

FISCAL NOTE
Requested by Legislative Council
01/26/2017

Revised
 Amendment to: SB 2303

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$68,200			
Appropriations			\$68,200			

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **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 sex offenders to register in their place of residence rather than in their residence location, city of work and/or where they are attending school.

- 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.*

This bill is estimated to cost the Office of Attorney General \$68,200 from the general fund to make the needed changes to the Office's registration 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.*

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- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill is estimated to cost the Office of Attorney General \$68,200 from the general fund to make the needed changes to the Office's registration system

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 02/08/2017

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Name: Kathy Roll

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Telephone: 328-3622

Date Prepared: 01/27/2017

2017 SENATE JUDICIARY

SB 2303

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2303
1/30/2017
27562

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to registration requirements for sexual offenders.

Minutes: Testimony attached #

1

Chairman Armstrong called the committee to order on SB 2303. All committee members were present.

Senator Larson introduced and testified in support of the bill. She described the main points of the bill, and she also read testimony from Kendall Vetter, from the Bismarck Police Department. (see attachment 1)

“Since we are moving more toward electronic registration, the information is uploaded and sent to BCI (Bureau of Criminal Investigation) which they have in seconds. So any change that happens will be electronically updated as soon as it is submitted. This bill would also save time for the many agencies who are related. This may put us out of compliance with the “Adam Walsh act, however.”

Senator Nelson: “So it’s going to cost a 100,000 dollars to them, but isn’t it going to be saving time and energy of the other political sub divisions?”

Senator Larson: “That is exactly right.”

Senator Myrdal: “When was the Adam Walsh Act?”

Senator Larson: “In the 90’s?”

Information found after the hearing revealed the Adam Walsh Act was signed into law in 2006.

Chairman Armstrong had to leave so **Senator Larson** became acting chair.

Aaron Birst, Association of Counties, testified in support of the bill. No written testimony. “I want to put an asterisk on my support for this, We’re hesitant about any testimony that may violate the Adam Walsh Act. I got to give my folks the chance to weigh in to see if this

changes their mind or not. I am in an awkward position. I don't think this is something to panic over, but I got to give my folks the chance to weigh in."

Chairman Larson closed the hearing on SB 2303.

No motions were made.

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2303 Committee Work
1/30/2017
27594

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to the attorney general for human trafficking victims treatment and support services; and to provide for reports to the attorney general, legislative assembly, and legislative management.

Minutes: **No written testimony**

Chairman Armstrong began the discussion on SB 2303. All committee members were present.

Jonathon Byers, Attorney General's Office, testified in support of the bill. He missed the hearing today so he wanted to get his testimony on record during the committee work session. No written testimony.

"I want the committee to be aware that we are already not compliant with the Adam Walsh Act, for a couple of philosophical differences we have with what congress and the Department of Justice (DOJ) did. In the 7 or 8 years since the Adam Wash Act was passed we have been able to get reallocated the 10% of the JAG (Justice Assistance Grant) funds that they penalized us with. Each year they give it back to us as long as we are working toward being compliant, and I do have to make the committee aware that the DOJ couldn't decide to not reallocate our funds because that would take another step away from being compliant."

Chairman Armstrong: "Do you know how much that is?"

Jonathon Byers: "Right now we get about 500 thousand dollars from the JAG grant and they penalized us 10% of that. So they basically take away 50 thousand dollars and then give it back to us if we are able to show that we are still working towards it."

Chairman Armstrong: "Are we concerned we won't get the 500 thousand?"

Jonathon Byers: "We're concerned that we won't get the 50 thousand but that's because of the current fiscal situation. There was a time when our JAG grant was 4 million, so that meant that the grant would be about 400 thousand."

Chairman Armstrong: "Are we working hard to get into compliance other than this bill?"

Jonathon Byers: "Well one of the things we do is each time we ask for reallocation of the money, we specify to them what we are going to use it for and some of the things is making the registration more electronic so that they sign in with fingerprint identification or something, and do some of their registration and updates with a computer system."

Senator Larson: "What other areas are we out of compliance on?"

Jonathon Byers: "There are some philosophical differences we have with what congress did: One of the primary ones is we determined somebody's risk level by an assigning them a risk level, or how risky they seem to the community. Are they in treatment? Are they drug free? Are they a risk to the community?"

