MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

1219

2007 HOUSE JUDICIARY

HB 1219

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1219

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/30/07

Recorder Job Number: 2237

Committee Clerk Signature	A Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1219.

Rep. Lois Delmore: I am a sponsor of this bill. It is very important (see attached testimony). The fiscal note is very large, because the bill is very ambitious in what it seeks to do. I certainly will work with a compromise to find out what we can do with Mr. Placek to make the system friendlier to victims and families.

Chairman DeKrey: Thank you. I think we need to fix this the best we can with a reduced fiscal note and then send it to Appropriations. Further testimony in support.

Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator for the ND Council on Abused Women's Services: (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support. Testimony neutral.

Charles Placek, ND Department of Corrections, Field Services Division: (see attached testimony).

Chairman DeKrey: Thank you. Further testimony neutral, opposition. We will close the hearing. A subcommittee of Rep. Dahl, Rep. Kingsbury and Rep. Delmore was appointed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1219

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/31/07

Recorder Job Number: 2351, 2460

Committee Clerk Signature DPenrose

Minutes:

Chairman DeKrey: We will take a look at HB 1219.

Rep. Delmore: I move the amendment 70499.0101. The amendment changes all "shall" to "may", and takes away the things that were making the fiscal note so large. However, it still offers some things to those victims, in terms of getting information and I think they are setting up the automated system. This bill says what things should be provided. It should make the fiscal note go away.

Rep. Griffin: Second.

Chairman DeKrey: Voice vote. Motion carried.

Rep. Delmore: I further amend with amendment 70499.0102.

Rep. Dahl: Second.

Chairman DeKrey: Voice Vote. Motion carried. We will request a new fiscal note. We will take this up this afternoon.

(Later in the afternoon, #2460).

Chairman DeKrey: We now have the bill before as amended. We will take up HB 1219 at this time. What are the committee's wishes.

Rep. Dahl: I move a Do Pass as amended with a rereferral to Appropriations.

Rep. Meyer: Second.

13 YES 0 NO 1 ABSENT` **CARRIER: Rep. Onstad**

DO PASS AS AMENDED WITH REFERRAL TO APPROPRIATIONS

(At the conclusion of the meeting it was determined that no fiscal note was required and the bill did not need to be rereferred to Appropriations.)

13 YES 0 NO 1 ABSENT` **DO PASS AS AMENDED** **CARRIER: Rep. Onstad**

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1219

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/5/07

Recorder Job Number: 2747, 2840

Committee Clerk Signature

Minutes:

Chairman DeKrey: We will take a look at HB 1219.

Rep. Delmore: This is the bill where we needed to address the problems with notification of victims. I talked to the people involved in the process. I listed the DOCR and Parole and Probation, but there is a group that actually is doing, taking some grant money.

Chairman DeKrey: We passed this bill out of committee, and the DOCR got a hold of some more, remember we amended it so that the $3 million dollar fiscal note went away. But then the DOCR basically said we still have to put this amendment on it to make it as intended.

Rep. Delmore: This combines those "must" to "may" and also turns it over to Criminal Justice Information Sharing Board. There are people seeking grant money and this will help take care of that. I believe it also makes the study into "may" rather than "shall" because this will go through, and if it's not in there, I need to add one more amendment. I would move these amendments.

Rep. Meyer: Second.

Rep. Delmore: Part of these amendments were put in there already because in order to get rid of the fiscal note, and because they are going after a grant, this gives them permissive language as a board to go after that grant money and also have us look at how they're going to

go about the process. I changed the study to "may" study instead of "shall" study. When I first moved it, we thought that might be all that was left of the bill because they had to be in Appropriations and there was a large number. So that is the intent of the amendments that we have actually moved them with the exception of the CJIS board and "may".

Rep. Koppelman: On page 2, line 20 whether this satisfies, the "may" satisfied. What does that refer to.

Chairman DeKrey: We will wait until we have copies of the bill and amendments.

Rep. Delmore: I withdraw my motion.

Rep. Meyer: I withdraw my second.

(Reopened later in the day)

Chairman DeKrey: We will take a look at HB 1219.

Rep. Koppelman: I make a motion to reconsider our actions by which we passed HB 1219.

Rep. Meyer: Second.

Chairman DeKrey: Motion carried. We have HB 1219 before us.

Rep. Delmore: I move that we remove all amendments that were previously placed on this bill.

Rep. Koppelman: Second.

Chairman DeKrey: Motion carried. We now have the original HB 1219 in front of us.

Rep. Delmore: The amendments put in place permissive language so that the board, the Criminal Justice Information Sharing Board, which consists of the Chief Justice of Supreme Court, the AG and the Chief Information of the state, they are the ones applying for the grant that could give us between $1-2 million dollars of matching money. This is amendment 70499-0104. I move the amendments.

Rep. Wolf: Seconded.

Chairman DeKrey: Voice vote. Motion carried. We now have HB 1219 before us as amended. What are the committee's wishes.

Rep. Meyer: I move a Do Pass as amended.

Rep. Onstad: Second.

13 YES O NO 1 ABSENT DO PASS AS AMEND CARRIER: Rep. Onstad

FISCAL NOTE

Requested by Legislative Council
03/14/2007

Amendment to: Engrossed HB 1219

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			$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.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendment 70499.0201 would not require the Information Technology Department - (CJIS) program to establish and administer a statewide automated victim information and notification system. Because there is no requirement for a system, the fiscal impact is $0 at this time.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Mike J. Ressler	**Agency:**	Information Technology Department
Phone Number:	328-1001	**Date Prepared:**	03/14/2007

FISCAL NOTE

Requested by Legislative Council
02/07/2007

Amendment to: HB 1219

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			$3,338,348	$0	$986,518	$0
Appropriations			$3,338,348	$0	$986,518	$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendment 70499.0104 would not require the Criminal Justice Information Sharing (CJIS) program to establish and administer a statewide automated victim information and notification system. Because there is no requirement for a system, the fiscal impact is $0 at this time.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

In addition to the initial cost of the development of the automated system, there will be reoccurring costs related to the operation and maintenance of the system. In addition, the bill requires access to a live operator 24 hours a day 7 days a week. While there are many ways to accomplish this requirement, for the purpose of this fiscal note it is assumed the requirement will be met through the hiring of 5 FTE pay grade 10 operators. Another options would be to contract with an appropriate entity. The administration of this system will require 1 FTE with related operating costs. In addition there will need for ongoing contract agreement with an appropriate entity for software maintenance. The costs noted above are based on the following:
1) System development - $2,902,648
2) System administration - $550,818
3) System response (24/7-operator assistance) - $435,700

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.*

1) System development - $2,902,648
2) System administration - $550,818
3) System response (24/7-operator assistance) - $435,700

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

General Funds - $3,338,348

Name:	Mike J. Ressler	**Agency:**	ITD
Phone Number:	328-1001	**Date Prepared:**	02/13/2007

FISCAL NOTE

Requested by Legislative Council
01/10/2007

Bill/Resolution No.: HB 1219

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			$3,338,348	$0	$986,518	$0
Appropriations			$3,338,348	$0	$986,518	$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill would require the DOCR to establish and administer a statewide automated victim information and notification system. It is unknown at this time the costs to counties to interface with the statewide system.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

