

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2340

2007 SENATE JUDICIARY

SB 2340

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2340**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 29, 2007

Recorder Job Number: 2144 & 2146

Committee Clerk Signature

Maria L Solberg

Minutes: Relating to the civil commitment of sexually dangerous individuals.

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

Testimony In Support of Bill:

Sen. Layton Freborg, Dist. #8 Introduced the bill. Speaking of a personal case of cases in rural area not having the expertise as another counties attorney and a judge's opinion verses the Attorney General's office opinion.

Peter Welte, Pres. Of ND State Attorneys Assoc. (meter 3:19) Reviewed bill and gave testimony – Att. #1. Reviewed the characteristics of the current process. The process calls for uniformity the involvement of the Attorney Generals office would be consistent with other legislation.

Sen. Fiebiger asked (meter 5:06) what the downside of having the A.G.s office involved this bill? None. Mr. Welke spoke of there annual meeting last summer and the discussion of this bill. We currently are contacting John Byers in the A.G.'s office, upon receipt of our packets, and he usually has more information then we do.

Cynthia Fieland, Assistant at the Burleigh Co. States Attorney Office, In support of t bill (meter 7:43) This is a separate proceeding then the criminal proceeding. These are mental

health issues. The packets don't reflect any criminal acts. Spoke of process and the complexity of the packets and history of person. Intent is to centralize all of the information for the smaller jurisdictions to have access. Each individual county can maintain the jurisdiction if they choose. John Byers position is a very good access for information

Sen. Nething questioned the title of the bill. (meter 11:30) Discussion of the A.G.'s FTE request. This has nothing to do with the criminal process, this bill is about the civil proceeding and the A.G.'s office to have the ability to send a letter to the county informing them of the claimant, volunteering to handle the case or allowing them to take the responsibility.

Sen. Fiebiger questioned (meter 13:00) Section III the Juvenile requirements. Are there special requirements to handle these in the A.G.'s office. The style of procedure and processes are the same, it is the location and treatment facility that are different.

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

David Boek, State employee and lawyer for the Protection & Advocacy Project – Att. #2 and submitted amendment later Att. # 3

Senator David Nething, Chairman closed the hearing.

Job Number: 2146

Sen. Lyson made the motion to Do Pass and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Nething**

Senator David Nething, Chairman closed the hearing

FISCAL NOTE

Requested by Legislative Council

03/12/2007

Amendment to: SB 2340

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			\$436,107		\$458,413	
Appropriations			\$436,107		\$458,413	

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).*

As amended, \$5,000 is appropriated for civil commitments of sexually dangerous individuals by the Office of Attorney General.

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.*

The fiscal impact includes funding for 2.5 FTE's and associated operating expenses needed to handle civil commitments of sexually dangerous individuals.

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.*

N/A

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.*

The estimated fiscal impact for the 2007-09 biennium is \$436,107 from the general fund. If the Attorney General is responsible for these civil commitments, \$436,107 is required to fund this responsibility.

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.*

The necessary general fund appropriation for these responsibilities is \$436,107. This amount was not in the Governor's budget.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	03/14/2007

FISCAL NOTE
 Requested by Legislative Council
 01/22/2007

Bill/Resolution No.: SB 2340

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						
Appropriations						

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).*

No fiscal impact anticipated

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.*

No fiscal impact anticipated

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.*

No fiscal impact anticipated

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.*

No fiscal impact anticipated

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.*

No fiscal impact anticipated

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/23/2007

REPORT OF STANDING COMMITTEE (410)
January 29, 2007 1:23 p.m.

Module No: SR-19-1447
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2340: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was rereferred to the Appropriations Committee.

2007 SENATE APPROPRIATIONS

SB 2340

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2340

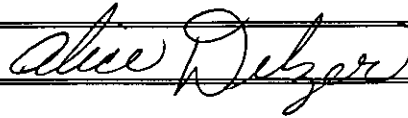
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-05-07

Recorder Job Number: 2824

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2340 at 11:15 am on February 5, 2007 relating to civil commitment of sexually dangerous offenders. He talked about the fiscal note and the appropriations requested.

