

2011 SENATE JUDICIARY

SB 2223

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2223
1/24/11
Job #13274

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to aggravating factors in drug offenses

Minutes:

No attached testimony

Senator Nething – Chairman

Senator Olafson – Vice Chairman – opens the hearing of 2223.

Senator Larry Luick- Introduces the bill and explains the changes. He said childcare facilities and pre-school facilities were not on the list of facilities that are basically protected under this law to keep drug dealing and drug manufacturing facilities at a certain distance from them.

Senator Nelson – Asks if they are licensed day care facilities or grandma taking care of grandkids facilities or both.

Senator Luick – Responds that because they have concerns of that situation, licensed verses non-licensed. The attorney's said to stay away from it because all situations cannot be identified. He says that if there is a problem they would let the courts iron it out.

Senator Olafson – Asks if this bill was prompted after a specific incident.

Senator Luick – Relates yes there were two incidences, one in Fargo and one in Wahpeton.

No opposition


Close the hearing on SB2223

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2223
1/26/11
Job # 13508

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to aggravating factors in drug offenses

Minutes:

Senator Nething – Chairman

Discussion

Senator Sitte briefs the Chairman on the bill stating that it increases the penalty in drug offenses if you are within a 1000 ft. of a childcare center or pre-school facility. She thinks doing this is overkill. Senator Olafson remarks that is why we do this.

Senator Olafson moves a do pass

Senator Lyson seconds

Discussion

Roll call vote – 5 yes, 1 no
Motion passes

Senator Olafson will carry

Date: 1/26
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2223

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 S. Olafson Seconded By S. Lyson

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

Total (Yes) 5 No 1

Absent _____

Floor Assignment S. Olafson

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

REPORT OF STANDING COMMITTEE

SB 2223: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SB 2223

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2223
March 14, 2011
15344

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2223.

Sen. Larry Luick: Sponsor, support. I bring this bill on behalf of a couple of different law enforcement agencies. They've had problems; two different instances that have arisen so far, in Wahpeton and Fargo where they had daycares or preschool facilities that were in the 1000 ft. radius of their drug enforcement, capture of a felon of a meth lab, etc. They wanted to include onto the list of private, elementary, secondary schools, all of the school facilities, just to add on child care and preschool facilities. That's as simple as it is. We just wanted to include them on the list.

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

Rep. Maragos: I move a Do Pass.

Rep. Steiner: Second the motion.

Rep. Kretschmar: Would someone, the defendant or perpetrator, be able to know that there was a child care or preschool facility there. Do they signs on them.

Rep. Delmore: They don't have signs out for child care.

Rep. Kretschmar: Not in Ashley, ND. I know that.

Rep. Beadle: That actually brings up a question that I hadn't thought of. Is there any differentiation within statute as far as licensed child care facility vs. not. Is there a difference between the two.

Jonathan Byers, AG's office: The question of whether or not there are unlicensed daycares. They have to have a certain number of kids that they are caring for in order to require licensure, I think it might be five kids that they can care for without licensure. In regard to Rep. Kretschmar's question, if it is a daycare that doesn't

have a sign out front, there is still typically a requirement in a criminal statute that you prove the offender willfully violated it. If they didn't know it was a daycare, the prosecutor may not be able to aggravate the offense because they can't show that he willfully violated it, knowing that there was a daycare at that location.

Chairman DeKrey: Thank you. Clerk will call the roll on a Do Pass motion on SB 2223.

11 YES 0 NO 3 ABSENT

DO PASS

CARRIER: Rep. Maragos

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

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2223

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. Maragos Seconded By Rep. Steiner

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) 11 No 0

Absent 3

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

SB 2223: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2223 was placed on the
Fourteenth order on the calendar.