Senator Larson: "What's the length of time that they have to register?"

Jonathon Byers: "We have been compliant, we have changed our registration to 15 years for low risk, 25 for moderate risk, life for high risk."

Senator Larson: Do you think if you had one place for all offenders to register, do you think we'd get higher compliance?

Jonathon Byers: "We can certainly argue that in our reallocation letter, what they will do, I can't say."

Senator Nelson: "The fiscal note still gets me. I can't figure that rate for a programmer? I can't believe it will take 800 hours for your office to reprogram the system? That's a lot of money and a lot of time. It seems like an awfully high fiscal note?"

Jonathon Byers: "I can only say we got this figure from our IT department. So I will have to accept their amount, I'm not sure how they got the number."

Senator Luick: "Do we have a law contingent upon something else happening? I can see us being in a damning situation if we run into a situation similar to what we're talking about."

Jonathon Byers: "We do have some legislation contingent upon some other act. We could amend it, but we may have already made our computer system do something that we'd have to change again."

Senator Larson: "I don't know why you would have to go back and do it again? It seems just sending out the data to everyone would work just as well. I don't know why you'd have to change it back?"

Jonathon Byers: "I believe you are talking about what happens when someone is non-compliant, but we are talking about broader requirements for BCI (Bureau of Criminal Investigation) to contact people when we're talking about the whole registry and not just the non-compliant ones. We just want to make sure we don't go back to how it was before the Adam Walsh Act, that made it hard for us to keep track of."

Senator Larson: "I heard you can easily find an offender that registered someplace else. Is there a reason why there would be a problem to electronically send out the information of those who have registered?"

Jonathon Byers: "I don't think there is."

Senator Nelson: "With the Adam Walsh people, have they looked at upgrading the methods of communication and information in that act?"

Jonathon Byers: "There are lot of things from that that raise difficulties and that we continue to point out through the years. They don't seem that receptive to make those changes."

Chairman Armstrong: "They don't seem that receptive to make those changes but they also, according to you, don't seem that receptive to truly penalize anybody either?"

Jonathon Byers: "When things happen like when that study came back that showed us what they want us to do doesn't work, it'd be very hard for them to have very much teeth in their fiscal penalty when they are trying to push off on people something that's proven not to work."

Senator Luick: "Do you see any problem going to a digital system like this, regarding homeless people?"

Jonathon Byers: "I don't think the homeless situation would be impacted by this."

Chairman Armstrong: "Homeless sex offenders have their own special section in the code. I think it's a good law, it makes sense. I would hope the prime sponsor of this bill talks to the people who made the fiscal note before it goes to Appropriations to see if that's accurate. If we pass it out of here, that is."

Senator Luick motioned Do Pass and rerefer to Appropriations. **Senator Myrdal** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Senator Larson carried the bill.

Chairman Armstrong ended the discussion on SB 2303.

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2303**

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 Senator Luick Seconded By Senator Myrdal

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Osland	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Larson

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

REPORT OF STANDING COMMITTEE

SB 2303: Judiciary Committee (Sen. Armstrong, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was rereferred to the Appropriations Committee.

2017 SENATE APPROPRIATIONS

SB 2303

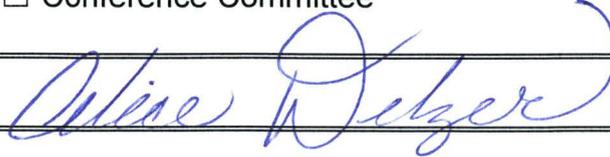
2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2303
2/8/2017
JOB # 28029

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsections 2 and 7 of section 12.1-32-15 of the ND Century Code, relating to registration requirements for sexual offenders.

Minutes:

1.Senator Diane Larson Testimony
2.Attorney General Ruling

Chairman Holmberg: called the Committee to order on SB 2303. Roll call was taken. All committee members were present. Chris Kadrmas, Legislative Council and Becky J. Keller, OMB were also present. We will start at 9:00 am on Friday, February 10th in full committee and might come back at 11:00 am if there are no subcommittees scheduled at that time.