In addition to the initial cost of the development of the automated system, there will be reoccurring costs related to the operation and maintenance of the system. In addition, the bill requires access to a live operator 24 hours a day 7 days a week. While there are many ways to accomplish this requirement, for the purpose of this fiscal note it is assumed the requirement will be met through the hiring of 5 FTE pay grade 10 operators. Another options would be to contract with an appropriate entity. The administration of this system will require 1 FTE with related operating costs. In addition there will need for ongoing contract agreement with an appropriate entity for software maintenance. The costs noted above are based on the following:
1) System development - $2,902,648
2) System administration - $550,818
3) System response (24/7-operator assistance) - $435,700

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.*

1) System development - $2,902,648
2) System administration - $550,818
3) System response (24/7-operator assistance) - $435,700

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

General Funds - $3,338,348

Name:	Charles Placek	**Agency:**	DOCR
Phone Number:	328-6198	**Date Prepared:**	01/26/2007

70499.0101
Title.

Prepared by the Legislative Council staff for
Representative Delmore
January 30, 2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Page 1, line 9, replace "shall" with "may"

Page 1, line 10, replace "must" with "may"

Page 1, line 13, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 3, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 8, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 12, replace "the most recent" with "a"

Page 2, remove lines 17 and 18

Page 2, line 19, replace "The" with "If a statewide automated victim information and notification system is established, the"

Page 2, line 20, replace "satisfies" with "may satisfy"

Page 2, line 23, replace "The" with "If a statewide automated victim information and notification system is established, the"

Page 2, line 29, replace "Custodial" with "Upon the request of the department of corrections and rehabilitation, custodial"

Renumber accordingly

70499.0102
Title.

Prepared by the Legislative Council staff for
Representative Delmore
January 30, 2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to the implementation of a statewide automated victim information and notification system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM. The legislative council shall study, during the 2007-08 interim, the feasibility and desirability of establishing a statewide automated victim information and notification system to provide information and notify registered victims regarding the status of an offender. The legislative council shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

Date: 1/31/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1219

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended

Motion Made By Rep. Dahl Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller					
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Onstad

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

70499.0103
Title.

Prepared by the Legislative Council staff for
Representative Delmore
February 1, 2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Page 1, line 7, replace "**Department of corrections and rehabilitation**" with "**Criminal justice information sharing board**"

Page 1, line 9, replace "department of corrections and rehabilitation shall" with "criminal justice information sharing board may"

Page 1, line 10, replace "must" with "may"

Page 1, line 13, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 3, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 8, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 12, replace "the most recent" with "a"

Page 2, remove lines 17 and 18

Page 2, line 19, replace "The" with "If a statewide automated victim information and notification system is established, the"

Page 2, line 20, replace "satisfies" with "may satisfy"

Page 2, line 23, replace "The department of corrections and rehabilitation" with "If a statewide automated victim information and notification system is established, the criminal justice information sharing board"

Page 2, line 29, replace "Custodial" with "Upon the request of the criminal justice information sharing board, custodial" and replace "department of corrections and" with "board"

Page 2, line 30, remove "rehabilitation"

Renumber accordingly

70499.0104
Title.0200

Prepared by the Legislative Council staff for
Representative Delmore
February 5, 2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1219

Page 1, line 3, after "system" insert "; and to provide for a legislative council study"

Page 1, line 7, replace "**Department of corrections and rehabilitation**" with "**Criminal justice information sharing board**"

Page 1, line 9, replace "department of corrections and rehabilitation shall" with "criminal justice information sharing board may"

Page 1, line 10, replace "must" with "may"

Page 1, line 13, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 3, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 8, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 12, replace "the most recent" with "a"

Page 2, remove lines 17 and 18

Page 2, line 19, replace "The" with "If a statewide automated victim information and notification system is established, the"

Page 2, line 20, replace "satisfies" with "may satisfy"

Page 2, line 23, replace "The department of corrections and rehabilitation" with "If a statewide automated victim information and notification system is established, the criminal justice information sharing board"

Page 2, line 29, replace "Custodial" with "Upon the request of the criminal justice information sharing board, custodial" and replace "department of corrections and" with "board"

Page 2, line 30, remove "rehabilitation"

Page 2, after line 31, insert:

"**SECTION 2. LEGISLATIVE COUNCIL STUDY - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM.** The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of establishing a statewide automated victim information and notification system to provide information and notify registered victims regarding the status of an offender. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

Date: 2/5/07
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1219

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended

Motion Made By Rep. Meyer Seconded By Rep. Onstad

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller					
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Onstad

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

REPORT OF STANDING COMMITTEE

HB 1219: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 3, after "system" insert "; and to provide for a legislative council study"

Page 1, line 7, replace "Department of corrections and rehabilitation" with "Criminal justice information sharing board"

Page 1, line 9, replace "department of corrections and rehabilitation shall" with "criminal justice information sharing board may"

Page 1, line 10, replace "must" with "may"

Page 1, line 13, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 3, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 8, replace "Automatically notify" with "Notify" and replace "through the victim's choice of" with "by"

Page 2, line 12, replace "the most recent" with "a"

Page 2, remove lines 17 and 18

Page 2, line 19, replace "The" with "If a statewide automated victim information and notification system is established, the"

Page 2, line 20, replace "satisfies" with "may satisfy"

Page 2, line 23, replace "The department of corrections and rehabilitation" with "If a statewide automated victim information and notification system is established, the criminal justice information sharing board"

Page 2, line 29, replace "Custodial" with "Upon the request of the criminal justice information sharing board, custodial" and replace "department of corrections and" with "board"

Page 2, line 30, remove "rehabilitation"

Page 2, after line 31, insert:

"**SECTION 2. LEGISLATIVE COUNCIL STUDY - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM.** The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of establishing a statewide automated victim information and notification system to provide information and notify registered victims regarding the status of an offender. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

2007 SENATE JUDICIARY

HB 1219

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1219**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3674

Committee Clerk Signature Maiwa L Solberg

Minutes: Relating to establishment and administration of statewide automatic victim information and notification system.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Rep. Lois Delmore, Dist. #43 introduced the bill and spoke of the fiscal note. She preferred the bill over a study. Rep Dlemore reference a letter – Att. #1. She also stating that we are one of the only states that do not currently do this.

Bonnie Palecek, ND Council on Abused Women Services gave testimony referring to Jessica McSparrion-Bein hand out – Att. #2

Sen. Nelson asked if the definition of victim include family. No.

Tom Trenbeath, Attorney General Office, stated the original bill we were in favor of but the amendment (meter 6:15) the house did was not a benefit to the bill. He spoke of the 12-15 member C.I.G.I.S. board, his newness of being on the board and there grant application concerns. It was critical that the grants requests did not compromise the application of the

board's mission. He spoke of the Legislation mandating the CIGIS system and some members not satisfied with the speed of it getting up and running but we are close to being done. Dept of Justice sent I.T.D. an email asking what are enabling structure is. There was discussion of the Governor providing a letter verses the legislation enabling a stature. Spoke of the two departments handling the system I.T.D. for set up and DOC for operating. We do not like the language that CIGIS would be responsible for administering this grant. This is not in our mission statement. (Meter 10:00) Spoke of the may verses the shall of this language. He requested the committee hold the bill for one week, while they work out the handling of the grant.

