

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1358

2001 HOUSE JUDICIARY

HB 1358

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1358

House Judiciary Committee

Conference Committee

Hearing Date 01-29-01

Tape Number	Side A	Side B	Meter #
TAPE III	x		3661 to 6244
TAPE III		x	01 to 78
Committee Clerk Signature <i>Jean Diers</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1358. Relating to definitions, filing petitions, duties of juvenile supervisors, informal adjustments, continue shelter care, termination of parental rights and disposition of a delinquent child under the Uniform Juvenile Court Act.

Rep Mahoney: District 33. Introduced the bill dealing with juveniles.

Greg Wallace: Assistant State Court Administrator for Trial Courts for the North Dakota Supreme Court. (see attached testimony)

Chairman DeKrey: Are there any other questions, if not thank you for appearing. Anyone else wishing to testify.

Susan Beehler: married and working mother of five (see testimony attached)

TAPE III SIDE B

Susan Beehler's testimony continues.

Chairman DeKrey: Are there any questions, if not thank you for appearing. Is there anyone else wishing to testify. If not we will close the hearing on HB 1358.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1358a

House Judiciary Committee

Conference Committee

Hearing Date 02-12-01

Tape Number	Side A	Side B	Meter #
TAPE II		x	574 to 764
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chairman DeKrey calls the committee to order on HB 1358.

DISCUSSION

Rep Mahoney explains the amendments 18297.0101. These would put these in conformity with a realistic time table as far as having hearings with juveniles. I would move a DO PASS.

Rep Eckre: There are a bunch of different amendments.

Rep Mahoney: OK, then I withdraw my motion.

Rep Delmore: There were some detailed amendments.

More discussion was held on the amendments that different people had proposed. Rep Mahoney will take a look at all the amendments and put them together.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1358b

House Judiciary Committee

Conference Committee

Hearing Date 02-14-01

Tape Number	Side A	Side B	Meter #
TAPE I	X		4898 to 6200
Committee Clerk Signature <i>Joan Darr</i>			

Minutes: Chairman DeKrey called the committee to order and took up HB 1358.

Gregg Wallace (State Administrators Office) explains amendments 18297.0101

DISCUSSION ON THE AMENDMENTS

COMMITTEE ACTION

Rep Mahoney moved the amendments, Vice Chr Kretschmar seconded.

DISCUSSION

Chairman DeKrey: What are the wishes of the committee? Vice Chr Kretschmar move a DO PASS as amend on HB 1358, Rep Grande seconded. The clerk will call the roll on a DO PASS as amend on HB 1358. The motion passes with 13 YES, 0 NO and 2 ABSENT. Carrier Rep Mahoney.

VR
2/14/01
1082

HOUSE AMENDMENTS TO HB 1358 HOUSE JUDICIARY 02-15-01
Page 1, line 2, remove "subsection 1 of"

Page 1, line 3, replace the first "section" with "sections", remove "sections", and after
"27-20-25" insert a comma

HOUSE MENDMENTS TO HB 1358 HOUSE JUDICIARY 02-15-01
Page 2, line 18, remove the overstrike over "or" and after "or" insert "subdivision a of
subsection 1 of section"

HOUSE AMENDMENTS TO HB 1358 HOUSE JUDICIARY 02-15-01
Page 10, line 4, remove the overstrike over "or" and after "or" insert "subdivision a of
subsection 1 of section"

Page 10, line 11, replace "Subsection 1 of section" with "Section"

Page 10, after line 12, insert:

"27-20-22. Summons."

Page 10, after line 28, insert:

- "2. The court may endorse upon the summons an order directing the parents, guardian, or other custodian of the child to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the hearing.
3. If it appears from affidavit filed or from sworn testimony before the court that the conduct, condition, or surroundings of the child are endangering ~~his~~ the child's health or welfare or those of others, or that ~~he~~ the child may abscond or be removed from the jurisdiction of the court or will not be brought before the court, notwithstanding the service of the summons, the court may endorse upon the summons an order that a law enforcement officer shall serve the summons and take the child into immediate custody and bring ~~him forthwith~~ the child before the court.
4. The summons ~~shall~~ must state that a party is entitled to counsel in the proceedings and that the court will appoint counsel if the party is unable without undue financial hardship to employ counsel.
5. A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing. If the child is present at the hearing, ~~his~~ the child's counsel, with the consent of the parent, guardian, or other custodian, or guardian ad litem, may waive service of summons in ~~his~~ the child's behalf.
6. When a child is in detention or shelter care and good cause is shown why service was not completed upon an absent or noncustodial parent, the court may proceed with the hearing on the petition in order to comply with any time limitations under this chapter."