Aaron Burse State's Attorneys Association presented written testimony (1) from Peter D Welte, President, North Dakota State's Attorneys Association and gave oral testimony in support of SB 2340. This bill is not in the Attorney General's requests. He talked about the request for 1 additional FTE, 1 paralegal and 1 secretary. This would save counties significant time for their criminal prosecutors to do other things.

Senator Grindberg asked what would happen if this bill didn't go through. How are we progressed for the next biennium and then do you have an opinion whether this is more important or a \$1 million for kiosks?

Aaron Burse said if this bill doesn't go through the States Attorneys will be required to do this. This bill only grants the Attorney General to also prosecute these cases. If the local office did not have the expertise or want to do the case then the Attorney General would do it.

Senator Mathern asked why any county would want to take on this expense. He was told not many counties do. Sometimes the local prosecutor may want more authority as he is an elected official in the county.

Cynthia Feland Assistant Burleigh County State's Attorney gave oral testimony in support of SB 2340. Highlights of her testimony was sharing about the hiring of a prosecutor, Jon Byers, to prosecute sex crimes in the Attorney General's office, mental health issues, repeat offenders, and civil commitments. Basically this bill would authorize the Attorney General's Office to do these civil commitment cases, again it doesn't take control away from the local jurisdiction. This bill would create a more centralized approach. She asked for a do pass.

Senator Grindberg asked if there is a plan for this bill, like the kiosks, or the bill concerning two forensic experts.

Cynthia Feland stated historically we have a number of offenses in the sex crimes arena. These people at some point kind of max out on the sentences that in the current law have been imposed on them. So we need to look at a review process. These kiosks are going to help with that. It is really one big circle that has a lot of pie pieces involved. They are all important, and more of the smaller jurisdictions are being asked to do these, they are very complex cases to do. In Burleigh County I did 11 of these last year Unfortunately these people are finishing a twenty year sentences, they are in that category of individuals that we need to consider them to be too significant a risk to be put back into the public setting. We have time frames we have to meet in order to go through this commitment process.

Senator Mathern asked if this initiative brought to the attention of the Attorney General regarding budget requests. He was told it was discussed with the Attorney General after their budget was done.

Ladd Erickson, McClean County State's Attorney gave oral testimony in support of SB 2340. He stated about a year ago in July Peter Welte and myself met with the Attorney General in Grand Forks to raise some specific concerns about his staffing. This is a concern because his office doesn't have time or staff to take the case, for example conflict of interest

cases that we now as State's Attorneys take for each other when there is embezzlement. We felt the public has more confidence if they see the Attorney General handles these types of cases. At the same time there is concern regarding the initial reference to the State Hospital regarding sexual predator commitments. He supports the bill. He stated one of the major issues is the way commitments are done to the State Hospital, needs to be a uniform system.

Tom Tremleth, Chief Deputy Attorney General gave oral testimony in support of bill. He stated everything that has been said so far as it reflects on the Attorney General and this bill is correct. We would intend to add staff to at least do what we have to do as what is expected in this bill. It is a serious public safety issue, especially in the rural counties where they don't have the adequate resources to do the job on some of these cases.

Senator Grindberg asked if we have any statistics that would show the level of activity in each of the counties. He thought the larger the county there would be more cases.

Senator Mathern asked about counties sharing these cases. He was told there is nothing in the law to prevent that. Senator Mathern asked are there people more skilled in Burleigh or Cass County that would be hired here.

Tom Tremleth said his suggestion is that if we hired someone that was equal to the skill level provided in Burleigh or Cass County we would be well prepared.

Chairman Holmberg stated there is a series of bills that impact the Attorney General's Office. The same subcommittee will be looking at this bill. He listed the forensic examiners, the kiosks, questions about the Attorney General's budget and a slight decrease in FTE's.

The hearing was closed on SB 2340.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2340

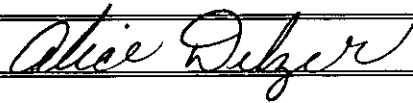
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-09-07

Recorder Job Number: 3334

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2340 on February 9, 2007 regarding Civil Commitment Sexually Dangerous Individuals. He talked about the bill, stating that the Attorney General's office (AG) is looking at appropriations for a training program for States Attorneys in the smaller counties.

Senator Christmann stated he thought the smaller counties needed assistance in this matter.

