

2015 SENATE JUDICIARY

SB 2204

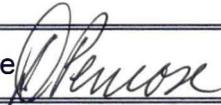
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2204
1/21/2015
22271

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Attached #1

Ch. Hogue: We will open the hearing on SB 2204.

Jonathan Byers, Asst. Attorney General: Explained the bill (see attached #1).

Sen. C. Nelson: Can you give us an example.

Jonathan Byers: A couple was shot and burned up in their home in rural Sikeston, ND. That crime occurred in Wells County but the investigation of the crime involved witnesses in a lot of different places. There was the Cabala's salesperson who sold the firearm to one of the two defendants; that was in East Grand Forks, MN. One of the two defendants worked outside Moorhead, MN; so a number of co-workers and the boss of that defendant were witnesses in the case, but they were in another state. The mother of one of the two defendants lived in MN and gave a statement to law enforcement that was incorrect. We had this criminal case in Wells County, ND involving witnesses from a number of different places; a lot of different witnesses in Fargo, ND. If there was going to be a prosecution of one of those people for giving a false statement, you would have to rev up the officials in the other county or state to be willing to do something about that if they gave a false statement. The likelihood of these witnesses being elsewhere is so much greater now. We have crimes that occur in western ND; just last week we finished a sentencing in Williams County for a stabbing at a man camp, almost every witness in that case was from somewhere else. We try to count on getting truthful statements and sometimes they are not. If not, it would be nice to be able to do more about that.

Sen. Grabinger: How is this going to give you any more authority to go across state lines, or is this just within North Dakota.

Jonathan Byers: If one of those witnesses, say a co-worker of one of the two defendants, is from MN; because of hindering an investigation that was going on in Wells County, this bill would let that co-worker be charged in Wells County in ND rather than in Moorhead, where he is located when he tells law enforcement that false information.

Sen. Grabinger: Are you saying that if he makes that statement, for example, in Wells County they have to bring him here to make that statement. If he makes the statement in MN we're still going to be able to charge him here.

Jonathan Byers: If this bill passes in the legislature, he'd be able to be charged in Wells County. If he makes the statement in Wells County now, we are okay because he can be charged in Wells County right now and we could extradite him back even if he was in MN. We're okay if he makes the statement in Wells County; it's the people that make their statements to a law enforcement official in a different place, that's the problem we have currently. We have to try and get those prosecutors and police officers in other places willing to pay attention to the investigation of a crime that is occurring in Wells County, ND.

Sen. Armstrong: Can we amend this to only be witnesses, isn't there an implied contract that criminal defendants lie to law enforcement.

Jonathan Byers: I think that is an assumption we make.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2204
1/27/2015
22758

- Subcommittee
- Conference Committee

Committee Clerk Signature *D Penrose*

Minutes:

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Ch. Hogue: We will look at SB 2204. What are the committee's wishes.

Sen. Armstrong: I move a Do Pass.

Sen. Grabinger: I second the motion.

6 YES 0 NO 0 ABSENT DO PASS CARRIER: Sen. Armstrong

Date: 4/27/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 2204

Senate JUDICIARY Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation:
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Armstrong Seconded By Sen. Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Armstrong

REPORT OF STANDING COMMITTEE

SB 2204: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the
Eleventh order on the calendar.

2015 HOUSE JUDICIARY

SB 2204

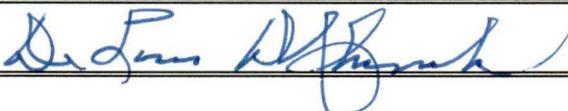
2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2204
3/16/2015
24890

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the jurisdiction and venue of the crime of hindering law enforcement.

Minutes:

Testimony #1

Chairman K. Koppelman: Opened the hearing on SB 2204.

Jonathan Byers, Ass't Attorney General: (See testimony #1) (1:11-3:10)

Rep. L. Klemin: What is the penalty for this offense?

Jonathan Byers: the penalty for this offense is a Class A misdemeanor and there is a provision or a portion of that hindering statute that can make it a C felony.

Rep. L. Klemin: So if a person out of state makes a false statement out of state we are not really going to try and bring them back here to prosecute them are we?

Jonathan Byers: We did chose the type of crime that is most commonly going to be a C felony, yes ND officials will extradite somebody back here for this. If it did happen to be a misdemeanor crime there is still interdiction possible, but the cost of that falls on the county so it will be less common on a misdemeanor offense for a person to be extradited.