(0.3.00 -0.5.27) Senator Diane Larson, District 30 testified in favor of SB 2303 and provided written Testimony attached # 1 stating the purpose of SB 2303 is to simplify the sex offender registration process.

Senator Kilzer: In the parole system, I am sure they also have to register, does this situation parallel the parole system? He was told people from the Attorney General's office would be able to answer that.

Senator Mathern: I don't understand the Adam Walsh Act comment you made. Would this be a further risk of being out of compliance or would this help us be further into compliance?

Senator Larson: The Attorney General's Office, Jonathan Byers, mentioned that North Dakota is out of compliance in 3 areas. Adam Walsh Act requires that you go to each place and register; where you live, work and go to school. Like in Bismarck that could be three different places in some areas it wouldn't be. Or it could be in a county in the city. When Jonathan Byers mentioned that to us in the committee he said it is speculated but we don't know, I just thought I would mention it because it was brought to our attention. It would not put us further in compliance but it could potentially put us out of compliance like any of the other three things did.

Chairman Holmberg: Have you heard stories where we have perhaps been too harsh on people who makes dumb mistakes years before?

Senator Larson: Obviously I have. One of the things that makes so much sense about this particular legislation was brought to me by the detective, I guess I don't think that someone who is a registered sex offender is one of those examples of somebody that made a poor choice. I think that was probably an intentional violation. Although we do want our communities safe, this bill wouldn't change that. It would just take out the unintended violation. I understand that even between Burleigh County, Bismarck and Mandan there are different times that are available for a person to be able to go and register or update their registration. If they are in violation of one of those, so they quit working in one place in Mandan and go to work at another place in Mandan and they neglect to go to the other ones, then they are in violation and then can be arrested for violating their probation when it was a technicality not something that was an intentional violation. That's why it does seem to me to make a lot of sense. I was proud to sponsor the bill for the detective. **(0.09.10)**

Chairman Holmberg: Would a person who committed a crime when he was 17, but then they did not prosecute him until he was 18, it would be a little over the line regarding being too harsh for the individual.

Senator Larson: What you are getting at is do we sometimes punish too much the offender, to the point where they can't comply anymore. Like limiting where they can live, what's public and so forth, and I guess that would be a judgement call for each Senator to decide. My personal opinion is

Chairman Holmberg: That's why you are here.

Senator Larson: My family and my constituents want to be safe and if this is a safety issue then I think that's worth protecting. This doesn't do anything to diminish the safety.

Chairman Holmberg: It's hard to get out from under it even though you've lived 12 years perfectly fine in society. You just can't live where you want to live and work where you need to live, but not back to a life of crime, and it's somebody I know, by the way. Any other questions of Senator Larson?

Senator Sorvaag: The public notification meetings we have when any sex offender moves in, is that mandated in state law or is that just a local option that our communities are choosing to do that?

Senator Larson: I think there is some variance but I will defer that to the Attorney General's Office, but I know that when I was talking to various agencies, Bismarck, for example, does not go the work place and notify the employers and Mandan does.

V. Chairman Krebsbach: I am questioning the fact that if they do register in one place and that jurisdiction is going to notify the others, would that qualify then or take care of the Walsh Act?

Senator Larson: I did talk with Jonathan Byers after our hearing and he said that he does think that it would be a certainly litigating factor. The bureau is complying by notifying people. He just brought it to our attention and I needed to have full disclosure to the committee that

it was a potential, but If the BCI receives that information electronically, which they do, and they are able to reconfigure things to send out notifications to each of those other places where they work or where they go to school, then the intent of the Adam Walsh Act would be answered. That's my own opinion and I am not an attorney.

Chairman Holmberg: Thank you. Anyone else that wants to testify on 2203 or answer questions?

(0.13.36) Mark Sayler, Chief Agent with BCI and I supervise the offender registration sites, so I can try to answer some questions you might have.

Senator Sorvaag: Is this public notification is that a local option the communities do? I presume it is just with residents.

Mr. Sayler: For moderate and high risk offenders that is an option given to the local law enforcement jurisdiction. If they feel that the person is enough of the risk to offend, in their view, if they're moderate or high risk they can make those public notifications.

