

2013 SENATE POLITICAL SUBDIVISIONS

SB 2056

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

SB 2056
January 11, 2013
17100

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the statewide automated victim information and notification system.

Minutes:

You may make reference to "attached testimony."

Chairman John Andrist opened the hearing on SB 2056. All senators were present.

Molly Brooks: Statewide Automated Victim Information and Notification System program manager to represent the ND SAVIN program within CJIS, in support of the bill. See attached testimony.

Vice Chairman Ronald Sorvaag: On this pardon do they notify whenever there is a pardon or a review? You stated it verbally, but is that the policy?

Molly Brooks: It is the policy it and they make sure to do it. They really engage victims in that process in a personal way.

Senator Judy Lee: What kind of volume of notifications do you have, in general numbers?

Molly Brooks: Well there is as I mentioned about 7500 registrations and in each of those is comprised of, and it varies, but about 3 to 10 actual calls or emails that could go out. If they can't get ahold of the victim the system automates calling back. It's tens of thousands communications each year.

Chairman Andrist: Is this totally obvious when the notices go out? **Molly Brooks:** It is an automated system. The piece that is not automated is the sign up to get the victim information into the system and in most cases that is a manual process. But then once that information is there, through these connections we have with the IT infrastructure and the matching that goes on, all the notifications are made automatically. **Chairman Andrist:** Are they made by email? **Molly Brooks:** Yes, there are made via email, telephone call or text message. **Chairman Andrist:** Do they have choices by the person? **Molly Brooks:** Yes, sir.

Senator Jim Dotzenrod: I guess this part of the law has changed as technology has advanced and when a sex offender is released and moves into a community, I've noticed sometimes there will be a notice in the paper. It is like a public awareness process that is

going on and you're not involved in that part of it. You're dealing with the victim. You're letting those people who were affected by the crime know. Is that my understanding? Does this part of what we do about public awareness of notifying the newspapers not really part of what you do? Do I understand that right?

Molly Brooks: Yes, that is correct. We're limited really to the victim of the sex offenders and concerned community members who want to opt in for notification. But we found the service that we offer very similar to what the Attorney General offers. So, for all practical purposes there will be a continuation of this service for the public. It will just be through the Attorney General's office.

Janelle Moos: Executive Director of the CAWS North Dakota in support of SB 2056. See attached testimony.

Senator Howard Anderson: I am wondering about procedure and perhaps Ms. Brooks should've been the one to answer this, but, occasionally you're going to lose track of these victims. I am wondering what happens with the system when the notifications are continuously not received, is there is a time limit? Do you take them off the roll or what happens there?

Janelle Moos: I can let you know from our perspective. Again, our services are voluntary so if the victims choose to be engaged in our services they can do that. They also can opt out of our service at any time. I would see that SAVIN would be the same way. I actually received some of the notifications with SAVIN and you can kind of manage that system for you. But I'll let Molly talk about the ins and outs of SAVIN. It really is a voluntary system for victims to be involved in and how to be notified during that process.

Molly Brooks: I just wanted to add we are going through a process because there is an electronic record kept of every attempt. We aren't completely there yet but we make an effort to monitor the number of maybe failed attempts if there is a bad number or if the number has changed and then we work on alerting either agency who works with Janelle Moos. The victim witness coordinators that work in several of the various counties can follow-up. Sometimes, they'll maybe have received updated information that just needs to be updated in our system or sometimes they can be more proactive about reaching out to friends and family of the victim who have be engaged in the process to make sure the victim doesn't want to be further notified. So it is sort of a cooperative partnership effort that we're working on continuing to improve.

Senator Jim Dotzenrod: There has been something in the news both in our state and nationally about the troubles on Indian reservations with the jurisdictions that our state or federal government may have and in giving into opposition with the jurisdiction with authority of law enforcement on the Indian reservations. Does your services in your program where you're notifying victims, is that available to victims all over North Dakota including on reservations? Do they have options if they want to participate? Do you find places sometimes where there is some difficulty getting the local tribal leadership or getting people to be willing to allow your service to be used or is it pretty much not an issue?

Molly Brooks: What we've found is the service is available for anyone who wants to use it.

