

2011 SENATE JUDICIARY

SB 2214


2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2214
1/25/11
Job #13365

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the abuse or neglect of a child

Minutes:

There is attached written testimony

Senator Nething – Chairman

Senator Schneider – District 42- Introduces the Bill – See written testimony

Senator Sitte – Asks about the rules for abuse and neglect. She asks if it should be limited to just physical abuse.

Senator Schneider - Refers her to the tie to the subdivision A in the statute. He believes it is if an individual causes bodily injury, serious bodily injury or substantial bodily injury all are defined in code. This bill refers to abuse.

Senator Sorvaag – Asks about permanent loss or impairment definition.

Senator Schneider – Responds it is defined in Chapter 12 and is used elsewhere in the code.

Pamela Nesvig – Assistant State's Attorney with Burleigh County – ND State's Attorneys Association supports this bill. She believes it is a good idea to elevate the offenses. They are looking at creating a higher level of offense for the type of injury that is sustained. She gives examples of adult penalties verses offenses against children. She would like to see stricter penalties on those inflict injuries on children.

Close the hearing on SB2214

Senator Lyson moves do pass
Senator Olafson seconds

Roll call vote – 6 yes, 0 no

Senator Nelson will carry

REPORT OF STANDING COMMITTEE

SB 2214: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SB 2214

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2214
March 14, 2011
15343

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2214.

Sen. Mac Schneider: Sponsor, support. Explained the bill (see attached 1).

Rep. Koppelman: Why should there be a greater penalty for an offense against someone who is 6, 5 years old vs. a 7 or 8 year old.

Sen. Schneider: That's a good point. There is also a premise of law in this country to protect the most vulnerable. I think children under the age of 6, obviously are extremely fragile and I think it makes sense to provide increased penalties for individuals who inflict permanent brain damage against someone who is under the age of 6.

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

Rep. Klemin: I move a Do Pass.

Rep. Delmore: Second the motion.

Rep. Koppelman: This is obviously not an easy bill to vote against, but I am going to resist the motion because I feel that if we start picking winners, losers or favorites in our society, based upon age or some other factor, we're no longer a society that ensures equal protection under the law. I spent 10.5 hours in a snow bank with my 8 year old granddaughter, Friday night. I would hate to think if someone harmed her and cause her permanent damage that they would have a lesser penalty than someone who is 5 years old. I don't think that is appropriate.

Rep. Klemin: This is already in the existing law, on line 10, page 1, where we make that distinction. So the new language doesn't really change that particular issue at all, it raises the penalty for both classes. I think we should have a Do Pass on this

issue. That issue has been in the law and I'm not sure for how long, but I haven't heard that it's caused any problem.

Rep. Delmore: These are our most vulnerable citizens, under 6 years of age; we had legislation introduced that you couldn't smoke a cigarette in the car. I think following along on the premise of vulnerability, it certainly applies in this case. I would urge a Do Pass as well.

Chairman DeKrey: Clerk will call the roll on a Do Pass motion on SB 2214.

10 YES 1 NO 3 ABSENT

DO PASS

CARRIER: Rep. Guggisberg

Date: 3/14/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2214

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. Klemin Seconded By Rep. Delmore

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) 10 No 1

Absent 3

Floor Assignment Rep. Guggisberg

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

REPORT OF STANDING COMMITTEE

SB 2214: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(10 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). SB 2214 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2214

/

TESTIMONY OF SEN. MAC SCHNEIDER (DISTRICT 42 – GRAND FORKS)
HOUSE JUDICIARY COMMITTEE
SENATE BILL 2214

I am the prime sponsor of Senate Bill 2214, legislation which would increase penalties for child abuse in instances where an individual causes permanent loss or impairment of the function of a bodily member or organ.

This bill was recommended by a Grand Forks County prosecutor who had a case in which an individual abused an infant and, tragically, caused serious brain damage in the child. Because of the way the child abuse and neglect statute is currently written, the abuser faced the same penalty as someone who slapped a child in the face but caused no lasting damage.

Under this legislation, an individual who inflicts (or allows to be inflicted) bodily injury or mental injury upon a child and causes permanent loss or impairment of the function of a bodily member or organ is guilty of a class B felony. If the victim of the offense is under the age of six, the offense is a class A felony.

Thank you for your consideration. I would be happy to answer any questions.