Senator Mathern: (0.14.49) Is it possible that this could save a lot of money? Sounds there is a lot of people calling a lot of people. The school, the work place, where they live, somebody's reporting to all those places, so each one of those places must receive a call or receive a visitor, record information. Seems like we could eliminate a lot of that by having this central registry of where an offender makes a report and everybody could look at that report. Wouldn't that save everybody a little time?

Mr. Sayler: Not all those places are necessarily notified by law enforcement. The offender registers with the law enforcement agency. Ok, the law enforcement agency may go and check to see if that offender is working where they say they are working, or going to school where they say they are going to school. That's an option that they have. They don't automatically go to those places and notify those places.

Senator Mathern: The offender must go to each one of those places?

Mr. Sayler: The offender goes to the law enforcement agency. The offender is not required to notify where he works or where he goes to school his status.

Senator Grabinger: The \$100,000 fiscal note. Can you explain why it would cost this much?

(0.17.14- 0.19.18) Molly Goebel, IT Director for the Attorney General provided Testimony attached #2, the Attorney General Ruling which lays out the Requirements Analysis, Design, the Development, the Testing and the Implementation and Post implementation requirements that are cost related to implementing this. She explained the complexity of getting the system set up for this new procedure regarding sex offender's registration and the fact that they have worked with the expense of it to get it down from the higher amount that they first estimated it would cost and expressed her concern if they did not put enough funding into the program it could hinder law enforcement across the state

Senator Oehlke: Had questions about the fiscal note and also some of the testimony from Senator Larson. she mentioned the effort you have to go through and the time it takes to prove the 10% so how many hours does that take?

Ms. Goebel: It is an involved process. We traded emails back and forth about a week, so it wasn't super intensive to justify the 10%. What is hard about the 10% you do have to show that you are in good faith complying with as much as you can with the Adam Walsh Act and then prove that the money that you're using it for would go to more compliance. So if we demonstrate this big project, using state funds, that brings us further out of compliance with the Adam Walsh Act, the vending might decide we aren't going give you, and that amount was around \$50,000 last year, I think this year it's around \$30,000, the one we just got approval for, and historically it has been much more money as well so we're potentially jeopardizing that leveraging stream as well.

Senator Oehlke: You are thinking this particular bill might create more of a problem on that 10%. Or might it grow to 20%?

Ms. Goebel: I don't think with the 10% it would increase to 20% but we get that 20% back to help fund the IT costs of implementing the program and so it's possible we might lose the opportunity to get the 10% back so we would then lose the funds per year that we actually get back from the federal government to help fix the program.

Senator Oehlke: stated that most times technology improves communications. He asked if others had been contacted regarding this matter.

Ms. Goebel: I am not aware of conversations that have happened with the Governor yet on this topic. I am very open to collaborating. We have visited with interested persons regarding this. I believe there is a middle ground where we could insure continued compliance but also reduced that burden. We just haven't had sufficient time to explore that and I believe we'll also have lower IT costs. I do believe more conversations could give us even a better lower cost, although I do think it is a great bill. Senator Larson has worked hard and the motivation behind is admirable. **(0.22.54)**

Senator Oehlke: We probably don't have time to dally until we make a decision to hear the results of your research.

Chairman Holmberg: We do have the time because what will happen is if we were to pass this bill nothing would happen except the Attorney General's Office would have to come up with the money until and unless this committee put money into the budget of the Attorney General and that's something we won't be doing until April. When we have these bills where they impact a budget but the budget's over the other side. I can't imagine the House adding money to a bill that's over there because the Senate might do something with another bill so it would be in our laps in March/April when we get that budget over here.

(0.23.50- 0.24.25) Ms. Goebel: I am concerned as far as we've taken every last dollar of development dollars out of the IT budget. So unfortunately this not something that we could easily absorb. In past biennia I think there was a little more flexibility to say "all right, let's

rally together and make it work, but right now there is no leeway in doing those sorts of things this biennium.

Chairman Holmberg: And I am sure you will make that case in April. Thank you much.

Senator Kilzer: I hope I heard right when Senator Larson gave an example of a sex offender who had to register for his residence, his place of work, and going to school, and then I heard Mark say that sex offenders don't have to register at work. Where am I hearing wrong here?

