

# MICROFILM DIVIDER

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



ROLL NUMBER

[Empty box for Roll Number]

DESCRIPTION

1351

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Demetrius Hallworth  
Operator's Signature

10/3/03  
Date

2003 HOUSE JUDICIARY

HB 1351

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Halliwell  
Operator's Signature

10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1351

House Judiciary Committee

Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
3	xx		11-20
Committee Clerk Signature <i>A. Penrose</i>			

**Minutes:** 11 members present, 2 members absent (Rep. Bernstein, Rep. Maragos)

**Chairman DeKrey:** We will open the hearing on HB 1351.

**Jonathan Byers, Asst. A.G.:** (see attached testimony) Support.

**Rep. Delmore:** What are the penalties for Class C felonies.

**Mr. Byers:** Class A felony, which other than murder, is the highest classification. The maximum penalties for that is 20 years in prison or \$10,000 or a combination. Class B felony, which would be the second step down, that is a maximum of 10 years in prison, or \$10,000 or a combination, and for a Class C felony, the maximum penalty is 5 years in prison or \$5,000 or a combination. I am aware that there is another bill which has been introduced in the legislature, to increase those maximums, I'm not sure where that is at.

**Rep. Klemin:** Looking at pg 2 line 5 and 6, where you talk about a child or vulnerable adult, actually suffers bodily injuries, substantial bodily injuries, or serious bodily injury, why do we have to say all three of those, when you only have one penalty.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

10/3/03  
Date

Page 2  
House Judiciary Committee  
Bill/Resolution Number HB 1351  
Hearing Date 1-22-03

**Mr. Byers:** The reason those terms are used there, is because each of those is specifically designed within the criminal code and so by using those terms, we would know what it would constitute to simply bodily injury, or substantial or serious.

**Rep. Klemin:** I haven't seen what those definitions actually say, but it looks like we are talking about various degrees here of bodily injury, from the least to the most, but wouldn't substantial and serious bodily injury be inclusive of bodily injury.

**Mr. Byers:** I think that it would probably be inclusive. This language actually came from the Utah version of the statute, and I was interested to see that they used exactly the same terms that we have in our criminal statutes for assault, for instance. When I drafted the statute, I simply used those terms because they were in Utah's version and they are terms we know and have defined in our statutes.

**Rep. Klemin:** But the penalty is the same, regardless of what it is.

**Mr. Byers:** The penalty is the same, unless it then results in a death.

**Chairman DeKrey:** Thank you. Anyone else wishing to testify in support of HB 1351.

**Sgt. Pat Claus, Fargo Police Dept., Sgt. in charge of the narcotics/gang unit:** Support. I am concerned about children, often they aren't removed from the home or from dangerous situations. Clearly, this bill will remove the child from a dangerous situation. This may break the cycle of 2nd and 3rd generations.

**Chairman DeKrey:** Thank you. Anyone else wishing to testify in favor of HB 1351, opposition to HB 1351? We will close the hearing.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1351

House Judiciary Committee

Conference Committee

Hearing Date 1-28-03

Tape Number	Side A	Side B	Meter #
1	xx		42-48
Committee Clerk Signature <i>A. Penrose</i>			

**Minutes:** 12 members present, 1 member absent (Rep. Maragos)

**Chairman DeKrey:** We will open the hearing on HB 1351.

**Sandi Tabor, Deputy AG:** This is the bill regarding the stricter penalties for the endangerment of children and vulnerable adults. The Attorney General has requested that the Committee consider putting on an Emergency clause to this bill. (see attached amendments) John Byers will answer any questions.

**Rep. Klemm:** John, line 5 and 6 talk about different degrees of bodily injury and the penalty is the same for all of them. Is there a reason that you need to say all three terms.