So if someone who is living on an Indian reservation has an issue with an offender who is off the reservation those notifications are always available and they can use them as anyone else could. Where it gets a little bit interesting is when you look at the I T infrastructure available on the reservations, is not always developed to a point where they can interface with our technology. So that is probably been the biggest roadblock. I reached out through Janelle's group as well as through the North Dakota Victim Assistance Association. I said at this point in time where your technology and processes are at a point that you want this, and you see it as a value we are more than happy to come in and expand our services. There have been a couple of groups who've said, yes we're interested, keep in contact, so that is something. And also with the federal system, to the extent that those cases are federal they have a separate notification. So we deal primarily with the home grown North Dakota county or state aspects of it. They also have the federal system available.

Senator Judy Lee: Do you have any sharing of information with the federal notification system which would be in place obviously on the reservation? So, do you know what they are doing? Do they know what you're doing? **Molly Brooks:** Yes, typically the Criminal Justice Information Sharing (CJIS) information is just focused on the state and our information is just focused on the state. I could theoretically if there is an offender of concern we could work together with victim services and partner with that federal system. But there is not really a formal established relationship there. They are welcome the same as any other citizen to access information in the system, the publically available information at least. So the potential is there that they can know what I am doing and I can know what they are doing, but there isn't a formal partnership in that respect yet and I haven't heard of a state where there is. I think that is an interesting area to think about and explore. I don't know if the technology is quite there yet.

Senator Judy Lee: So, if there is a tribal member, who is a victim, and the offender is also a tribal member and the offense took place on the reservation, you have no connection with that at all? It is only in the federal system and you wouldn't even know about it unless somebody engaged you in that process. Is that correct? **Molly Brooks:** Yes. As things are currently structured our program wouldn't be involved. Again, if it was through some kind of a tribal system and they eventually wanted to be hooked up to the same system that's their option. I would be more than happy to work with them on implementing that, but currently that is not the case on any of the reservations.

Chairman Andrist closed the hearing on SB 2056.

Senator John Grabinger made a motion to approve. 2nd Senator Ron Sorvaag
Role call vote: 6 Yea, 0 No, 0 Absent
Carrier: Senator John Grabinger

REPORT OF STANDING COMMITTEE

SB 2056: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

2013 HOUSE POLITICAL SUBDIVISIONS

SB 2056

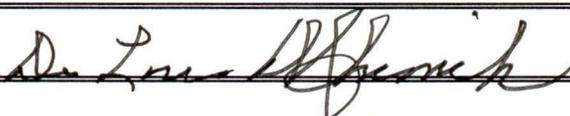
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

SB 2056
March 7, 2013
Job # 19534

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the statewide automated victim information and notification system.

Minutes:

Testimony # 1,2

Chairman N. Johnson opened the hearing on SB 2056.

Molly Brooks, Statewide automated Victim Information and Notification System (SAVIN) Program Manager: (See testimony #1) 01:35 - 6:00

Rep. M. Klein: How does this program differ from the other and why are we eliminating it?

Molly Brooks: The sex offender service that we have seems to provide duplicate service of the sex offender service that the Attorney General provides which is really a hallmark program of theirs. We were spending money on both programs so we were duplicating the systems.

Rep. M. Klein: So basically you are eliminating the duplication?

Molly Brooks: Yes sir.

Janelle Moos, Executive Director of the CAWS ND: (See testimony #2) 07:38 - 9:34

Rep. M. Klein: What does CAWS stand for?

Janelle Moos: Council on Abused Women's Services.

Rep. Kretschmar: Can the public go in there and look at it?

Janelle Moos: It is open to the public or anybody that wants to register. It is a searchable site.

Opposition: None

Neutral: None

House Political Subdivisions Committee
SB 2056
March 7, 2013
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Hearing closed.

Do Pass Motion Made by Rep. Beadle: Seconded by Rep. A. Looyen

Vote: 14 Yes 0 No 1 Absent Carrier: Rep. Kathy Hogan

Date: 3-7-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2056**

House Political Subdivisions 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. Beadle Seconded By Rep. Looyesen

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	—				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Looyesen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Hogan

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

REPORT OF STANDING COMMITTEE

SB 2056: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2056 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2056

TESTIMONY BEFORE THE SENATE
POLITICAL SUBDIVISIONS COMMITTEE
SENATE BILL 2056
JANUARY 11, 2013

Mr. Chairman, and members of the committee, my name is Molly Brooks. I am here as the Statewide Automated Victim Information and Notification System (SAVIN) Program Manager to represent the ND SAVIN Program within CJIS and to provide an overview of the bill.

ND SAVIN is a technology program that provides automated notification to victims via phone, email or text message. ND SAVIN gathers data for notification through connections with the information technology systems of criminal justice agencies. There are over 7,500 registrations for notification with the ND SAVIN system. The automated notifications provided save time for correctional staff and help ensure victims receive the information they need for their safety and peace of mind.

