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ROLL NUMBER

DESCRIPTION

1415

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FR

2003 HOUSE JUDICIARY

HB 1415

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

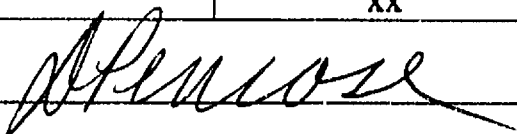
House Judiciary Committee

Conference Committee

Hearing Date 2-11-03

Tape Number	Side A	Side B	Meter #
1	xx		30-end
1		xx	0-8.5
3		xx	9-10

Committee Clerk Signature



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

**Rep. Kretschmar:** We will open the hearing on HB 1415.

**Rep. Maragos:** Introduced the bill, HB 1415.

**Rep. Kretschmar:** Thank you. Any testimony in support?

**Reed Soderstrom, Attorney and bail bondsman:** Support (#31-42). I have 18 agents working part-time for me, and we work with the court statewide. This is a very essential part of the system.

**Rep. Delmore:** How many bondsmen are in North Dakota.

**Mr. Soderstrom:** Between 35-40, not all are practicing.

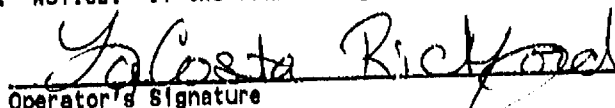
**Rep. Delmore:** What are the most common reasons for bail.

**Mr. Soderstrom:** Usually DUI, small misdemeanors, etc.

**Rep. Delmore:** Is 5% for court costs enough?

**Mr. Soderstrom:** That 5% is in the original law.

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Bill/Resolution Number HB 1415  
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**Rep. Delmore:** If this bill passes, will it make more people decide that they don't need to show up for court cases.

**Mr. Soderstrom:** I don't think so, because the minute they're not there, the judge immediately issues a bench warrant for that person's arrest.

**Rep. Bernstein:** You say, up to six months to bring an individual back, by what authority do you do that, are you deputized or something.

**Mr. Soderstrom:** We are not deputized per se, we have a right to revoke the bond. We have the power to bring them in.

**Rep. Klemin:** So you are wanting to establish a uniform time across the state, how much time you have to return a defendant to court after you receive the notice that he failed to appear.

**Mr. Soderstrom:** Yes.

**Rep. Klemin:** The amount of time varies - is six months on the outside of what you get now.

**Mr. Soderstrom:** Yes, it is not the longest. Georgia gets six months, which is what we modeled this bill on.

**Rep. Klemin:** How much time do you realistically need.

**Mr. Soderstrom:** Realistically need three months at a minimum.

**Rep. Klemin:** Time runs when you get notice.

**Mr. Soderstrom:** If district judges only meet once a week or less, we don't always get notified immediately when the time starts to run, so three months is a minimum.

**Rep. Klemin:** But it doesn't begin to run until you get the notice.

**Mr. Soderstrom:** That is my position, but it doesn't always work like that, try to explain that to the judge and have him see it that way.

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**Rep. Onstad:** What is the charge for bonding, how do you secure your part of it.

**Mr. Soderstrom:** That is a good question, we get 10% or \$50, whichever is more. No money other than the 10% or \$50 changes hand. We sign the papers at the court, and if he skips, we are on the line for the amount of the bond. We try to get collateral.

**Rep. Boehning:** What are the time lines in Montana, SD, Minnesota under the scenario you are asking for 6 months, what are they doing?

**Mr. Soderstrom:** I don't know.

**Rep. Kretschmar:** If bail is at \$5,000, do you put cash with court.

**Mr. Soderstrom:** No, just our signature at the court gets them out of jail.

**Rep. Kretschmar:** You are bonded by insurance company.

**Mr. Soderstrom:** Yes, my underwriter is Ceneca. If a person skips, the court can come after the bail bondsman personally for the entire bail amount. Only if a bail bondsman files bankruptcy, would the insurance company come up with the money.

**Rep. Delmore:** If the person fails to appear, you track them down, do you then get the complete bond money from that person.

**Mr. Soderstrom:** Sometimes we will hire bounty hunters around the state that do it part-time, and they charge 10% plus expenses, so I will usually lose money. You can sue the defendant to get back your costs, but it's not going to be quick, and that is the reason for the six month time period, to give the bonding agent plenty of time to go get the collateral, resell it and take care of all the necessary work with the court. No we're out that money.

**Vice Chair Maragos:** Thank you. Any further testimony in support?

**Mike Larson, Bonding Agent:** Support (tape 1, side b, #1.7-8).

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**Vice Chair Maragos:** Thank you. Any testimony in opposition? We will close the hearing.

(Reopened later in the afternoon, tape 3, side A, 9-10)

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1415.

**Rep. Delmore:** I move a Do Pass motion.

**Rep. Grande:** Seconded.

13 YES 0 NO 0 ABSENT

DO PASS

CARRIER: Rep. Boehning

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10/6/03  
Date

Date: 2/11/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1415

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemmin	✓				
Rep. Kretschmar	✓				
Rep. Wrantham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Boehning

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

REPORT OF STANDING COMMITTEE (410)  
February 12, 2003 1:14 p.m.

Module No: HR-27-2403  
Carrier: Boehning  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1415: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-27-2403

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Yolanda Richardson 10/6/03  
Operator's Signature Date



2003 SENATE JUDICIARY

HB 1415

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10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

Senate Judiciary Committee

Conference Committee

Hearing Date 03/25/03

Tape Number	Side A	Side B	Meter #
1	X		28 - 44
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

**Testimony in Support of HB 1415**

Rep. Maragos - Dist #3, Introduced the bill (meter 28) at the request of the bonding industry

Reed Soderstrom - Attorney Running the Bail Bond Agency and Instructor - two years teaching course. 19 agents in ND. Discussed the variety of bonding across ND. There is no uniformity across ND-some judges require bond money six minuts after the "no show" one allowed us 1 year. Two sides of bonding are an economic factor-this is a small business-most expensive hotel in the state is jail, the other side is the constitutional right of innocent until proven guilty.

Discussed liability of bonding. Discussed a bond recently written. This bill can give us time to liquidate assests to pay for the bond.

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*10/16/03*  
Date

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Senate Judiciary Committee  
Bill/Resolution Number HB 1415  
Hearing Date 03/25/03

Sen. Lyson discussed the word "may" along with Sen. Trenbeath on how they could give the bill more substance to be able to collect or find the bond jumper. Sen. Trenbeath will provide an amendment. These people help the court to get the criminal back!

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

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