Sen. Fiebiger noticed that the notification system did not have any "teeth" if not done? He stated legal that was correct but the public aspect is that it better happen.

Sen. Nething requested **Mr Trenbeath** bring the committee an amendment stating the grant portion pertaining to the bill.

Lisa Feldmern, Chief I.T. D. Officer (meter 13:00) Gave her testimony – Att. #3.

Sen. Nething spoke of making an effective date for 2 years to send the message that we are doing something.

Sen. Olafson asked what the current process is for the victims. Not much from the stand point of the ITD department.

Amy Verocheck, Victim Coordinator of Correction, they follow the Fair Treatment Standards 12.1-34 notification of parole board procedures for violent and non violent offenses (meter 15:11) stated that they make sure people are notified. She spoke to the definition of "immediate victim" and the family, foster family and friends are the "co-victims" and the notification process.

Sen. Nething stated that "co victim" is not in the bill. She replied, it would be beneficial to use that language.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1219**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4875

Committee Clerk Signature Moira L Solberg

Minutes: Relating to establishment and administration of statewide automatic victim information and notification system.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

The committee reviewed the amendment provided by the Attorney General's office – Att. #1a and Att. 1b. The amendment place the correct verbiage in the bill.

Sen. Lyson made the motion to Do Pass Amendment – Att. #1 from today and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes.

Sen. Nelso made the motion to Do Pass HB 1219 as amended and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

This bill has been turned into a study and does not need to be referred to appropriations.

Senator David Nething, Chairman closed the hearing.

3-12-07

1a

Proposed Amendments to House Bill No. 1219

Page 1, line 7, remove "**Criminal justice information sharing board -**"

Page 1, line 9, replace "criminal justice information sharing board" with "information technology department" and remove "and administer"

Page 1, line 10, after "may" insert "be administered by the department of corrections and will"

Page 2, line 18, replace "may" with "will"

Page 2, line 22, replace "criminal justice information sharing board" with "system operator"

Page 2, line 23, remove "statewide automated victim information and"

Page 2, line 24, remove "notification"

Page 2, line 28, replace "Upon the request of the criminal justice information sharing board custodial" with "Custodial"

Page 2, line 29, replace "board" with "system operator"

Date: 3-12-07
Roll Call Vote # 1 of 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1219

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken A. G's Office Amend Att #1a Do Pass

Motion Made By Sen. Lyson Seconded By Sen. Olafson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment

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

Date: 3-12-07
Roll Call Vote # 2 of 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1219

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass As Amend.

Motion Made By Sen. Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Lyson

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

REPORT OF STANDING COMMITTEE

HB 1219, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "**Criminal justice information sharing board -**"

Page 1, line 9, replace "criminal justice information sharing board" with "information technology department" and remove "and administer"

Page 1, line 10, after "may" insert "be administered by the department of corrections and rehabilitation and must"

Page 2, line 18, replace "may satisfy" with "satisfies"

Page 2, line 22, replace "criminal justice information sharing board" with "system operator"

Page 2, line 23, remove "statewide automated victim information and"

Page 2, line 24, remove "notification"

Page 2, line 28, replace "Upon the request of the criminal justice information sharing board custodial" with "Custodial"

Page 2, line 29, replace "board" with "system operator"

Renumber accordingly

2007 SENATE APPROPRIATIONS

HB 1219

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1219

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-19-07

Recorder Job Number: 5255

Committee Clerk Signature	

Minutes:

Chairman Holmberg opened the hearing on HB 1219 indicating this is to establish and administer statewide auto victim information notification system and provide a legislative council study. He requested someone in audience discuss the new fiscal note we got today, which says there is no fiscal impact as written.

Tom Trenbeth , Chief Deputy. Attorney General Office, testified indicating the reason for 0 bal is, if you look at latest version of the bill it states may and if -- whoever puts this together would make application to spend the funds. The only reason he could make these statements is he sits at the Attorney General's discretion on CGIS.

Senator Tallackson asked if this is a pretty much a sure thing, and is that why they took this out The response was he is not sure.

Representative Delmore, District 43, Grand Forks, testified indicating this bill was brought forth by people in her district indicating we are the only state not having victim notification and there should not be fiscal note because will qualify for grants.

Chairman Holmberg closed the hearing on HB 1219.

Senator Krauter moved do pass on HB 1219, Senator Mathern seconded, discussion followed. Questions raised included; is there somewhere that states based upon this or that happening then they may proceed or can someone proceed out of other funds and then end up short. What triggers this possibility? The response is that is why they put in permissive language and put the study in. There is nothing that says this will follow through with the grant money but it does include some things we would like to be in the automated system. That is why this is drafted in this form. An additional question; is there something that prohibits this if the grant is not received. The response is probably not, but it does give legislative input into this.

Chairman Holmberg indicated if we don't pass this and they apply for the money and get a grant they will go to budget section and the budget section will approve money. Then, it will be up to CGIS to establish how to administer that money. With the passage of 1219, if they get the money, at least there are some legislatively mandated things that will be in system. This does not authorize money, they will have to come through the system

Senator Mathern indicated the primary driver in whether this is done is the appropriation and there is no appropriation and that would direct the executive branch in terms of moving on with this. If there is no appropriation there is no grant.

Chairman Holmberg stated it sounds as though they are moving forward and ask for it.

Senator Krebsbach indicated some counties do have a notification system in place. Is there any requirement in law for that. The response was she was not sure. This bill refers to more of a statewide notification.

A roll call vote was taken resulting in 13 yes, 0 no and 1 absent, Senator Lyson of Judiciary will carry the bill.

Date: 3/19/07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1219

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DP

Motion Made By Krauter Seconded By Mathern

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No —

Absent 1

Floor Assignment Lyson jud

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

REPORT OF STANDING COMMITTEE

HB 1219, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1219, as amended, was placed on the Fourteenth order on the calendar.

2007 HOUSE JUDICIARY

CONFERENCE COMMITTEE

HB 1219

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1219

House Judiciary Committee

☒ Check here for Conference Committee

Hearing Date: 4/4/07

Recorder Job Number: 5722

Committee Clerk Signature D. Renner

Minutes:

Rep. Klemin: Called Conference Committee to order. Attendance taken, all parties present. We will have the Senate tell us why they amended the bill the way they did.

Sen. Lyson: Tom Trenbeath, from the AG's office came in and brought the amendment that we attached to the bill.

Rep. Klemin: We see that instead of having CJIS Board apparently is not going to be such a thing, and ITD is going to be establishing this notification system and it's going to be administered by the DOCR.

Rep. Delmore: I think part of that is because the notification itself will go through ITD and they are the ones that set up all the computer programs and software, etc. But the DOCR obviously would have the information that needs to go through that system to notify people. That would be my understanding in my earlier conversation with Mr. Trenbeath.

Rep. Klemin: As I understand these amendments, there will not be a Criminal Justice Information Sharing Board, that's all been deleted out of here.

Rep. Koppelman: I move that the House accede to the Senate amendments.

