

2009 SENATE JUDICIARY

SB 2169

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2169

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 20, 2009

Recorder Job Number: 7292

Committee Clerk Signature

Diane Davis

Minutes: **Senator Nething, Chairman**

Relating to the law enforcement or correctional facility records of a child

Arland Rasmussen, Chief of Police, West Fargo – See written testimony.

Chief Rasmussen - Says they will not release any info that they didn't release before but all information will be on one server. Still kept in separate files.

Senator Lyson – Asks if this would affect anyone still doing paper files. He wonders if we should keep both languages in to protect those agencies without a computer.

Senator Fiebiger – Said he does not see where it says juvenile files are kept separate.

Senator Nething – Says it is in the same server as adults but kept confidential. Before we kept them in different filing cabinets now it is all on one server.

Senator Nelson – Asks how juvenile records are sealed on a computer.

Chief Rasmussen – Said he does not know technically but on their system they have red flags. Something like that could be done.

Discussion continues on the server.

Detective Mike Arnold – Bismarck Police Dept. – Explains how juveniles are entered into the system. He said it would be very expensive to have two systems.

Closed 2169

 **Senator Olafson** moves for a do pass

Senator Lyson seconded

Vote – do pass – 6 yes 0 no

Senator Nething will carry



Date: 1/20/09
Roll Call Vote #:

2169

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass Do Not Pass Amended

Motion Made By Sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething - Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson - V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Senators Nething

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

REPORT OF STANDING COMMITTEE

SB 2169: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the
Eleventh order on the calendar.

2009 HOUSE JUDICIARY

SB 2169

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2169

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/9/09

Recorder Job Number: 10429, 10434, 10437

Committee Clerk Signature

Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2169.

Sen. Judy Lee: Sponsor, support, explained the bill. Bad weather prevented my witnesses from appearing from Fargo (see attached email). SB 2169 is intended to keep private the law enforcement and correctional facility records of a child. The reason that they requested this, is that someone may have thought they found their records that they had when they were a minor, and now as an adult, some of those records had been opened. So now someone may be 40 years old, turned their life around after doing something goofy as a teenager, and now those files are coming to light and they are being used against them. This information should be kept confidential, no names being released. This bill passed through the Senate without amendment, so I think this is a worthy bill.

Chairman DeKrey: We will stand in recess. We will reopen the hearing. Any further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2169.

Rep. Koppelman: I move a Do Pass.

Rep. Delmore: Second.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Koppelman

Date: 3/9/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2169

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By Rep. Koppelman Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning			Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 2

Floor Carrier: Rep. Koppelman

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

REPORT OF STANDING COMMITTEE

SB 2169: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2169 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

SB 2169

SB 2169

The request to amend NDCC 27-20-52 is made for the purpose of updating language contained within the statute to reflect current electronic file keeping practice. In the past police reports were completed in paper form and could be filed separately based on the individual's juvenile or adult status. Report writing and information gathering has migrated to electronic form. Presently most agencies maintain records within a single computer server and the records are no longer technically separated.

It is the responsibility of the agency to ensure juvenile records are not inappropriately released. The standards for release of information are further contained in NDCC27-20-52 and are unchanged by this amendment.

I ask your consideration in approval of SB 2169

Arland H Rasmussen, Chief of Police
West Fargo Police Department
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West Fargo, ND 58078
701-433-5500

20 January 2009

Lee, Judy E.

From: Lee, Judy E.
Sent: Monday, March 09, 2009 10:44 AM
To: Lee, Judy E.
Subject: FW: 2169 and 2171

From: Michael D. Reitan [mailto:Michael.Reitan@westfargond.gov]
Sent: Monday, March 09, 2009 7:26 AM
To: Lee, Judy E.
Subject: RE: 2169 and 2171

Senator Lee,

Due to the weather we are unable to attend the hearings. SB2169 is an important clarification of the statute to reflect the more current practice of storing files in electronic form. We can place electronic marks on files to identify juvenile and adult records. It is unreasonable to keep the records physically separated as now required as it would require two separate servers.

SB2170 is important to domestic violence victims as it allows them to break a long term lease following an act of violence. Following an act of violence the offender is typically ordered not to have contact with the victim. A financial issue develops as the offender is unable or chooses not to continue the financial support necessary to maintain the lease. The victim may also need to leave the area to prevent further abuse. To have the lease remain in affect further victimizes the victim of domestic violence.

Please support both bills.

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