Mr. Saylor: The offenders register in the law enforcement agency in the jurisdiction where they work, go to school, or reside. They don't go to their employer and say I am registering with you and I'm telling you I am an offender. They don't have to do that.

Chairman Holmberg: Who has primacy there in Bismarck, is it Burleigh County Sheriff or Bismarck police or does the individual have to guess?

Mr. Saylor: It would be the jurisdiction where they either go to work, go to school, or reside. If they reside in the city of Bismarck they would register with the Bismarck Police Department. If they worked outside of Bismarck in rural Burleigh County they would register that work address with the Burleigh County Sheriff's Department.

(0.26.23) Senator Larson: Just to clarify that when they do any of those reports, all of the information is included in the report. If the defender goes to the Bismarck Police Department and registers that they are going to school here, they also are putting into that report that they live in Burleigh County and they work in Mandan and where those addresses are. A lot of information goes into this report. All of the information is in each report where they go and register.

Senator Kilzer: Are there any fees when the offender registers? He was told no. There are no fees at all. Was there any consideration for putting the fee charge on this if they have multiple places that they have to register? He was told that was never part of their discussion.

(0.27.58 – 0.28.30) Aaron Birst, North Dakota Association of Counties: We supported this bill. Our states attorney members and our sheriff members thought this is a streamline process, would be helpful for them and ultimately then they can look at ways to track these guys better than start doing all the paper work. Originally, we didn't know BCI was coming in with the fiscal note so I'll leave that to you. But we think it's time that BCI can update their management systems anyway so we think this would be a good thing for county government.

Senator Oehlke: It does sound like a good deal. Do you think that the various states attorney's would be willing to kick in and help with the fiscal note a little bit?

Mr. Birst: I knew that question would come up. If this committee is stuck on the number, I think it is something we would bring back to our county folks to say that this might be a worthy project also to try to partner but obviously we're still seeking \$100,000 (he then said he hadn't seen the new fiscal note which has a \$68,200 fiscal note) I would guess with those kind of costs we can look. Obviously we base our finances on property tax but this is a relatively small amount so maybe there's a way we can do this. For Senator Kilzer's question, there is

no requirement that anybody pays registration fees as a sex offender. If they are on probation though, which many of these folks are, they are paying BOCR probation fees.

Senator Mathern: had questions about additional costs related to people bungling the system that is not efficient and then ending up with a hearing and possibly prison.

Mr. Birst: There surely are costs associated when there is a violation. These technical violations when the offender is confused, for the most part are handled between the law enforcement officer and the offender with basically a talk and education so they don't come to the system until the law enforcement officer feels that there is clear disregard to the statutes. So in terms is there a cost for minor mistakes, I would say probably not. But eventually when they do become enough mistakes, then there would be a cost on the system.

(0.31.09) Chairman Holmberg: But also if you neglect to register, 90 day minimum mandatory sentence, you go to jail. That was confirmed. In real life, sometimes they don't serve the full 90 days in jail but they serve probably 30 days and then house arrest or something like that, but it is one of our many mandatory minimum sentences that do help fill up our jails.

Mr. Birst: I would say in regard to sex offenders, they mostly do spend their whole time. The other crimes are a little more flexible.

Travis Finck, Deputy Director on North Dakota Commission on Legal Counsel for Indigents (NDCLCI) prior to that position I was the supervising attorney in the Bismarck office and I handled many of these cases. I would just provide some answers to the questions asked this morning. In my job as an acting public defender we did see technical violations that were prosecuted as failure to registers. And those do carry not only the mandatory minimum 90 days that has been mentioned but also 1 year of supervised probation. So that's one year of supervised probation through the Department of Corrections and Rehabilitation and as I am sure you've heard with their budget they have specialized persons that handle that case load given the type of offenses and needs that those persons have. **(0.33.04)**

Chairman Holmberg: Do you have a number of how many per year fail to register and spend their time, their 90 days or whatever it is in jail.

