federal prisoners. When we settled with the agency for a dollar amount there was a provision that we would resume with their services, and we don't want that.

Rep Delmore: Would this bill get us out of the agreement?

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House Judiciary Committee  
Bill/Resolution Number H.R. 1350  
Hearing Date 01-29-01

Rep Mahoney: I don't believe this agreement does bind us.

Rep Eekre: Do any of the local police departments use private companies?

Rep Mahoney: It is my understanding that they use them in state.

Rep Eekre: Are there any companies in North Dakota.

Rep Mahoney: Not in state.

Rep Klemin: Does this bill apply to outside the state coming thru North Dakota?

Rep Mahoney: That would be correct.

Rep Klemin: What about federal prisoners?

Rep Mahoney: Federal prisoners have to be escorted by the US Marshalls service.

Chairman DeKrey: Is there a fiscal note on this, where would be the cost to them not us.

Rep Mahoney: They are not our prisoners.

Chairman DeKrey: How is another state going to know that we have this law?

Rep Mahoney: I would hope that the department of corrections should become aware of our laws and laws in other state, just as we watch.

Rep Klemin: What is the effect of inter-state commerce?

Rep Mahoney: It is a possibility.

Rep Klemin: My concern is, a private transport company would have to stop at the western border and pick us a US Marshall or law enforcement officer, some sort of commerce clause that we would be violation. Could we make this into two sections?

Rep Mahoney: I would explore this.

Rep Klemin: If there are two section, if they threw one out the other would remain.

Senator C Nelson: District 21, spoke in favor of this bill. Urge a DO PASS.

Rep Disrud: Did you offer an amendment.

Senator Nelson: no, just offering a view point.

Rep Mahoney: We had talked about holding the hearing open, as we have people who wish to testify.

Chairman DeKrey: We are holding the hearing open.

Tim Schuetzle: representing the North Dakota Department of Corrections and Rehabilitation.  
(see attached testimony) One also from Warren R Emmer.

Rep Mahoney: Ms Little testified about the costs of transporting, do you remember what the costs were?

Tim Schuetzle: It costs the US Marshall service around \$800 and and private company around \$570.00.

Rep Klemin: How do we know when inmate are being transported thru North Dakota.

Tim Schuetzle: We don't know.

Rep Klemin: We have no requirement of notice?

Tim Schuetzle: No.

Chairman DeKrey: One of the reasons using transport is they like to keep it confidential, because of the security risk. If we pass this bill, could we be setting ourselves for some kind of break on one of our highways?

Tim Schuetzle: Yes, I would agree with that.

Vice Chr Kretschmar: Would it work better if we used A and AA felonies.

Tim Schuetzle: That would help.

Chairman DeKrey: Thank you for appearing.

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House Judiciary Committee

Bill/Resolution Number HB 1350

Hearing Date 01-29-01

John Olson: appearing on behalf of the States Attorney Association and the Peace Officers Association. We were against this bill, but it is getting better. Also attached is testimony Pat Heinert Deputy Sheriff Burleigh County Sheriff Department. I hope at the end the bill just keeps getting better. One interesting feature is convicted and not just charged.

Rep Mahoney: I agree we need to become more specific. Give specific definitions.

John Olson: That would define the bill more.

Rep Klemm: Do you know was this something that the Interim Criminal Justice Committee considered?

Rep Mahoney: We basically concluded that the department of corrections was not at fault.

Chairman DeKrey: Is there any one wishing to testify for or against HB 1350. If not we will close the hearing on HB 1350.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350b

House Judiciary Committee

Conference Committee

Hearing Date 02-14-01

Tape Number	Side A	Side B	Meter #
TAPE II	X		1215 to 2627
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chairman DeKrey called the committee to order, we will take up HB 1350.

DISCUSSION

Several of the committee members brought concerns about moving violent offenders, jailers being able to move prisoners, how it would effect other states, stopping at boarders

COMMITTEE ACTION

Rep Mahoney moved amendments 10578.0101, seconded by Rep Maragos.