Rep. Delmore: Second.

6 YES 0 NO 0 ABSENT

Rep. Klemin: Motion carried. Conference committee is adjourned.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1219 (, as (re)engrossed): Date: 4/4/07

Your Conference Committee House Judiciary

For the Senate:	YES	NO	For the House:	YES	NO
Sen. Nething	✓		Rep. Klemin	✓	
Sen. Lyson	✓		Rep. Koppelman	✓	
Sen. Nelson	✓		Rep. Delmore	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1110 – _____

✓, and place 1219 on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 1219 was placed on the Seventh order of business on the calendar.

DATE: 4/4/07
CARRIER: Rep. Klemin

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep. Koppelman

SECONDED BY: Rep. Delmore

VOTE COUNT 6 **YES** 0 **NO** 0 **ABSENT**

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1219, as engrossed: Your conference committee (Sens. Nething, Lyson, Nelson and Reps. Klemin, Koppelman, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1100 and place HB 1219 on the Seventh order.

Engrossed HB 1219 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1219

January 16, 2007

Same testimony given to Senate

Representative Lois Delmore
State Capitol
Bismarck, ND 58505

Subject: Sherri's Rights/Victim Representation

Dear Lois,

I am writing this letter to try to tell you my story and hopefully you will see why I feel so strongly about the need for victim input in the parole/pardon process.

My daughter, Sherri, was killed by Dennis Houle in March of 1980, and as I recently told the Pardon Board, that may seem like a long time, and yet for me,,,, it is yesterday, today and tomorrow.

There is nothing more painful than losing a child, but almost unbearable when it is in the news media for years! My child has never been allowed to rest in peace. So much of the pain and anguish could have been prevented had Dennis been made to serve out his sentence – period.

Dennis has been given so many opportunities to be free and succeed that it is just ridiculous. Dennis attempted escape, and then did escape in 1982, was not a model prisoner, and yet was granted a parole in 1995 to be effective in 1997. In 1996, Dennis escaped again and the parole was revoked. Can you even imagine all the pain this caused the family? The news media coverage and the fear of where he was and what he may do were overwhelming. Do you have any idea how much this man cost the State of North Dakota because of these 2 escapes? (Plus this last one) It is an enormous amount I am sure.

All the while that this is going on, Dennis is being allowed to request appearance before the Pardon Board. Every time this man goes before the Board, I have been made aware of the time and told that I can appear or make a statement. This process takes at least 2 months each time out of my life with the stress of anticipation of the upcoming meeting, drafting a letter and/or appearing and then waiting for the final decision. And more media coverage. At one of the Board meetings I was put in the same room with Dennis for close to an hour. This was unbelievable. I did not appear in person for years until recently. At 2 of the Pardon Board meetings, the Board reduced his sentence once by one year and another time by four years. Dennis did nothing to deserve this, and the only excuse the Board had for me was to shut him up till the next meeting. I totally lost all hope as a victim and always felt like I had to defend Sherri and fight for her rights. This should never be! This man took Sherri's life and a good portion of mine.

We need people on that Board who understand, who have been there. So much of my family pain could have been prevented!

Dennis was recently paroled and eventually violated his parole by leaving the area. He was sent out on parole to work in the Mandan community. This is where I live! Do you have any idea how I felt driving down my home town main street wondering if I may run into him. And of course I did! What are these people thinking when they make these decisions? Another reason we need a victim representative. As a victim, I would know better than to allow this.

I realize that choosing a victim to be a representative will not be an easy task, but it can be done. One needs to remember that the victim can provide invaluable insight, and after all, the final decision of the Board is the consensus of the group. A victim representative would provide a good balance and would hopefully prevent my story from being repeated.

You need to know that I am not a hate filled, revengeful or unforgiving person. I have forgiven Dennis, but that does not mean that I will not fight for Sherri's rights.

Sherri was a typical 16 year old teenager. She never caused me any significant problems and was a very easy child to raise and love. She was working at Hardees at the time of her death and paid for her own car, car insurance and telephone bills. I was a single mom at the time, and though I know it had to be hard for her, she never complained. She loved being at home and in her room listening to records or talking on the phone. Sometimes she had her phone in one ear and the family phone in the other at the same time. She would fight with her brother one minute and give in and play chess with him the next. Sherri was simply in the wrong place at the wrong time. She was a good kid.

I recently asked the newspaper after Dennis' last escapade, if they would print a story on Sherri and who she was, but they refused, saying that they did not want to cause the family any undue stress. I felt victimized all over again. I could not even respond. This is coming from a newspaper who repeatedly printed "shot in the head" when referring to Sherri, even though I asked them several times not to. Apparently Sherri's life is not hot news.

If you need any information on this case or me, I am sure that Amy Vorachek at Victims Services would be willing to help you. She is familiar with me and this case.

In closing, I want to thank you for your time and I urge you to please, please consider this legislation. This story may be my story, but I am sure I speak for the pain of every victim.

Let me know if you have any questions or need me for anything.

Sincerely,

Sharon Collins Schmidt

Sharon Collins Schmidt
1011 20th St SE
Mandan, ND 58554
701-663-0721
isit5yet@bis.midco.net

Till 2/15/07
400 N Plaza
#138
Apache Junction, Az
85220

me:

Lois: Forgive my typo etc. I was at the Library on a "timed" Computer. SHARON

HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE DUANE DEKREY, CHAIRMAN
JANUARY 30, 2007

CHARES R. PLACEK, PROGRAM MANAGER
DEPARTMENT OF CORRECTIONS AND REHABILITATION,
FIELD SERVICES DIVISION,
PRESENTING TESTIMONY RE: HB 1219

Good morning Mr. Chairman and members of the committee. For the record, my name is Charles Placek. I am a program manager for the ND Department of Corrections (DOCR), Field Services Division. I am also the DOCR representative on the North Dakota Criminal Justice Information Sharing (CJIS) Executive Board.

The DOCR supports the concept of HB 1219 but is concerned with its mandates if enacted at this time. First and foremost, the DOCR does not have the planning, design, development or implementation funds within its present or proposed 07-09 budget. Secondly, the minimum planning, design, development and implementation time would take two or more years.

The development of a statewide automated victim information and notification system has been discussed by the department and others in North Dakota. The CJIS Executive Board was made aware of possible federal funding for a statewide automated victim information and notification system on October 31, 2006. The grant application, to the Bureau of Justice Assistance (BJA), was due December 21, 2006. The CJIS Board approved the submission of a grant application during its December 14, 2006 meeting. It is unknown when CJIS would be notified of the amount if awarded a grant. The grant requires a 50% match. CJIS's grant application is based upon the proposed 07-09 CJIS and State Court budgets. It should be noted that Chief Justice VandeWalle's motion reserved the right to reject the grant if it appeared the CJIS staff would not be able to complete the project within the timelines for the grant. HB 1219 will be a major IT undertaking. I am not going into the ITD/State guidelines that are involved with the development and implementation of a major IT project.

HB 1219 will require the political subdivision, under 1 (b), to provide data electronically in a format determined by the DOCR. This bill does not address the cost to the counties or their involvement in the governance of HB 1219.