Date: 02-14-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1358

House JUDICIARY Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amend

Motion Made By VC Kretschmar Seconded By Rep Grande

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) 13 No 0

Absent 2

Floor Assignment Rep Mahoney

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

REPORT OF STANDING COMMITTEE

HB 1358: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 1 of"

Page 1, line 3, replace the first "section" with "sections", remove "sections", and after "27-20-25" insert a comma

Page 2, line 18, remove the overstrike over "or" and after "or" insert "subdivision a of subsection 1 of section"

Page 10, line 4, remove the overstrike over "or" and after "or" insert "subdivision a of subsection 1 of section"

Page 10, line 11, replace "Subsection 1 of section" with "Section"

Page 10, after line 12, insert:

"27-20-22. Summons."

Page 10, after line 28, insert:

- "2. The court may endorse upon the summons an order directing the parents, guardian, or other custodian of the child to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the hearing.
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4. The summons ~~shall~~ must state that a party is entitled to counsel in the proceedings and that the court will appoint counsel if the party is unable without undue financial hardship to employ counsel.
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6. When a child is in detention or shelter care and good cause is shown why service was not completed upon an absent or noncustodial parent, the court may proceed with the hearing on the petition in order to comply with any time limitations under this chapter."

Renumber accordingly

2001 SENATE JUDICIARY

HB 1358

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1358

Senate Judiciary Committee

Conference Committee

Hearing Date March 13th, 2001

Tape Number	Side A	Side B	Meter #
1	x		36-end
		x	0-15.4
2		X	30.7-38.5
March 21 tape 1	x		30.2-39.7
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1358.

Greg Wallace, Assistant State Court Administrator for Trial Courts for the North Dakota Supreme Court, testifies in support of the bill. (testimony attached)

Senator Traynor, so your doing what the supreme court wanted.

Greg Wallace, yes. We are asking that the judge give a temporary order for sixty days.

Senator Traynor, were is that in the bill.

Greg Wallace, on page six line 19; ninety days, page 9 line 4-6; the sixty days.

Senator Traynor, shelter care is defined in the bill?

Greg Wallace, in the child care provision.

Senator Traynor, defined presently on line 5 page 7.

Greg Wallace, continues to read from testimony.

Senator Traynor, the parents can reopen the matter?

Greg Wallace, yes. They would like to be involved in the disposition.

Greg Wallace, on page 2 line 16 and 17, agreement circumstances have been added. Goes over amendments listed on page 2-3.

Senator Trenbeath, I don't agree with what it does. On page 3 line 6, we begin to define a delinquent act and exempts out a traffic offense. One number 7 we say however, that a child admits to a 3900801 it automatically becomes an offense for some reason and then we can fine him. Is that what I'm reading?

Greg Wallace, yes. We moved the language.

Senator Trenbeath, all I'm asking is where does that appear other than this new language. The problem I have is that it provides for a criminal penalty for a non criminal offense. A crime committed by a juvenile is a delinquent act not a criminal offense.

Greg Wallace, it is a traffic related offense. Maybe we need to work on language.

Side B

Senator Trenbeath, on page 12, do you think the deletion over does it. Wouldn't it better to include language that a child doesn't need to be present at a certain age?

Greg Wallace, we received last minute amendments that are attached to my testimony.

Rep. Mahoney, district 33, bill has been explained. Its a cleanup bill.

Senator Trenbeath, How about my comments on juvenile sanctions?

Rep. Mahoney, I'm not sure if we can find DUI's in juvenile court? I would have no objections.

Susan Bechler, mother from mandan, (testimony attached) neutral on the bill. Felony abuse isn't readily done in our state. This bill could address problems in my family.

Senator Traynor, closed the hearing on HB 1358.

DISCUSSION

Page 3
Senate Judiciary Committee
Bill/Resolution Number 1358
Hearing Date March 13th, 2001

SENATOR WATNE MOTIONED TO MOVE GREG WALLACE'S AMENDMENTS INTRODUCED TO THE COMMITTEE ON MARCH 19TH, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR WANTE MOTIONED TO DO PASS AS AMENDED SECONDED BY SENATOR BERCIER. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR WATNE VOLUNTEERED TO CARRY THE BILL.

