

2009 SENATE JUDICIARY

SB 2182

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2182

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/27/09

Recorder Job Number: 7866

Committee Clerk Signature



Minutes: **Senator D. Nething, Chairman**

Aaron Birst – Association of Counties – Introduces the bill – This raises the threshold amount for law enforcement in to sending certified mailings to someone whose property has been seized. This bill does not change the mailing requirement law enforcement would still mail. It would be just regular mail and not certified mail.

David Hess – Evidence technician with the Bismarck PD. – see written testimony.

Close the hearing

Senator Lyson motions for do pass

Senator Olafson seconds

Vote – 6-0

Senator Nething will carry

Date: 1/27/09
Roll Call Vote #: ,

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES SB 2180
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Sen Lyson Seconded By Sen Olafson

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 Sen Nething

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

REPORT OF STANDING COMMITTEE

SB 2182: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the
Eleventh order on the calendar.

2009 HOUSE JUDICIARY

SB 2182

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2182

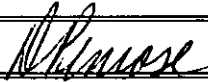
House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/10/09

Recorder Job Number: 10542, 10548

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2182.

David Hess, Evidence Technician with Bismarck Police Department: Support (attachment). Explained the bill.

Rep. Delmore: Why the jump to \$250.00, that is a five-fold increase.

David Hess: This question came up earlier, this is Aaron Birst was the author on this bill. I don't remember what he used for the rationale.

Rep. Delmore: How do you assess the value of the seized property?

David Hess: It's a best guess. We look at it and decide if you were to walk into K-Mart, Wal-Mart, etc. what it would cost to buy that item.

Rep. Delmore: What types of objects do you have to return?

David Hess: Clothing, jewelry, stereos, etc.

Rep. Wolf: Do you get change of addresses for these people, when you mail out correspondence.

David Hess: I send a letter to the last address I had for the property owners; if it comes back, and has a change of address, I will immediately resend to that address. I follow up to the nth degree. I do my best to find the owners.

Chairman DeKrey: Thank you. Further testimony in support.

Danette Odenbach, ND Association of Counties: Support, Aaron Birst is in Washington at this time. We came up with that number by using the CPI, because it hadn't been changed since the 1980's.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. We will take a look at SB 2182, what are the committee's wishes.

Rep. Koppelman: I move a Do Pass.

Rep. Wolf: Second.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Griffin

Date: 3/10/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2182

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. Wolf

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. Griffin

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

REPORT OF STANDING COMMITTEE

SB 2182: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2182 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

SB 2182

Attachment 1
SB 2182

Testimony in Support of Senate Bill #2182 by David Hess

January 27, 2009

Good Morning Mr. Chairman and members of the Senate Judiciary Committee. My name is David Hess and I am an evidence technician with the Bismarck Police Department. I am testifying in support of Senate Bill #2182

In my position with the Bismarck Police Department, I am tasked with returning seized property to its respective owners. The return of this property is precipitated by a certified letter if the value of the property is considered to be \$50.00 or more. In a twelve month period, I send out approximately 100 to 120 certified letters. The United States Postal Service charges \$2.20 for a Domestic Return Receipt and an additional \$2.70 for the Certified Mail for a total of \$4.90 a letter. I use every tool at my disposal to determine the last known address of an owner; however, out of the approximate 100 to 120 certified letters mailed, about 25 to 30 are returned as undeliverable. That is approximately \$500.00 a year in certified mailings with about \$125.00 of that amount wasted on letters being returned as undeliverable. I would like to emphasize that I would still be mailing letters to the owners of seized property, only by regular mail instead if the value of the property is deemed to be less than \$250.00. I am currently responsible for approximately 16,000 items of evidence in our evidence room. Of those approximate 16,000 items, there are not many whose value would be determined to be \$50.00 or less.

I believe that it is reasonable to raise the property value limit requiring notification by certified mail to \$250.00.

I urge your support of Senate Bill #2182.

Submitted by David S. Hess

Testimony in Support of Senate Bill #2182 by David S. Hess

March 10, 2009

Good Morning Mr. Chairman and members of the House Judiciary Committee. My name is David Hess and I am an Evidence Technician with the Bismarck Police Department. I am testifying in support of Senate Bill #2182.

In my position with the Bismarck Police Department, I am tasked with returning seized property to its respective owners. The return of this property is precipitated by a certified letter if the value of the property is considered to be \$50.00 or more. In a twelve month period, I send out approximately 100 to 120 certified letters. The United States Postal Service charges \$2.20 for a Domestic Return Receipt and an additional \$2.70 for the Certified Mail for a total of \$4.90 a letter plus postage. I use every tool at my disposal to determine the last known address of an owner; however, out of the approximate 100 to 120 certified letters mailed, about 25 to 30 are returned as undeliverable. That is approximately \$500.00 a year in certified mailings with about \$125.00 of that amount wasted on letters being returned as undeliverable. I would like to emphasize that I would still be mailing letters to the owners of seized property, only by regular mail instead if the value of the property is deemed to be less than \$250.00. I am currently responsible for approximately 16,700 items of evidence in our evidence room. Of those approximate 16,700 items, there are not many whose value would be determined to be less than \$50.00 or less.

I believe that it is reasonable to raise the property value limit requiring notification by certified mail to \$250.00.

I urge your support of Senate Bill #2182.

Submitted by David S. Hess