Senator Mathern stated being a member of the subcommittee on the AG bill, I am under the understanding that they already do help the smaller counties. In fact, I don't think the AG turns anyone down.

Senator Wardner moved a DO NOT PASS, Seconded by Senator Kilzer. Discussion followed.

Senator Lindaas isn't that the call of the local State's Attorney?

Chairman Holmberg stated they are the ones who determine whether or not they are going to go for civil commitment. Either keeping or killing the bill won't change that.

A roll call was taken on a DO NOT PASS resulting in 10 yeas, 2 nays, 2 absent. The motion carried.

The hearing on SB 2340 closed.

Date: 2/9/07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2340

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do not pass

Motion Made By Wardner Seconded By Kilzer

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) 10 No 2

Absent 2

Floor Assignment Sen Mathern

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2007 9:11 a.m.

Module No: SR-29-2835
Carrier: Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2340: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

2007 HOUSE JUDICIARY

SB 2340

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2340

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/6/07

Recorder Job Number: 4456

Committee Clerk Signature

Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2340.

Jerod Tuft, Kidder County State's Attorney: Support. I am a state's attorney for one of our small counties. One of the issues that we face with these sex offender commitments is that they don't come up very often in our small counties. This bill addresses the problem that we have, it gives us additional resources, expertise from the AG's office that we can rely on, and still gives us small county state's attorneys the option to proceed if we want to. We have the first option for 10 days, and then it goes to the AG's office and we still maintain the option to proceed if they decide not to. I happen to be handling one of these right now; with any luck we won't have another one for several years in my county. I have spoken, in the course of dealing with this one, with a number of my colleagues in large and small counties across the state. I can't speak on behalf of everyone because I haven't spoken to everyone, but I think there is uniform support for this bill among state's attorneys. I urge your favorable consideration as well.

Chairman DeKrey: On line 10, why is Burleigh and Stutsman County named specifically, or any county. Why is that?

Jerod Tuft: You can bring the action in Burleigh or Stutsman, but you don't have to. You can do it in any other county; so if the AG's office is handling it, they can have in a venue there.

Jonathan Byers, AG's office: Support, this legislature first passed a bill requiring civil commitment of sex offenders back in 1997, at that time, the legislature placed the primary responsibility of going forward with a civil commitment on the county state's attorney. What the state's attorney is typically required to do about 6 months before an inmate is being released from the penitentiary that may qualify for civil commitment, the DOCR evaluates the offender, and then makes a recommendation to the state's attorney, whether that person fits the criteria of a sexually dangerous individual. The state's attorney then has to assemble the records that will help the state's attorney get a handle on whether he felt there was enough evidence to proceed. The state's attorney then would have to prepare a petition for commitment of that individual and then the states' attorney would be responsible for up to two hearings in the case; a preliminary hearing and a commitment hearing. The first commitment case under the legislation happened back in 1999, and in the first few years after it was passed, we just had a handful of sexually dangerous individuals that were committed. Subsequent to the Dru Sjodin case, it kind of exploded and we've had 40 individuals committed as sexually dangerous individuals, there are another 16 who have been evaluated and the recommendation is that they be civilly committed and there are two more that are currently being evaluated. If it weren't for the civil commitment process, many of these individuals would be on the streets in ND and that presents a very serious public safety issue. The civil commitment process that I've just described is an additional responsibility that the legislature placed on states' attorneys, and the states' attorneys have stepped up and proceeded with all those cases of those 40 individuals who are now committed. But there have been states' attorneys who expressed

concern about the lack of resources, lack of time and lack of expertise in handling these kinds of cases. So SB 2340 will transfer the primary responsibility for handling civil commitment of sexually dangerous individuals to the AG's office. Throughout the bill, most of the changes that are being made is to either add "and the attorney general" "or the attorney general" to effectuate that; to give the AG the ability to handle these kind of cases. On page 1 of the bill, where it refers to Burleigh County and Stutsman County, one of the reasons that happened, is because for persons here in Burleigh and the James River Correctional Center is in Stutsman County, and sometimes these hearings are being held while the person is in still an inmate, so there is less transportation costs that go with that. On the bottom of page 2, adds a referral process for the juveniles that are in the Division of Juvenile Services custody. Right now, there is nothing statutory that required the Division of Juvenile Services to make a referral. They were doing it anyway, but just to include that responsibility so that it is clear that down the road, if somebody else is in charge of Division of Juvenile Services, they know they have a responsibility to make a referral for those juveniles who are there in their custody, that they will do that. On page 3, subsection 5, that sets up a process by which it is still the state's attorney of the county can still elect to proceed, to file a petition, to allow the AG to do that, it kinds of provides a dual notice of what both of those entities intentions are, whether the AG intends to file one, or the state's attorney intends to file, that they notify each other of the process. Through the rest of the bill, it is just primarily adding "or the general attorney", "and the attorney general".