The CJIS grant proposal would provide for an automated phone contact but does not plan for a live operator as outlined in section 1 (b)(7)(f) of HB 1219. I question the cost effectiveness of this requirement in North Dakota. To require a live operator 24 hours a day, to address victim issues, is very expensive.

Under section 1 (b) (7) (d) of HB 1219, the Attorney General's office is mandated to collect this information about registered sex offenders and their compliance with the sex offender registration laws of the state. The DOCR has about 35% of all registered sex offenders under its control.

I believe HB 1219 is premature at this time. I would ask that you allow CJIS to manage this issue and if funded, both by the federal and state governments, CJIS will be back before the 2009 legislative session with a bill to address the concerns to fully implement a statewide victim information and notification system. How the proposed CJIS system may look is addressed in the attachments to my testimony.

Again, HB 1219 is premature and the cost and development issues are not clearly known at this time.

The Department of Corrections is neutral on House Bill 1219.

Attachments: CJIS Implementation Project Timeline & Position Description
CJIS Implementation Program Narrative

Statewide Automated Victim Information and Notification (SAVIN) Programs
FY 2007 Grant Application – Category I: Implementation
Project Timeline and Position Description

State of North Dakota
December 21, 2006

Project Timeline

The project will be completed within 24 months. The following table outlines the major activities and high level schedule. The project will begin when the grant is approved. The first column identifies the month and duration of the activity based on the project start date.

Month from project start	Activity	Responsible organization	Related objectives
1	Establish governance structure. Convene SAVIN Advisory Group	CJIS	1, 2
1-24	Regular meetings for status reporting and project oversight.	Steering Committee	2
1-3	Procure project manager and integration consultant	CJIS	3
3-9	Define functional system requirements and operating parameters.	Consultant	2,3,4
9-14	Develop and test core SAVIN components according to specification.	Consultant	3,4
9-12	Establish SAVIN operating environment at ITD Data Center	ITD	3,4
5-14	Design and implement a statewide jail management system	DOCR	6
12-24	Gather requirements and plan new Court system (design includes functionality needed for SAVIN reporting)	Courts	5
14-18	Pilot core SAVIN system exchanges	CJIS	3,4
18-22	Develop training and outreach program	DOCR	2
22-24	Deliver training and outreach program	DOCR	2
24	Begin collecting performance data and monitoring success	CJIS/DOCR	2

Goals and objectives

The goal of this project is to provide a statewide automated victim information and notification program. To meet the goal the project has the following objectives and activities:

1. Implement a governance structure and formal agreements among the agencies involved. The governance structure will include, at a minimum, representatives from the Judicial Branch, the Criminal Justice Information Sharing (CJIS) program, the Department of Corrections and Rehabilitation (DOCR), the Attorney General's Office (AGO), a local law enforcement official, a state's attorney, a victim's advocate and a crime victim. (1 month) Responsible entity: CJIS
2. Design and implement the SAVIN system to meet the needs of key stakeholders. Convene an Advisory Group of stakeholders. The primary responsibilities of the team are:
    1. Define system requirements and operating parameters. (3 months)
    2. Provide project oversight throughout the development of the SAVIN. (On-going)
    3. Document consistent data exchange and victim notification processes. (3 months)
    4. Establish training and outreach programs to ensure that each constituency is familiar with the capabilities and use of the SAVIN system. (3 months)
    5. Responsible entity: DOCR
3. Design, develop and implement the SAVIN system in accordance with the SAVIN team specification and in compliance with state and national standards for

information exchange within the criminal justice arena (GJXDM). (18 months) Responsible entity: CJIS

4. Design and implement according to SAVIN technical specification the exchanges necessary to notify the SAVIN system managed by CJIS.
5. Complete the plan to upgrade to Judicial Branch case management system and incorporate requirements for North Dakota's courts to systemically contribute triggering event information to the SAVIN system. (24 months) Responsible entity: Judicial Branch
6. Implement a simple statewide jail management system for jails that are not automated and design and implement changes to the existing DOCR systems that can systemically contribute triggering event information to the SAVIN system. (18 months) Responsible entity: DOCR

Position Description – SAVIN Program Manager

The project will require the addition of a program manager. Following is a general description of the position scope of work and duties:

SCOPE OF WORK:

Work involves the application of project management principles, methodologies, standards, and best practices in managing, on an ongoing basis, all phases of information technology project management including origination, initiation, planning, execution and control, and closure.

DUTIES PERFORMED:

- Assist business unit with development of project business cases; develop the project charter and gain approval or assist project sponsor or initial project team

with development of the charter and approval process; conduct project kick-off meetings.

- Facilitate sessions to gather business requirements; review historical information such as strategic plans, project proposals, business cases, funding information, etc.
- Develop and implement the project plan to include determining the scope and deliverables of the project, identifying the work required to successfully complete the project, establishing schedules, preparing a project budget and staffing plan, identifying and assessing risks and issues, and gaining acceptance of the plan.
- Monitor and manage project costs to ensure project is completed within budget.
- Manage project schedules to ensure timely completion of the project and milestones.
- Manage changes to the project including cost, schedule, scope, and quality.
- Monitor and manage project quality to ensure the deliverables will satisfy the needs for which the project was undertaken.
- Monitor, manage, and respond to risks and issues.
- Provide oversight of vendors, consultants, and outsourcing services to ensure compliance with contracts.
- Perform project post-implementation activities such as soliciting feedback from stakeholders, preparing a report, and archiving of information.

NOTE: The duties listed are not intended to be all-inclusive.

Statewide Automated Victim Information and Notification (SAVIN) Programs
FY 2007 Grant Application – Category I: Implementation
Program Narrative

State of North Dakota
December 21, 2006

Statewide Automated Victim Information and Notification (SAVIN) Programs
FY 2007 Grant Application – Category I: Implementation
State of North Dakota

Statement of Problem and Project Strategy

North Dakota Century Code Chapters 12.1-34 and 12.1-35 outline the responsibilities of the entities responsible for providing victim information and notification. Depending on the step in the judicial process, different agencies are involved. Law enforcement agencies have responsibilities for providing non-confidential information regarding investigations and arrests. State's attorneys have responsibility for providing information regarding criminal charges, pre-trial release conditions, court proceedings and final disposition. The custodial authorities, including the Department of Corrections and 27 jails in North Dakota, are responsible for providing information regarding release from custody. Although the courts have no direct responsibility to provide information, their case management systems holds much of the information that a victim notification system requires.

Because of the large number of agencies involved, victim notification services are not provided in a consistent manner. The Department of Corrections has a Crime Victim Coordinator in the Parole and Probation Division, but for the most part local agencies do not have dedicated staff. In addition, because of the rural nature of the state, many local jurisdictions have small staffs and limited technology. Only five of the 53 state's attorneys have automated case management systems. Likewise only the largest of the 27 jails operate automated jail management systems so it is difficult to get information about those incarcerated in or released from local jails.

Since a variety of events can trigger notification, it is imperative to create an electronic system that allows these events to be transmitted and shared among state and local agencies, courts and victims.