DISCUSSION

Chairman DeKrey asked for a voice vote on the amendments, the amendments carry  
Rep Klemin further amended the bill by deleting lines 7 and 8, seconded by Rep Mahoney. Voice vote on the amendments. Amendments carry. What are the wishes of the committee. Rep Maragos moved a DO PASS as amend, seconded by Rep Delmore. The clerk will call the roll on a DO PASS as amend on HB 1350. The motion passes with 14 YES, 0 NO 1 ABSENT. Carrier Rep Onstad.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350c

House Judiciary Committee

Conference Committee

Hearing Date 02-20-01

Tape Number	Side A	Side B	Meter #
TAPE I	X		294 to 494
TAPE I	X		5540 to 6200
Committee Clerk Signature <i>John Diers</i>			

Minutes: Chairman DeKrey called the committee to order on HB 1350.

Rep Mahoney explained the reasons to correct the amendments.

DISCUSSION

After the discussion on the amendments, it was decided that Rep Mahoney would get the amendments together and the committee would take up the bill in the afternoon session of committee work.



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350d

House Judiciary Committee

Conference Committee

Hearing Date 02-20-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		5540 to 6200
Committee Clerk Signature <i>Gian Diers</i>			

Minutes: Chairman DeKrey called the committee to order on HB 1350. We have amendments on the bill. What are the wishes of the committee, Rep Wrangham moved Rep Mahoney's amendments, seconded by Rep Onstad. Is there any discussion, if not we will have a voice vote on the amendments. Amendments carry.

COMMITTEE ACTION

Chairman DeKrey: we have the amended bill before us, what are the wishes of the committee?  
Rep Onstad moved a DO PASS as amend, seconded by Rep Delmore. The motion passes by a vote of 13 YES, 0 NO and 2 ABSENT. Carrier Rep Onstad.

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/16/2001

Bill/Resolution No.:

Amendment to:            HB 1350

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

No fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**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.*

Name:	Elaine Little	Agency:	Dept. of Corrections & Rehabilitation
Phone Number:	328-6390	Date Prepared:	02/16/2001

# FISCAL NOTE

Requested by Legislative Council  
01/26/2001

Bill/Resolution No.: HB 1350

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0		\$0		\$0
Appropriations	\$0	\$0		\$0		\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill provides that only a law enforcement officer employed by a governmental agency can transport violent and dangerous offenders between correctional facilities within or outside of the State. As defined in this bill Department of Corrections and Rehabilitation (DOCR) correctional officers and parole officers could no longer transport inmates. The DOCR could no longer transport its own inmates that are considered violent or dangerous between the state's three correctional facilities. The Division of Juvenile Services also transports about fifty percent of the juveniles in its custody to various placements all across the state. Also, parole officers could no longer transport inmates to facilities for the Department.

In Year 1999 Department of Correction's correctional officers transported more than 16,000 inmates between the three North Dakota prison facilities. Many of these offenders have some type of violent offense on their records. The cost for the DOCR to contract with law enforcement agencies to transport all of its violent or dangerous offenders would be high. Considering that the Department makes at least one transport of offenders to the JRCC in Jamestown from the Penitentiary each week, the cost to contract with law enforcement to make just these transports to the JRCC would be approximately \$30,000 for one biennium (assumes payment for the salary of two officers for a six-hour block of time and assumes that the DOCR's vehicles would be used for the transports). There are also several trips made each day between the MRCC and the Penitentiary; these transports also include offenders who have violence in their history. It would be extremely expensive for the DOCR to contract with local law enforcement agencies to make these inmate transports for the DOCR. The Department would also need to contract with local law enforcement for the transport of inmates from the Penitentiary and the JRCC to the private prison in Appleton, MN where the DOCR houses inmates. **The Department estimates that the total cost to the**

**DOC'R to implement HB1350 would be several hundred thousands of dollars each biennium.**

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Please see narrative above for detail. The Department estimates that the cost for law enforcement to transport all of the DOC'R's transports of violent and dangerous offenders between correctional facilities inside and outside of the State would be several hundred thousands of dollars each biennium. Because of the short time available to the Department prior to the hearing of this bill, the Department was unable to calculate the cost for all of the many transports of inmates it makes each day from all three of its prison facilities.

**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.*

Please see narrative above for detail. The Department estimates that several hundred thousands of dollars would need to be appropriated to the DOC'R in order to cover the cost for law enforcement to make all of the DOC'R's transports of dangerous and violent offenders between correctional facilities inside and outside of the State. Because of the short time before the hearing of the bill the Department was not able to compile the exact cost for all of the many transports of inmates it makes on a daily basis from its three prison facilities.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Dept. of Corrections
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	01/28/2001