Chairman DeKrey: Jonathan, why does the fiscal note say there is no anticipated fiscal impact?

Jonathan Byers: The Department of Corrections is not anticipating a fiscal impact because their responsibility for still doing the referrals is the same. The fiscal impact is going to be to

the AG and on page 11, there is an appropriation to the AG for \$436,000 and that's to cover an attorney, a paralegal and secretary, which would be needed to go forward with filing these cases.

Rep. Delmore: You're doing a lot of these cases right now anyway, are you not?

Jonathan Byers: I do the parallel process in the criminal ring. I am the criminal prosecutor; I file a criminal charge to try to get them put in prison. This person in the AG's office, would pick it up once they are going to be released from prison beyond their criminal punishment, are they still dangerous and if so, then somebody in the civil realm would go forward with the petition but the proof of that would be much the same as what I do in the criminal realm. They would try to prove that "yes, the person served their punishment, but they are still a sexually dangerous individual and they shouldn't be walking the streets".

Rep. Delmore: Would this be utilized by both large and small counties. How familiar are the state's attorneys in Fargo, Grand Forks, and Bismarck as far as following the process, because I would assume that they probably have more examples.

Jonathan Byers: If I can just liken it to the criminal prosecution that I use. I find my work much more in the smaller counties, because they deal with those cases less, they are more in need of the expertise. There may be some cases in the civil commitment realm where the larger counties still decide that they want to do their own petition and go forward; they have more staff members to do that as well. I see this as a great help to the smallest counties, and some help to the larger counties as well.

Rep. Delmore: This is for the people in civil commitment, when they served their time. This is after we had them in treatment.

Jonathan Byers: It is the last resort, because it is an expensive commitment process. This last resort, once the criminal justice has done all they can to try to rehabilitate the offender,

provide treatment, provided incarceration, once that's all been done and the only thing left, is this person is now going to be free to walk the streets, it is something that we will take up for the worst, of the worst guys and provide additional security and treatment of them until such time as they are no longer a sexually dangerous individual.

Rep. Griffin: How many commitment cases went on in the state last year?

Jonathan Byers: I would say that when I indicated that there are 16 that have been evaluated and the recommendation is that they be committed; those 16 probably came from year 2006. There may have been others who have been committed and were on referral, and first commitment hearings were early on in 2006. You could be looking at 20 of those possibly being from last year.

Rep. Griffin: Out of those 16, how many came through the AG's office getting involved.

Jonathan Byers: Does this have an emergency clause.

Chairman DeKrey: No.

Jonathan Byers: Of those 16, there are going to be four to six months before we can do anything with it, and there may be some of those guys that are going to be subject to be released from custody prior to that time, so a states' attorney may be, in some of those cases, may be required to file a petition and start the hearing process. I don't think all of them would get through yet, so the AG, if the appropriation went through and was approved, we would be able to pick up and help with the hearings that would take place. But state's attorneys would have to file the petitions if they are going to be released prior to August 1.

Rep. Griffin: How many of these do you foresee that the AG will get involved in.

Jonathan Byers: It is conceivable that we could help with all of them, but not from the very beginning of the process, because the state's attorney might have to file the petition, then our staff could help with the hearings.

Rep. Meyer: Under this, I'm referencing on page 2, line 8, doesn't this expand the civil commitment quite a little, when you are talking about a juvenile.

Jonathan Byers: That's a good question. There was always an ability to do a civil commitment of juvenile sexually dangerous individuals, what wasn't in statute was the requirement that DJS make a referral for that, so they were doing it anyway, even though they weren't required to, but because our adult DOCR is required by statute to make a referral, it seems logical instead of letting it fall on them as an optional thing, that they have the same statutory duty as they know that somebody is sexually dangerous that they should make a referral to let a states' attorney know that. Nothing is changing as who can be committed; it is just a requirement of a referral for that.