Chairman K. Koppelman: You said this is a Class A misdemeanor?

Jonathan Byers: A portion of the hindering statute allows for a C felony offense and I specifically drafted this so it would be most commonly a C felony.

Rep. Kretschmar: Is there a definition in the code of hindering law enforcement?

Jonathan Byers: Yes it is defined in that section.

Senator Hogue: Introduced the bill. It is a venue statute related to where a criminal prosecution can be brought for the crime of hindering law enforcement. Hindering can mean a lot of things; like lying to law enforcement; encouraging somebody else not to tell

the truth; having evidence disappear that the person knows would be useful in a civil or a criminal case. There are times when a witness is not located within the jurisdiction or not living in the county where the underlying offense is being prosecuted for which they are hindering. The Attorney General wanted to make clear that venue would lie in a number of places if you are out of state; and one of them would be the venue would lie in this state. In addition venue would lie in the county where the underlying case is being prosecuted or investigated. So that is the purpose of this bill.

Chairman K. Koppelman: Is this a common thing?

Jonathan Byers: To give you an example we prosecuted a case in a man camp stabbing that happened in Williams County close to Tioga. Almost every witness in that case we from another state. Even the doctor and nurse had moved somewhere else. Many were interviewed by law enforcement. It is becoming a lot more common. This bill actually was raised by a BCI agent in relation to a case in Wells County which was a double homicide where an elderly couple was shot in their home and the house was burned up. The perpetrator of that crime lived in Fargo and worked in Minnesota and the mother of his girlfriend who also conspired to commit the crime lived in Minnesota so we got a lot of opportunities for people that live right across the border to be telling law enforcement things that may or may not be true and if they are not true and hinders that investigation ND should be able to do something about that.

Rep. Lois Delmore: You said the county they bring them back will foot the bills. Will those bills be significant burden to the county if we are passing that cost along?

Jonathan Byers: The legislation does fund a prosecution witness fee account that reimburses county anytime they bring somebody back on an extraction to answer to a crime so it would reimburse the county where they are coming from.

Chairman K. Koppelman: That would be up to the county to decide if they wanted to expend the funds to try to extradite?

Jonathan Byers: Yes it is up to the county.

Opposition: None

Neutral: None

Hearing closed.

Do Pass Motion Made by Rep. Lois Delmore: Seconded by Rep. Maragos

Discussion:

Rep. Karls: What is the name of that fund?

Jonathan Byers: Extradition Fund.

House Judiciary Committee

SB 2204

March 16, 2015

Page 3

Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. K. Wallman:

Date: 3-16-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. S 82204

House JUDICIARY Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep. L. Delmore Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls	✓		Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. D. Larson	✓				
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Wallman

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

REPORT OF STANDING COMMITTEE

SB 2204: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the
Fourteenth order on the calendar.

2015 TESTIMONY

SB 2204

**SENATE BILL 2204 TESTIMONY
SENATE JUDICIARY COMMITTEE
JANUARY 21ST, 2015
FORT LINCOLN ROOM**

By Jonathan Byers, Assistant Attorney General

Mr. Chairman and Members of the Committee:

My name is Jonathan Byers and I appear on behalf of the Attorney General. I wish to testify in favor of Senate Bill 2204.

Existing law makes it a crime for a person to give false information or a false report to a law enforcement officer that is investigating a crime. However, on occasion the witness that gives the false information is located in another county or state. Since the police and prosecutor in the other county or state have no connection to the original crime, they may show less interest in spending the time and resources to prosecute the person for giving false information.

SB 2204 will vest the authorities in the county of the original crime with jurisdiction to prosecute the crime of hindering law enforcement in their county despite the fact the false statement is made to law enforcement in another county or state.

The Attorney General asks for a do pass. I would be happy to answer any questions.

#1
SB2204
3-16-15

SENATE BILL 2204 TESTIMONY
HOUSE JUDICIARY COMMITTEE
MARCH 16TH, 2015
PRAIRE ROOM

By Jonathan Byers, Assistant Attorney General

Mr. Chairman and Members of the Committee:

My name is Jonathan Byers and I appear on behalf of the Attorney General. I wish to testify in favor of Senate Bill 2204.

Existing law makes it a crime for a person to give false information or a false report to a law enforcement officer that is investigating a crime. However, on occasion the witness that gives the false information is located in another county or state. Since the police and prosecutor in the other county or state have no connection to the original crime, they may show less interest in spending the time and resources to prosecute the person for giving false information.

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