**Mr. Byers:** I did take another look at that, and I do believe that if it simply said bodily injury, the logical extension would be anything more serious than that would qualify and therefore it may be extra language. It doesn't hurt anything to be in there.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Dennis Hall*  
Operator's Signature

10/3/03  
Date

Page 2  
House Judiciary Committee  
Bill/Resolution Number HB 1351  
Hearing Date 1-28-03

**Rep. Klemin:** Then it may be open to some arguments. It wouldn't really affect the intent of the bill if we just removed those two terms, substantial bodily injury and serious bodily injury out of this. We would remove the argument.

**Rep. Klemin:** I move that we amend the bill on pg 2, line 3 and pg 2 line 5 & 6, deleting the words substantial bodily injury, or serious bodily injury.

**Rep. Grande:** Seconded.

**Voice vote:** 12 yes 0 no.

**Rep. Kretschmar:** Move the amendment of the Attorney General for the emergency clause.

**Rep. Delmore:** Seconded.

**Voice vote:** 12 yes 0 no.

**Rep. Delmore:** I move a Do Pass as amended.

**Rep. Grande:** Seconded.

**12 YES 0 NO 1 ABSENT DO PASS W/AMENDMENTS CARRIER: Rep. Klemin**

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

38291.0101  
Title.0200

Adopted by the Judiciary Committee  
January 28, 2003

VR  
1/28/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1351 JUD 1-29-03

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; and to declare an emergency"

HOUSE AMENDMENTS TO HB 1351 JUD 1-29-03  
Page 2, line 5, remove the second comma

Page 2, line 6, remove "substantial bodily injury, or serious bodily injury"

Page 2, after line 14, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Halliwell  
Operator's Signature

10/3/03  
Date

Date: 1/28/03  
 Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1351**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 38291.0101 .0200

Action Taken Do Pass as Amend.

Motion Made By Rep. Delmore Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	AB		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Klemm

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth 10/3/03  
 Operator's Signature Date



REPORT OF STANDING COMMITTEE (410)  
January 29, 2003 12:03 p.m.

Module No: HR-17-1245  
Carrier: Klemm  
Insert LC: 38291.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

HB 1351: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1351 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; and to declare an emergency"

Page 2, line 5, remove the second comma

Page 2, line 6, remove "substantial bodily injury, or serious bodily injury"

Page 2, after line 14, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

2003 SENATE JUDICIARY

HB 1351

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

Engrossed BILL/RESOLUTION NO. HB 1351

Senate Judiciary Committee

Conference Committee

Hearing Date 03/04/03

Tape Number	Side A	Side B	Meter #
3	X		4.4 - 6.1
Committee Clerk Signature			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and not all committee members present. Sen. Traynor requested meeting starts with committee work on the bill:

**The original hearing on this bill was heard in a joint session, January 22, 2003.**

**Attachment #1 are the notes to the joint session.**

Sandy Tabor - Deputy to the Attorney General Re-introduced the bill (tape 3, side 1, meter 4.4)

Handed out Amendment that was put on by the house and reminded of the emergency clause to the bill - Attachment #2

Senator Thomas L. Trenbeath discussed the offence in regards to drugs, would be a misdemeanor, the fact that a child or vulnerable adult was present would be a felony? Yes. What does expose mean? discussion (meter 5.1) If you do not have a definition it is only a leverage word.

Discussed an exception amendment (meter 7.0).

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Halliwell  
Operator's Signature

10/3/03  
Date

Page 2  
Senate Judiciary Committee  
Bill/Resolution Number HB 1351  
Hearing Date 03/04/03

**Motion Made to DO PASS Amendment to Engrossed HB 1351 Senator Thomas L.**

**Trenbeath and seconded by Senator Stanley W. Lyson, Vice Chairman**

**Roll Call Vote: 5 Yes. 0 No. 1 Absent**

**Motion Passed**

**Motion Made to DO PASS Engrossed HB 1351 as Amended by Senator Thomas L.**

**Trenbeath and seconded by Sen. Dever**

**Roll Call Vote: 5 Yes. 0 No. 1 Absent**

**Motion Passed**

**Floor Assignment: Senator Carolyn Nelson**

**Senator John T. Traynor, Chairman closed the hearing**

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna H. Lyson  
Operator's Signature

10/3/03  
Date