Mr. Finck: I can certainly get that for the committee. At least the number of cases that we handle. I would have access to that information as to the Failure Registers we have. Keep in mind, with the registration statute it's not just sex offenders, it's also offenders against children. So if you have an abuse and neglect of a child, you can be forced to register as an offender against children. One of the cases that I had was an individual who was a juvenile, as a juvenile he made some threats against other people at a school and because of that there was a terrorizing charge against a child even though he was a child. He was forced to register the minimum period of registration was 15 years. When he was 23 years old he had not had another crime at all on his record and he lost his job. He was upset because he lost his job, got a new job across the river, and he registered across the river, didn't register on the other side of the river and was given a Failure to Register. Do those types of things happen? Yes they do. That took some work and we were able to successfully resolve that, but those things do happen.

Chairman Holmberg: Anyone else to testify? Seeing none, the hearing was closed on SB 2303.

Discussion was held with the Appropriations Committee regarding Bills that needed to be acted on for the remainder of time on this job.

JOB # 28029 (0.34.55 - 0.42.45)

Chairman Holmberg addressed the Appropriations Committee at this time regarding Bills that they would address and perhaps pass out on Friday morning. He stated I have some assignments today. We had 8 to 10 bills where there was little or no controversy or questions about. I would like to assign a person to # 1 - look at the bill and # 2, would ask counsel to prepare the standard amendments because these are practically all standard amendments. Starting at the top of your yellow sheet, this is work for Friday at 11:00, we will probably pass out some bills. If someone wants to volunteer, they certainly can but otherwise I would assign:

Senator Grabinger - Indian Affairs Commission. There were no big changes I believe they had the 1% reduction and the insurance back in and the 1% out. **(SB 2005)**

Dept. of Financial Institutions - Senator Oehlke. Chris will see that the proper amendments are done. **(SB 2008)**

Council on the Arts – Senator Erbele That is the one percent and insurance. **(SB 2010)**

Office of Administrative Hearings – Senator Sorvaag (SB 2017)

SB 2057 – speed limits on Interstate Highways – V. Chairman Bowman: has an amendment for us to consider.

SB 2183 – Senator Dever: The Veterans Commemorative memorial coin. The amount of money there is quite minimal.

Then I would ask for guidance like for the Aeronautics Commission. Will that be ready? That was confirmed.

SB 2006 Aeronautics Commission - Senator Sorvaag

HP - asked V. Chairman Krebsbach if she had another meeting. That was confirmed. **(SB 2011)**

Trust lands - that's interesting. **SB 2013)**

Health is not done. **(SB 2004)**

NDUS We are having two meetings, one today and one tomorrow. **(SB 2003)**

Judicial Branch still working on it – **(SB 2002)**

Commerce we are having a meeting Friday, we have some amendments. I am sure you all have received information from folks that have interest in that one. (SB 2018)

SB 2020 – Experiment Station -V. Chairman Bowman: It is ready. Let's put it down on Friday. It might be a tough one on Friday with the time element. It's one of the major budgets.

SB 2024 – Tobacco Prevention – that's tied into the Health Department.

SB 2035 – Do you think our committee, we are meeting twice, that is the 96%, it affects only Dickinson State. Let's put that down as a possible for Friday. We'll talk about it when we have our next meeting.

SB 2036 that is the \$10m. We'll talk about it in our subcommittee. We won't worry about it for Friday.

You had your hearing, on REMI he was told they didn't meet at all. We'll have to talk about that.

Senator Oehlke: Senator Cook caught me and I did meet with John Bennet from REMI but he had to fly out in an hour back to Washington so it was kind of a whirlwind meeting, but I did visit with him.

Chairman Holmberg: We'll talk about it when we have our meeting on Friday. Is there any other that jumps out at you?

Senator Sorvaag: the Commission on Legal Counsel for Indigents, we might be ready. **SB 2022.**

Chairman Holmberg: I'll put a check mark by it for now. There were a couple of bills on Legislative Branch that need to be done and we need to have amendments drafted that makes some further reductions but Jim Smith has that. He asked Chris to check on that and stated that won't be ready Friday. OK. DOT?

Senator Gary Lee: I think we are finished. We're just waiting for the amendments and Chris is doing those. He has a lot to work on, but early next week would be ok. (SB 2012)

Chairman Holmberg: We will be busy next week but we have 4 or 5 bills, 3 that are on the calendar today were not supposed to come to us. We might get a few more. We'll get them out of the way and then we'll be putting things together. Let's take a 15minute break and then come back at 9:30.