Rep. Meyer: Doesn't that take away; a juvenile is under a different procedure than the adults. Is that allowed at their discretion anyway?

Jonathan Byers: Usually when this comes up in a juvenile's case, there will be a juvenile who might be aging out of the juvenile system; they've either reached age 18 or 20, and the juvenile system may not feel that they've been rehabilitated yet enough to be safe to be out in public and so right now, under existing law, they do make a referral to the states' attorney, saying we have a kid aging out of the juvenile system, you might want to look at him to see if you want to file a petition as a sexually dangerous individual. That already happens; this just makes it a statutory responsibility for making that referral. Nothing in really changing on juveniles being referred or creating any statutory ability to do that. It always was there.

Rep. Delmore: Can you tell me how you arrived at \$436,000 on the fiscal note. If we are looking at 16 cases, from the information you have given us, I'm curious how that came to be the figure.

Jonathan Byers: We tried to figure out whether this person at the AG's office would be a half-time position, is it something that we can hire a person and they can assist with other things. When we started to look at what it's gotten to be for the number of referrals and the number of commitments, we actually believe that it's going to take 100% of an attorney's time, if they are going to be doing them in every county. There is a lot of travel involved and so it's going to take a full time attorney, put on the benefits, the salary for a paralegal and benefits, and a secretary and benefits. Then it would cover some of the costs of travel, overnights, etc.

Chairman DeKrey: So we're looking at 3 FTE's, benefits and travel.

Jonathan Byers: This \$436,000 was not in the AG's budget; there are a couple of reasons for that. First of all, the budget had already been done by the time the state's attorneys came forward and indicated that they wanted this; the other thing is that it is not to enhance our office, it is actually to assist the counties, and the states' attorneys were the ones that came up with the idea. We do support the notion because this is an important process and the ones that wind up being sexually dangerous individuals and get committed, are the bad guys, the worst of the worst. We believe that it is important that they be kept out.

Rep. Wolf: In January or February, we passed a bill through here that will now make the worst of the worst a class AA felony, therefore incarcerating them for 20 years to life. Wouldn't this number of civil commitments be coming down now?

Jonathan Byers: I think you may see a small impact by that, but one of the things that happens is some of the people that wind up being sexually dangerous individuals don't come out of our criminal court process. They move here from other states, they come from juvenile systems from other states, they come out of the federal court system, once they have been released from the Bureau of Prisons, we've got a lot of people that wind up living here in ND that we have to take some action on, that may not have been subject to our greater penalties

that were created by the bill that you are talking about. We had a kid that came out of Montana, stayed in Montana, he aged out of a juvenile program over in MT, they bought him a bus ticket and sent him to ND, and he ended up living in a park down here in Bismarck, in a tent. So ND got stuck with picking up the pieces for that.

Chairman DeKrey: Couldn't we have bought a ticket back to MT.

Jonathan Byers: It would have been cheaper than \$436,000.

Chairman DeKrey: Thank you. Further testimony in support.

Aaron Birst, State's Attorneys Association: Support. Although it was 16 cases that you saw the previous year, once you are committed, every year you have a right to review hearing, and right now there are currently about 50 people in treatment at the State Hospital. Those individuals would also have to have their day in court. So when the AG's office was indicating that it was a full time job, it wouldn't be a full time job just to do 16 cases a year, it's significantly more than that. This was a states' attorney initiative, the AG has been working on this also. It is important to realize that the state's attorneys must still have the local control if they needed that. But this would give them another tool. It makes sense, because currently the AG does not do civil commitments; only the state's attorneys do, but the AG is fundamentally involved in the sex cases because they work on them, in the Scoring of Sex Offenders, they work with the other agencies in the state government system, which is the State Hospital and DOCR. Typically you see the offenders that are going through the commitment proceedings from the DOCR, although the law allows anybody to be committed off the street. You could have somebody out there, and that's why we have a number of cases involving someone coming from out of state, they are no longer subject to the department of corrections type of incarceration; but at the same time, they can get the civil commitment process.

