

2011 SENATE JUDICIARY

SB 2190

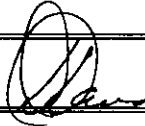
2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2190
1/18/11
Job #13039

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the powers and duties of the director of the department of corrections and rehabilitation, relating to probation and parole officers.

Minutes:

There is attached written testimony

Senator Nething – Chairman

Alex Schweitzer – ND State Hospital Superintendent – See written testimony.

Senator Nething – Asks him to explain to the committee what a sex offender must go through before being allowed release.

Schweitzer – Explains the stages the sex offender goes through. They must have annual evaluations by the court. They start at stage 1 and progress to a stage 5. When they reach stage 4 they are allowed to live in transitional housing on campus. That is when they also start integrating them into the Jamestown community. When they get into the 4-5 range they start recommending to the court that the individual may be discharged and would be in out-patient status. As the sex offenders progress through the program they prepare for their discharge. The hospital has most of the elements in outpatient in place. He says the only issue they have is they don't have the authority to supervise.

Senator Nething – Asks how it is done currently.

Schweitzer – Says most cases, individuals, are left unsupervised. He explains some individual cases they are working with it.

Senator Nething – Asks if there shouldn't be an emergency clause on this bill.

Schweitzer – Responds that it should and would be very nice to have an emergency clause.

Senator Lyson – Thinks this is a great idea but is concerned if they are put in under civil commitment, he wonders if judges would send individuals there and put them on probation after.

Schweitzer – Said he has talked to the Dept. of Corrections and this has been reviewed by the Attorney General. They say this will work and is legal. He says that this is ultimately safety for the community. He says he would encourage an emergency clause. They have 3 or 4 people in stage 5 that could be discharged.

Senator Sitte – Asks how long some of these people will be supervised and how someone is civilly committed.

Schweitzer – Responds they have someone in the program now since 2008 that has petitioned the courts to be released completely from being a sexually dangerous individual. If the judge agrees to that, that individual would not be required to follow any requirements of the court. He gives an example of someone that is civilly committed. Someone who has completed their criminal sentence but still needs treatment. He continues to describe the stages of a sex offender.

Senator Nething – Mentions this can vary in time depending on the individual.

Schweitzer – Responds yes we have people since 1997 still in stage 1. He said there are some people in there that will not leave the program.

Senator Nething – Asks him to describe the checks and balances.

Schweitzer – Talks of it being a very secure unit and what they have in place. As they move up in stages they get more freedom.

Senator Nething – States, this bill is the missing link.

Close the hearing on 2190

Senator Lyson moves the amendment to put on an emergency clause

Senator Nelson seconds

Verbal vote on the amendment all yes

Senator Olafson moves do pass as amended

Senator Nelson seconds

Roll call vote

6 yes, 0 no

Senator Nething will carry

January 19, 2011

JB
1-19-11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2190

Page 1, line 3, remove the first "and"

Page 1, line 4, after "officers" insert "; and to declare an emergency"

Page 1, after line 18, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1/18/
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2190

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Lyson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Verbal all yes.

REPORT OF STANDING COMMITTEE

SB 2190: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after "officers" insert "; and to declare an emergency"

Page 1, after line 18, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

2011 HOUSE JUDICIARY

SB 2190

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2190
March 9, 2011
15135

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2190.

Alex Schweitzer, Superintendent of ND State Hospital, Dept of Human Services: Support, explained the bill (see attached 1).

Sen. Dave Nething: Sponsor, support. We need to have program in place for these sex offenders when they are released. There aren't that many offenders involved. The Senate put the emergency clause on it; it was to try and get the law into effect right now. I am on the State Hospital committee that deals with security issues for sex offenders and we meet on a quarterly basis and we help guide the process of moving these sex offenders into different levels of treatment. We're kind of like a secondary sounding board in that sense. The professionals know more about it than those of us that are laypeople on the committee. I've always tried to take the perspective of my responsibility there to see to it that the communities themselves, where the offenders are relocated, have the necessary protection available and this particular tie to the Corrections parole and probation officers, is going to help in that regard.

Chairman DeKrey: Thank you. Further questions of Mr. Schweitzer.

Rep. Hogan: Have you got any sense of what or how you will define supervision. What does that really mean.

Alex Schweitzer: DOCR parole and probation officers obviously do this for people released from the prison system. We'll apply some of the same expertise and techniques that they use for any individual. The difference is that they will be concerned about, because they are aware of the elements I testified to, making sure that the offender has housing, job, attending treatment services (court-ordered or voluntary). If those elements are in place, the offender has a greater chance for success. The parole and probation officers are actually trained in the area of dealing with sex offenders, so they have a good idea of how to handle them.