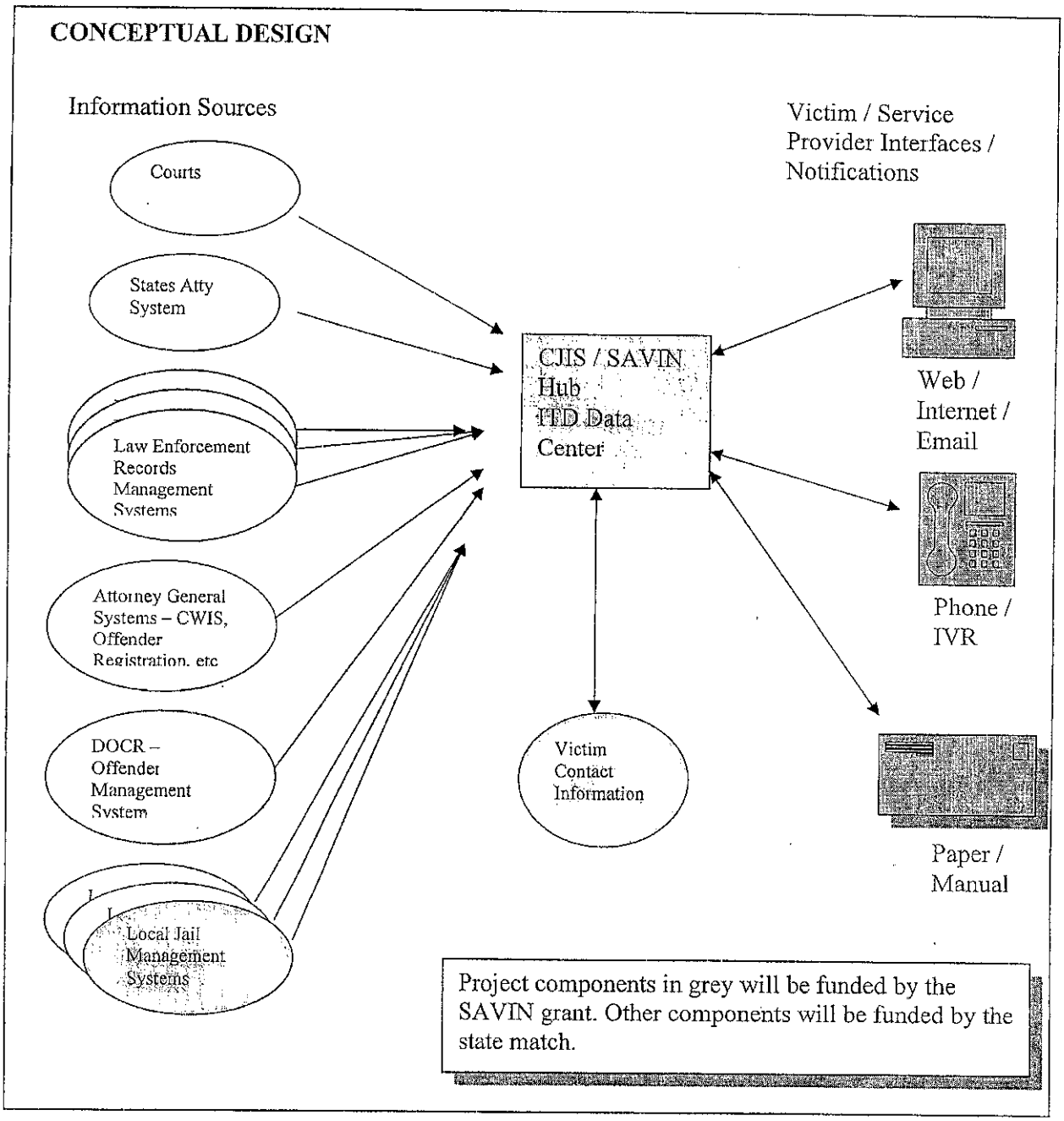
Project Strategy

North Dakota plans to establish a Statewide Automated Victim Information and Notification (SAVIN) system that provides victims of crime real time notification of criminal justice events relating to their case and the status of the accused/offender throughout the criminal justice process. The parties responsible for victim notification and stakeholders in the process recognize that a comprehensive system can only be achieved through a collaborative and coordinated effort. Because North Dakota has already had success with sharing information through the Criminal Justice Information Sharing (CJIS) program, the governance structure and technology will be leveraged for the SAVIN system.

With this grant, web-based and interactive voice response (IVR) notification services will be developed. The Global Justice Extensible Markup Language (XML) Data Model (GJXDM) will be used as the basis for data exchanges. Exchanges with the courts, local law enforcement, states attorney and jail management systems will be developed. In addition, a low cost solution for automating records for jails will be developed so that they can share data real time with other stakeholders and victims.

Standard processes will be developed and stakeholders will be trained in the system capabilities. In addition, promotional and training materials will be developed to ensure system adoption. North Dakota will provide victim notification via the internet and a web browser or email and/or IVR telecommunication as selected by the victim.

Project Design and Implementation



The goal of this project is to provide a statewide automated victim information and notification program. To meet the goal the project has the following objectives and activities:

1. Implement a governance structure and formal agreements among the agencies involved. The governance structure will include, at a minimum, representatives from the Judicial Branch, the Criminal Justice Information Sharing (CJIS) program, the Department of Corrections and Rehabilitation (DOCR), the Attorney General's Office (AGO), a local law enforcement official, a state's attorney, a victim's advocate and a crime victim. (1 month) Responsible entity: CJIS
2. Design and implement the SAVIN system to meet the needs of key stakeholders. Convene an Advisory Group of stakeholders. The primary responsibilities of the team are:
    1. Define system requirements and operating parameters. (3 months)
    2. Provide project oversight throughout the development of the SAVIN. (On-going)
    3. Document consistent data exchange and victim notification processes. (3 months)
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Project Timeline

The project will be completed within 24 months. The following table outlines the major activities and high level schedule:

Month from project start	Activity	Responsible organization
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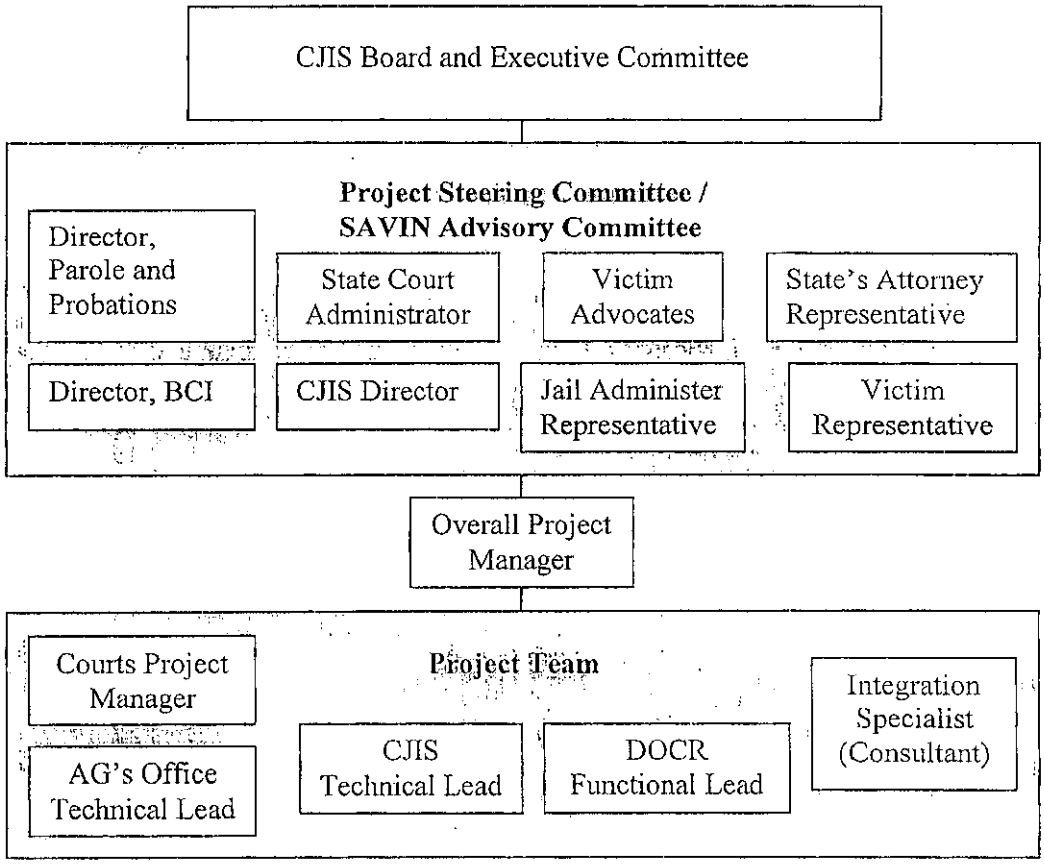
1-24	Regular meetings for status reporting and project oversight.	Steering Committee
1-3	Procure project manager and integration consultant	CJIS
3-9	Define functional system requirements and operating parameters.	Consultant
9-14	Develop and test core SAVIN components according to specification.	Consultant
9-12	Establish SAVIN operating environment at ITD Data Center	ITD
5-14	Design and implement a statewide jail management system	DOCR
12-24	Gather requirements and plan new Court system (design	Courts

	includes functionality needed for SAVIN reporting)	
14-18	Pilot core SAVIN system exchanges	CJIS
18-22	Develop training and outreach program	DOCR
22-24	Deliver training and outreach program	DOCR
24	Begin collecting performance data and monitoring success	CJIS/DOCR

Capabilities/ Competencies

North Dakota recognizes that a strong management structure and staffing resources are a critical success factor to the project. The following diagram depicts the organization structure that will be implemented for the project.



The CJIS Board and Executive Committee are teams already in place to govern the sharing of criminal justice information. The CJIS Board includes the State CIO, the

Chief Justice and the Chief Deputy State's Attorney. The CJIS Executive Committee includes state agency representatives from the Judicial Branch, the Bureau of Criminal Investigations, the Information Technology Department, the Highway Patrol, the Division of Emergency Management and the Department of Corrections and Rehabilitations. It also includes local representation of one state's attorney, two police chiefs and two sheriffs.

The project steering committee will be made up of the Court Administrator, the Director of Parole and Probation, the CJIS Director, the Director of the Bureau of Criminal Investigations (BCI), two victim advocates, a victim, a jail administrator and a state's attorney. The steering committee will meet monthly and play an active role in project decision-making and oversight. A full-time project manager will be hired as part of the grant funding. The project manager will have deep project management skills and a strong background in managing multi-disciplinary projects.

Responsibility for major project deliverables will be assigned to members of the project team. The CJIS technical lead will be responsible for the design of the technical architecture, technical standards, and implementation of the architecture and integration will existing components. This person will have knowledge of the GJXDM model and have experience designing and building service oriented architectures. The Courts project manager will be responsible for managing the upgrade to the Courts case management system and communicating with others on the SAVIN project team regarding points of integration. A consultant will be hired as an integration specialist to design and build the system as well as develop promotional and training materials.

It is recognized, that many of the events that trigger a notification are initiated by and through North Dakota's courts (e.g. arraignment, hearings, sentencing, issuance of warrants and protection orders, post conviction relief and appeals, etc.) and the Department of Corrections and Rehabilitation and local jails (e.g. detention and release). A critical success factor, therefore, in establishing a comprehensive system for crime victim notification is to modernize North Dakota's courts so any judicial proceeding that would logically trigger a notification to the crime victim is reported by the court to the SAVIN in a timely and efficient manner. In addition, it is important for DOCR and the local jails to be able to electronically share information about detention and release.

The Department of Corrections and Rehabilitation (DOCR) will play a key role in developing the functional requirements of the system, leading the effort to develop consistent notification processes and directing the training and outreach activities. The DOCR will participate in the North Dakota SAVIN initiative in the following ways:

1. Actively participate on the North Dakota SAVIN team to define system requirements and operating parameters.
2. Lead the effort to develop consistent processes for victim notification and develop policies to maintain security and privacy.
3. Lead the effort to develop documentation and training materials and promote the adoption of the system.
4. Coordinate the efforts to design and develop a statewide jail management system.

5. Modify DOCR systems to flag triggering events as they occur and establishing the necessary connectivity between the systems to electronically "push" the relevant data elements to the SAVIN system.

The Criminal Justice Information Sharing (CJIS) program within the Information Technology Department is responsible for coordinating statewide justice data sharing initiatives. A shared governance structure and budget is currently in place for other initiatives. Because of the success of managing shared justice initiatives, this organization will be the administering agency for the grant and take the lead in managing the technical activities. CJIS will participate in the North Dakota SAVIN initiative in the following ways:

1. Administer the grant.
2. Coordinate the integration with the CJIS hub.
3. Establish technical standards.
4. Coordinate the technical design activities and oversee the technical implementation.
5. Manage the ongoing technical support.

The Bureau of Criminal Investigations (BCI) within the Attorney General's office is responsible for maintaining the statewide criminal history and sex offender registration systems. BCI and other staff within the Attorney General's Office will participate in the grant to implement policies and data exchanges consistent with sex offender registration

requirements and notification processes. The Attorney General's Office will participate in the North Dakota SAVIN initiative in the following ways:

1. Coordinate the integration of criminal history records and sex offender information with the SAVIN system.
2. Actively participate on the North Dakota SAVIN team to define system requirements and operating parameters.
3. Lead the effort to develop consistent processes for victim notification regarding sex offenders.
4. Research victim notification legislation and propose changes if needed.
5. Modify AG's systems to flag triggering events as they occur and establish the necessary connectivity between the systems to electronically "push" the relevant data elements to the SAVIN system.

The Judicial Branch will participate in the North Dakota SAVIN initiative in the following ways:

1. Actively participate on the North Dakota SAVIN team to define system requirements and operating parameters.
2. Design, develop and implement information systems that comply with the state SAVIN technical specification and national criminal justice information exchanges standards (GJXDM). The Judicial Branch plans to implement a replacement system for its current, outdated Unified Court Information System at a cost of $4 to $5 million. They are requesting $1.2 million for detail planning in the 07-09 biennium. $500,000 of this funding would be considered matching funds for the SAVIN project.
3. To the extent available with commercial off-the-shelf systems, the new system will be designed to meet the reporting requirements established by the SAVIN team. It is anticipated that the minimum functional interface requirements between the court management system and the SAVIN system will include customizing the court management system to flag triggering events as they occur and establishing the necessary connectivity between the systems to electronically "push" the relevant data elements to the SAVIN system.

