

2011 SENATE JUDICIARY

SB 2305

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2305
2/1/11
Job #13787

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to juvenile transfers to adult courts

Minutes:

There is an attachment

Senator Nething – Chairman

Representative Mock – Introduces and explains the bill – He said it creates an extended jurisdiction juvenile court. Modeled closely after a Minnesota law. He does support the idea of turning this into an interim study.

Senator Nelson – District 21 – She brings an amendment. She explains the intent of the bill.

Opposition

Aaron Birst – Association of Counties – States Attorneys – He relates under the current bill they cannot support this. He said of the Minnesota statutes do not correspond with ND statutes. He explains what this bill intends to do and what is currently done. He thinks a better solution would be this amendment that puts this into a study.

Louie Hentzen – State Court Administrator – Said his board has a number of concerns. They feel this should be a study resolution. They support the amendment.

Close the hearing 2305.

Senator Nelson moves the amendment

Senator Sitte seconds

Verbal vote – all yes

Senator Nelson motions a do pass as amended

Senator Sitte seconds

Roll call vote – 6 yes, 0 no

Senator Nelson will carry

FISCAL NOTE

Requested by Legislative Council
01/25/2011

Bill/Resolution No.: SB 2305

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for the transfer of cases to extended jurisdiction juvenile court when there is probable cause that certain offenses have been committed by a child age 14 or older.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

On average there are 56 cases per year in North Dakota where a child age 14 or older is charged with gross sexual imposition; manufacturing, delivery or possession of controlled substance. The additional caseload as a result of this bill is anticipated to have only a minor, if any, fiscal impact to the court system.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Don Wolf	Agency:	Supreme Court
Phone Number:	328-3509	Date Prepared:	01/26/2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2305

Page 1, line 1, replace the bill with "A concurrent resolution directing the Legislative Council to consider studying the extension of juvenile court jurisdiction and the extent of juvenile court jurisdiction in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: That during the 2011-2012 interim, the Legislative Council shall consider studying the issue of juvenile court jurisdiction and the adult court transfer process and whether any additional juvenile court jurisdictional extensions would serve the best interest of the child and the public in cases where the child is close to the age of majority; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly."

Renumber accordingly

Date: 2/1/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2305

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 Nelson Seconded By S Sitte

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 yes

Date: 2/1/11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2305

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 Nelson Seconded By S Sitte

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) 6 No 0

Absent _____

Floor Assignment S Nelson

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

REPORT OF STANDING COMMITTEE

SB 2305: 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 2305 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to the extension of juvenile court jurisdiction and the extent of juvenile court jurisdiction in other states."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - JUVENILE COURT JURISDICTION. The legislative management shall consider studying, during the 2011-12 interim, the issue of juvenile court jurisdiction and the adult court transfer process and whether any additional juvenile court jurisdictional extensions would serve the best interests of the child and the public in cases in which the child is close to the age of majority. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

2011 HOUSE JUDICIARY

SB 2305

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2305
March 16, 2011
15505

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2305.

Sen. Carolyn Nelson: Sponsor, support. This bill initially came to me from my school district. They were looking at a number of things that impacted health and safety, and security in the schools. One of the things that was brought up, was that perhaps we should look at a blended sentencing structure. Minnesota, among other states, had found this to be very effective and it was hoped that in cases of violence, two sentences would be established, an adult sentence and a juvenile sentence. If the conditions of the juvenile sentence weren't adhered to, then the adult sentence would kick in. So we wrote a bill, which would be the one that was listed as version 1. Version 1 didn't get very far. We started talking to people who were involved. We talked to some state's attorneys, they suggested that we hog house the bill into a study. We talked to a group that was working through the Supreme Court and they said that they were looking at that, but there is a problem with confidentiality. But we're interested in what you are proposing. So we brought some ideas back to the Senate Judiciary Committee and to the State's Attorneys Association and came up with this resolution recognizing that the juvenile courts have not had a thorough study for quite some time and perhaps now is the time to take a look at that. So the bill that started out being six pages long, is now two paragraphs and simply asks that we study the issue of juvenile court jurisdiction and the adult court transfer process and try to find out whether there are additional juvenile court jurisdictional extensions which would best serve both the child and the public. That's what we passed out of the Senate and we would hope you would do likewise.

Chairman DeKrey: Thank you. Further testimony in support.

Rep. Corey Mock: Sponsor, support. I worked with members of the Grand Forks State's Attorney's office and they were the ones that brought this issue to me in December. We did work with some attorneys in that office including a former representative to help draft the language of the first version of the bill. There was a lot of consultation with Cass County, as Sen. Nelson was involved, and other members of the State's Attorneys Association. The version of the bill we did think

was a pretty good start. However, there were concerns raised by the Attorney General's Office and the Supreme Court related to confidentiality as Sen. Nelson alluded to. We did think this was important enough to continue forward into the Interim. It was brought in as a study at the recommendation of many State's attorneys. I do believe that the State's Attorneys Association will be speaking on this issue and they may be able to give a little more insight as to how this came about and what we're hoping to accomplish in the interim.

Chairman DeKrey: Thank you. Further testimony in support.

Aaron Birst, Association of Counties, State's Attorneys Association: Support. We worked on this bill. Just so you know the original bill's intent was that if a juvenile commits a crime and it's a very bad crime such as homicide those can be transferred to adult court. There is also discretionary transfer, but then we were looking at this bill where there is somebody who is close to the age of majority, but does something bad but not to the point of going to adult court, but there isn't a lot of time to work with the child, so the thought process was to create some sort of extended jurisdiction so there is more time to work with the juvenile. The Grand Forks State's attorney office helped the Senate and Representatives to work on the bill. I thank them for their support in taking a look at it. However, it was a cut and paste job basically from some of the MN statutes that did not mesh at all with our law, including giving jury trial rights to juveniles, which we do not have. So the bill just couldn't work in the original format. We did think it is an issue, is something that the legislature should take a look at. We would offer any assistance we could during the Interim if this gets studied, and I hope it does. We would also work with the Supreme Court and other members who are interested. We support the resolution and we thank you.

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

Rep. Delmore: I move a Do Pass on SB 2305.

Rep. Kingsbury: Second the motion.

11 YES 0 NO 3 ABSENT

DO PASS

CARRIER: Rep. Onstad

Date: 3/16/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2305

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. Kingsbury

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. Onstad

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

REPORT OF STANDING COMMITTEE

SB 2305, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2305 was placed on the Fourteenth order on the calendar.