Rep. Kingsbury: When a sex offender is released out into a community, anywhere in the State, where do these parole officers come from. Do they come from DOCR that are trained for this, or do you use local officers.

Alex Schweitzer: No, they are actually employed by the DOCR and they are actually situated in different regions throughout the state. If someone went back to your area, there would probably be a person out of Grand Forks employed by DOCR specifically trained in supervising prisoners but also trained in supervision of sex offenders.

Rep. Onstad: The different classes, when it gets to dangerous individuals, is that Class 2, 3 or how does that work. Is that taken into consideration.

Alex Schweitzer: You're talking to the wrong person about Classes, because I am in the treatment business; but these are individuals who, by court order, would be court ordered in the post-commitment placement. It is a specific part of Chapter 25 for sexually dangerous individuals and the court would order, not only all the requirements of discharge, but would also order the fact that they need to be supervised by the sex offender specialists.

Chairman DeKrey: Thank you. Further testimony in support of SB 2190. Testimony in opposition to SB 2190. We will close the hearing.

Rep. Delmore: I move a Do Pass on SB 2190.

Rep. Guggisberg: Second the motion.

13 YES 0 NO 1 ABSENT DO PASS CARRIER: Rep. Delmore

Date: 3/9/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2190

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Guggisberg

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman					
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Delmore

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

REPORT OF STANDING COMMITTEE

SB 2190, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2190 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2190

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**Testimony
Senate Bill 2190
Senate Judiciary Committee
Senator Nething, Chairman
January 18, 2011**

Chairman Nething and members of the Senate Judiciary Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital of the Department of Human Services. I am here today to speak in support of Senate Bill 2190.

A brief background is necessary to explain the rationale for this legislation to better manage sex offenders and to assure the safety of the citizens of the state of North Dakota.

The North Dakota State Hospital is the location for the state's inpatient evaluation and treatment program for sexually dangerous individuals. The program was established in 1997 and the current population is 64 sex offenders, 59 sex offenders located in house and 5 sex offenders on leave to the state prison. In the year 2008, the program discharged its first patient and we have discharged 16 patients from the program to date.

In order for a sex offender to successfully reintegrate to the community it is vital that certain elements be in place at the time of discharge from the program; the offender should have adequate housing, gainful employment, family and community support, the establishment of safety zones to protect the public, continued treatment on an outpatient basis and regular and routine community supervision. Most sex offenders who do not have these elements in place tend to fail.

One of the missing elements in community reintegration for patients discharged from the inpatient program at the State Hospital has been the lack of consistent and regular community supervision. In some cases, the Hospital has voluntarily or by court appointment assumed the responsibility of supervision for sex offenders discharged from the inpatient program in order to assure their success and the safety of the community. This has proven to be problematic because of staffing, travel and time issues for Hospital staff.

The Department of Corrections and Rehabilitation (DOCR) and Department of Human Services (DHS) recognized this missing element of supervision as a serious gap in the management of sex offenders. Thus, the two state agencies are coming forward in cooperation to hopefully fill this gap with the legislation in front of you today. This legislation would allow probation and parole officers from the DOCR to supervise sexually dangerous individuals discharged to community placement on an outpatient basis. The DOCR employs probation and parole officers with specific training and expertise in supervising sex offenders. The DOCR believes they have the current resources to perform this function, without additional staffing, given the current number of sex offenders who would require this service.

Thank you. I would be happy to answer any questions.

1

**Engrossed Senate Bill 2190 – Department of Human Services
House Judiciary Committee
Representative DeKrey, Chairman
March 9, 2011**

Chairman DeKrey and members of the House Judiciary Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital of the Department of Human Services. I am here today to testify in support of Engrossed Senate Bill 2190.

A brief background is necessary to explain the reason for this legislation to better manage sex offenders and to assure the safety of the citizens of the state of North Dakota.

The North Dakota State Hospital is the location for the state's inpatient evaluation and treatment program for sexually dangerous individuals. The program was established in 1997 and the current population is 64 sex offenders, 59 sex offenders located in house and 5 sex offenders on leave to the state prison. In the year 2008, the program discharged its first patient and we have discharged 17 patients from the program to date.

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One of the missing elements in community reintegration for patients discharged from the inpatient program at the State Hospital has been the lack of consistent and regular community supervision. In some cases, the Hospital has voluntarily or by court appointment assumed the responsibility of supervision for sex offenders discharged from the inpatient program in order to assure their success and the safety of the community. This has proven to be problematic because of staffing, travel and time issues for Hospital staff.

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The Senate amended the bill to add an emergency clause.

Thank you. I would be happy to answer any questions.