Senate Bill 2056 provides several proposed changes to the statewide automated victim information and notification system. These amendments are primarily "clean up" in nature. I'll go through each briefly and provide the rationale.

First, the bill proposes the addition of "or must be able to opt out of the system" to Subsection 1 of section 12.1-34-02. Although the system currently provides methods to opt out of the system, this additional language explicitly ensures that victims who do not wish to receive notifications will be able to avoid notification. It also provides jails with assurance that they are complying with this chapter, even if they use the system to notify victims who have not self-registered.

Second, the bill proposes removing "pardon review" from the scope of the statewide automated victim information and notification system in subdivision C of subsection 1 of section 12.1-34-06 and in subsection 4 of section 12.1-34-06. These clean-up changes will clarify that pardon board notifications are not included in the SAVIN program. There are relatively few offenders who go before the pardon board, and the DOCR consistently makes these notifications through personal communications. It is not economically feasible or beneficial to automate this process.

Third, the bill proposes removing, from Subsection 1 of 12.1-34-06, (1) the requirement to notify on "registered sex offender" registration status in subdivision d and (2) language referencing "a registered sexual offender" in subdivision f. These proposed changes are made to reflect the CJIS Board's decision to terminate the VINE Sex Offender Victim Notification Service on December 31, 2012. The decision was based on low usage of this service and overlap with the Attorney General's Sex Offender Notification System. The termination of the

VINE Sex Offender Victim Notification Service will save North Dakota tax payers over \$32,000 per year. Funding for this service was not requested for the 2013-15 biennium.

Lastly, the bill proposes removing the phrase "If a statewide automated victim information and notification system is established" from subsections 2 and 3 of 12.1-34-06. This conditional language can be removed since the system has been established since 2009 and fully operational since 2011.

Mr. Chairman and members of the committee, thank you for your time.

Molly Brooks

Testimony on SB 2056
Senate Political Subdivisions
January 11, 2013

Chair Andrist and Members of the Committee,

My name is Janelle Moos and I am the Executive Director of the CAWS North Dakota. Our Coalition is a membership based organization that consists of 21 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in support of SB 2056.

SAVIN has been adopted as another tool for victim service providers to use to ensure victims are afforded their rights under NDCC 12.1-34 commonly referred to as the Fair Treatment Standards. In the past, our programs have served as the linkage for victims to be involved in the criminal justice system which often included providing notification of custody status or hearing schedules changes. SAVIN has allowed victims the ability to readily access this information via automatic notification through the use of technology thereby freeing up time for our advocates time to focus on providing other types of victim services such as advocacy, emergency assistance, etc. Although many victims choose to be involved as their case progresses in the system, some victims may have legitimate reasons for not wanting to register or receive notifications. It's essential that we include the additional provisions under subsection 1 of section 12.1-24-02 in order to allow victims to avoid notification.

We are also supportive of the additional changes proposed under subsection 1 of 12.1-34-06 (1) to remove the notification service for sex offenders. It's appropriate and a good use of resources to use the Sex Offender Notification System through the Attorney General's office in order for the CJIS board to reallocate and focus their effort on making improvements to other components within the SAVIN system.

CAWS North Dakota is grateful to the CJIS Board and to Ms. Brooks for their inclusion of our coalition in drafting these proposed changes in order to continue being responsive to the needs of victims in ND so I urge a do pass of SB 2056.

Thank you.

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Testimony for SB 2056
House Political Subdivisions Committee
March 7, 2013

Madame Chair, and members of the committee, my name is Molly Brooks. I am here as the Statewide Automated Victim Information and Notification System (SAVIN) Program Manager to represent the ND SAVIN Program within the Criminal Justice Information Sharing Program (CJIS) to support and provide an overview of the bill.

ND SAVIN is a technology program that provides crime victims and concerned citizens with automated notification of offenders' incarceration and criminal court cases via phone, email or text message. ND SAVIN gathers data for notification through connections with the information technology systems of criminal justice agencies, including county jails, the Department of Corrections and Rehabilitation, and the courts. There are over 7,500 registrations for notification with the ND SAVIN system. The automated notifications provided save time for correctional staff and victim service providers and help ensure crime victims receive the information they need for their safety and peace of mind.

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Madame Chair and members of the committee, thank you for your time. I would be happy to address any of your questions.

Molly Brooks



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