Budget and Staffing (10 points) – See Attachment 2.

The following table shows the high level budget for the project. Additional detail is found in Attachment 2.

Budget Category	Total	In Kind Match	Federal Dollars
A. Personnel	$ 172,280	$ 52,280	$ 120,000
B. Fringe Benefits	$ 66,913	$ 40,673	$ 26,240
C. Travel	$ 3,947	$ 3,947	$ -
D. Equipment	$ 24,160	$ 4,160	$ 20,000
E. Supplies	$ 7,678	$ 7,678	$ -
F. Construction	$ -	$ -	$ -
G. Consultants/Contracts	$ 2,627,070	$ 1,364,990	$ 1,262,080
H. Other	$ 600	$ 600	$ -
Total Direct Costs	**$ 2,902,648**	**$ 1,474,328**	**$ 1,428,320**
I. Indirect Costs	$ -		
TOTAL PROJECT COSTS	**$ 2,902,648**	**$ 1,474,328**	**$ 1,428,320**
Federal Request	**$ 1,428,320**		
Non-Federal Amount	**$ 1,474,328**		
		$ 1.03 for every federal dollar	

Impact / Outcomes, Evaluation, and Sustainment

With the implementation of the various SAVIN projects North Dakota will have a statewide automated victim information and notification program that will allow future users to participate as they upgrade their own electronic systems.

Any event, from initial appearance, protection order and final disposition that occurs within the court system, whether misdemeanor or felony, will be accessible to other state criminal justice agencies, local law enforcement and victims. Law enforcement activities that begin with arrest, notice to appear or warrants will be accessible to the courts and other criminal justice agencies. Crime victims will be able to

receive information and notification of all criminal justice events that pertain to them so that they can fully participate in a criminal case as mandated by North Dakota statutes. Victims will be able to sign up via the internet, written notice or telephone.

Future opportunities for participation are unlimited for all authorized users. Any criminal justice practitioner who has authorized access can be added to the system in the future by connecting to the CJIS hub / SAVIN system.

Evaluation and Performance Measures

All evaluation and performance measures will be incorporated into the SAVIN design and plan and any additional North Dakota-specific measures will be discussed and added by the SAVIN Advisory Group. The Advisory Group will use the statistics to recommend modifications to the SAVIN design and plan as necessary. The DOCR and CJIS will establish baseline measures and report the following statistics to the SAVIN Advisory Group:

OUTPUTS

a. Number of transaction types
b. Number of agencies participating
c. Number of subscriber notifications
d. Number of subscribers enrolled

OUTCOMES

a. Percentage of notifications that meet notification time standards (based on state standards).
b. Percentage of victims of felony cases served by notification systems (based on state standards).

DATA TO BE COLLECTED

a. Number of transaction types

b. Number of monthly notification for each transaction type

c. Number of notifications that meet time standards

d. Number of subscribers enrolled

e. Number of subscribers served by month

f. Number of victims served by felony notifications

g. Total number of felony victims

h. Number of modifications made via:

i. Web portal

ii. Toll-free number

iii. Instant victim notification

iv. Email and other

Ongoing operations

State and local agencies will fund the ongoing SAVIN data sharing activities through their regular appropriations. Users of the statewide jail management system will be charged a fee to cover ongoing costs for the system. The costs to maintain the notifications front-end will be covered by the CJIS budget through a shared funding model. Monitoring of program objectives and decision-making regarding future enhancements and support will be provided through a shared governance structure involving CJIS and the SAVIN Advisory Committee.

Att #2 2-21

NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA

118 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Chairperson Nething and Members of the Senate Judiciary Committee

Wednesday, January 21, 2007

Re: Support for HB 1219

Same testimony given to House.

For the record I am Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator for the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in support of HB 1219 which would enable a Statewide Automated Victim Notification and Information System.

Across the country, crime victims and other concerned citizens are using automated victim notification and information systems as a way to access timely and reliable information about criminal cases and the custody status of offenders 24 hours a day. These systems provide increased safety to victims by providing the most accurate and up to date information allowing victims to decide if they need or want to take any action to protect themselves or others.

In addition to victims who actively retrieve information, this system can provide victims or others, who choose to register, with automated notification when the status of an offender changes, such as with the release, escape, or transfer of an offender. This system can also notify victim of upcoming court hearings. By using current technology to integrate the various criminal justice computer databases in the state, we can provide information to victims while reducing the manpower and time delay to dial the phone, write a letter, or type emails when changes occur within the system. Additionally, the automated victim notification and information systems available are able to repeat notification information to victims through phone calls or emails and continue to repeat the information until the victim verifies they have received the information.

This type of information is particularly important for victims of sexual assault and domestic violence, such as the incident of Mary Byron, the case which led to national

laws regarding victim notification. Mary was an average 21 year old woman, starting to find her own path in life. She was working as a cosmetologist at a salon in the local mall. In late 1993, Mary was stalked, assaulted, and raped by her former boyfriend. Mary was brave enough to file a report with law enforcement and through a subsequent investigation, the boyfriend was arrested. Mary went about her life, believing she was safe as her offender was behind bars. Unknown to Mary, someone posted her former boyfriend's bond and he was released. On the evening of December 6, 1993, Mary went to her car in the parking lot of the mall she worked at. While waiting for her car to warm up, her former boyfriend approached the car from the driver's side and shot Mary seven times in the head and chest at point blank range.

Victim notification is a right under North Dakota law in the NDCC 12.1-34 the Victim-Witness Fair Treatment Standards. This bill supports the rights of victims but more importantly will help increase the safety of victims of violence by giving them the knowledge they need to protect themselves. We know that the legislature has an enormous task for prioritizing many offender and victim issues. We also understand that the costs of such an automated system have been prohibitive in the past. Yet, we ask for your support on HB 1219 and for support securing the financial resources to support it.

Att #3

HB 1219 TESTIMONY
JUDICIARY COMMITTEE
By: Lisa Feldner, Chief Information Officer
Information Technology Department
FEBRUARY 21, 2007

Chairman Nething and members of the committee, my name is Lisa Feldner. I am the Chief Information Officer for the Information Technology Department. I am here to provide testimony on House Bill 1219.

The North Dakota Criminal Justice Information Sharing (CJIS) system was created to improve public safety by providing a common on-line environment where authorized state, county, and local officials can access offender records and other criminal justice information from participating entities. The three member governing board for CJIS consists of the Chief Justice of the Supreme Court, the Attorney General, and my position, the Chief Information Officer.

We feel the legislation proposed in section 1 of the bill is premature and the study proposed in section 2 of the bill is most appropriate. The CJIS board and related agencies believe that a study is in the best interest of, not only the affected agencies, but the victims as well. The study will determine appropriate policies, governance, and funding mechanisms as well as highlight "best practices" from other states.

In closing, I encourage you to amend HB 1219 to include only section 2. That concludes my testimony. I would be happy to entertain any questions.