

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1475

2001 HOUSE JUDICIARY

HB 1475

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1475

House Judiciary Committee

Conference Committee

Hearing Date 02-07-01

Tape Number	Side A	Side B	Meter #
TAPE II	x		01 to 716
Committee Clerk Signature <i>Juan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1475. Relating to prohibited acts in correctional facilities and to provide a penalty.

Rep Kroeber: District 48, James town (see attached testimony)

Marcie Coney Fisher: from the County Correctional Facility in James town. The main purpose for us in this bill, we have outlawed tobacco. Smuggling cigarettes are the main concern. This has become the drug of choice in our institution. It is causing a hazard in the facility, because we don't supply matches anymore. They are using metal, or electrical outlets for a spark. it causes all kinds of problems. By bringing the penalty in line, we are hoping this will help with the problem.

Rep Eekre: What is the class B penalty?

Marcie Fisher: It is 30 days or up to \$1,000.00.

Rep Eekre: If someone is already serving time, what do you do, add it on?

Marcie Fisher: We would charge them in court, and they would have another charge and receive the penalty.

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House Judiciary Committee

Bill/Resolution Number HB 1475

Hearing Date 02-07-01

Rep Eckre: For cigarettes.

Marcie Fisher: Yes.

Rep Klemin: It would be a trial by jury.

Marcie Fisher: Correct.

Vice Chr Kretschmar: What is the capacity of your facility?

Marcie Fisher: 84 beds, we have 69 to 76 at one time.

Vice Chr Kretschmar: Do you take in prisoners from other counties?

Marcie Fisher: Yes, we do, from surrounding counties and state and federal prisoners.

Rep Fairfield: Do all the inmates have the same standards.

Marcie Fisher: Correct.

Rep Delmore: What is a shard.

Marcie Fisher: It is a home made knife.

Rep Klemin: Do I understand that all penalties are the same?

Marcie Fisher: Correct.

Chairman DeKrey: If there are no further questions, thank you for appearing. We will close the hearing on HB 1475. Anyone in further support, anyone in opposition?

COMMITTEE ACTION

Chairman DeKrey: what are the wishes of the committee?

Rep Delmore moved a DO PASS on HB 1475, seconded by Rep Disrud. The clerk will call the roll on a DO PASS motion on HB 1475. The motion passes with 12 YES, 1 NO, 2 ABSENT

Carrier Rep Delmore.

Date: 02-07-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1475

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Disrud

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) 12 No 1

Absent 2

Floor Assignment Rep Delmore

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

REPORT OF STANDING COMMITTEE (410)
February 7, 2001 12:18 p.m.

Module No: HR-22-2573
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1475: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1475 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1475

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1475

Senate Judiciary Committee

Conference Committee

Hearing Date March 7th, 2001

Tape Number	Side A	Side B	Meter #
1		X	9.6-21
2		X	32.6-42
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on 1475.

Rep. Kroeber, district 48, (testimony attached) supports the bill.

Senator Traynor, is there any instance of our law where possession of tobacco could be a crime?

Senator Watne, my understanding is that these prisoners can get outside, can't they smoke then?

Marlee Conly Fisher, bringing the bill to coincide with contraband laws. Tobacco is one of our leading problems in the jails. We want to make it against the law to smoke in prison. They are not allowed to smoke outside in recreation areas because we consider that to be within the facility.

Senator Trenbeath, they have internal means to deter smoking in the penitentiary.

Senator Dever, in subsection 4, can a guest bring a smoke into the prison?

Senator Trenbeath, is this state law or a policy? And you want us to make it a crime it a crime to break your policy?

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Senate Judiciary Committee
Bill/Resolution Number 1475
Hearing Date March 7th, 2001

Senator Dever, if we make it a crime doesn't it need to go back to the court?

Ken Sorenson, assistant Attorney General, council for the department of corrections, this bill parallels SB 2133. We are dealing with this because a visitor tried to smuggle meth into the prison. Bill includes provisions on weapons as well.

Senator Traynor closed the hearing on HB 1475.

Discussion followed.

SENATOR TRENBEATH MOTIONED TO DO NOT PASS, SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, 1 NAY AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

Date: 3/7/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1475

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Trenbeath Seconded By Bercier

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) 6 No 1

Absent 0

Floor Assignment Trenbeath

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 9:03 a.m.

Module No: SR-40-5094
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1475: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1475

HB#1475

Chairman DeKrey and members of the Judiciary Committee. I'm Joe Kroeber, Representative from District #48-Jamestown. I sponsored this bill for the Stutsman County Correctional Center and it was prepared by the AG's office. This bill brings our County Correctional Centers more in line with the State Penitentiary relating to prohibited acts. It adds that it is unlawful for a person to willfully manufacture or posses with intent to manufacture a controlled substance. It also moves delivering a controlled substance to an inmate by a person other than an official or employee of the correctional facility from a class B felony to a class A felony. This bill also adds a section of law pertaining to objects to be used as weapons and to provide a penalty. If a correctional facility has a ban on the possession of tobacco it sets the penalty as a Class B misdemeanor. It also moves trying to deliver tobacco as a class B misdemeanor. Marcie Connie Fisher from the Jamestown Correctional Center will also testify and further explain the bill. I would be happy to answer any questions you may have.

HB#1475

Chairman Traynor and members of the Judiciary Committee. I'm still Joe Kroeber, Representative from District #48-Jamestown. I sponsored this bill for the Stutsman County Correctional Center and it was prepared by the AG's office. This bill brings our County Correctional Centers more in line with the State Penitentiary relating to prohibited acts. It adds that it is unlawful for a person to willfully manufacture or possess with intent to manufacture a controlled substance. It also moves delivering a controlled substance to an inmate by a person other than an official or employee of the correctional facility from a class B felony to a class A felony. This bill also adds a section of law pertaining to objects to be used as weapons and to provide a penalty. If a correctional facility has a ban on the possession of tobacco it sets the penalty as a Class B misdemeanor. It also moves trying to deliver tobacco as a class B misdemeanor. Marcie Conley Fisher from the Jamestown Correctional Center will also testify and further explain the bill. I would be happy to try and answer any questions you may have.