2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2303
2/14/2017
JOB # 28313

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A DO PASS regarding the BILL for registration requirements for sexual offenders

Minutes:

No attachments

Chairman Holmberg: called the Committee to order on SB 2303. All committee members were present. Levi Kinnischtzke, Legislative Council and Lori Laschkewitsch, OMB were also present. Chairman Holmberg talked about the fact that if the offender messes up and hadn't registered as a sex offender there is a mandatory minimum 90-day sentence. Although someone I know didn't register and he had to spend 30 days in jail and 60 days at home with house arrest.

Senator Grabinger: Moved a Do Pass on 2303. 2nd by V. Chairman Krebsbach.

Chairman Holmberg: Would you call the roll on a Do Pass on 2303.

A Roll Call vote was taken. Yea: 14; Nay: 0; Absent: 0. That goes back to Judiciary.

Senator D Larson will carry the bill.

The hearing was closed on SB 2303.

Date: 2-14-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2303

Senate Appropriations 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 Grabinger Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Judiciary

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

REPORT OF STANDING COMMITTEE

SB 2303: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the
Eleventh order on the calendar.

2017 HOUSE JUDICIARY

SB 2303

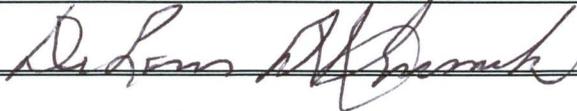
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2303
3/6/2017
28727

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to registration requirements for sexual offenders.

Minutes:

1,2,3

Chairman K. Koppelman: Opened the hearing on SB 2303.

Senator D. Larson: (#1) (#2) (:58-5:07)

Representative Klemin: I think this is a good bill. I don't understand this fiscal note. 496 hours from IT doesn't seem to be right to me.

Senator D. Larson: That is why I asked for a breakdown on the specifics on the fiscal note and this was the information they gave me. All they would have to do is change their reporting system where that goes and is already sent to BCI now. All they would have to do is be able to electronically send out to those other jurisdictions the updated information.

Chairman K. Koppelman: Are you hiring more people to do this and the answer is usually no; so you are already paying these people for 40 hours a week to do their job. This is an assignment; this is not an additional hire so why is there a dollar figure attached?

Senator D. Larson: I appreciate the BCI providing the information so we can evaluate it.

Representative Hanson: Senator Larson can you tell us a little about the Adam Walsh Act and what it is? What also we are not in compliance with?

Senator D. Larson: There is someone here that can answer that better than I can. That was enacted in 1997 before we had the technical ability to do the computer things we can do now.

Representative Nelson: When the people fill out the six-page form; do they fill that out electronically?

Senator Larson: I am not sure how to answer that. Some areas in the state do not have everything updated and there is more paper being done. They have to physically come into that law enforcement agency to do it, but they can do it on line there. This would streamline it because they would only have one place to go.

Chairman K. Koppelman: There are a lot of rural areas in ND so I understand where this originated.

Senator Larson: Say there was a sex offender living in a rural area. It would certainly be a lot easier to keep track of what they are supposed to do.

Chairman K. Koppelman: How about someone living in another state?

Senator Larson: I do not know.

Kendel Vetter, Bismarck Police Officer: I am only representing myself. If they live in Burleigh County and work in Bismarck in any given day we have about 275 offenders, they have to register in all three locations. Every form has to be the same. If they would have to only go to the location where they reside it would streamline that process for us and for them. Then we are not doubling up on the work. Now we have an electronic version so now all they have to do is update it. It would make the process simpler for everybody. Discussed the Mandan or Bismarck staff have different hours and it would clarify it for the offenders too. I think that is where the fiscal note is attached so with the computer software BCI needs to adjust it to be able to push out notifications where offenders are living so they can know that there are offenders working within your community. If that law enforcement agency wants to go out and do checks on them at their employment; that is great.

Vice Chairman Karls: You said there are 225 sex offenders residing in Bismarck?

Kendel Vetter: That is sexual offenders and offenders against children. It could be child neglect; or a terrorizing too.

Vice Chairman Karls: What was the second number?

Kendel Vetter: There are 15 do not work in Bismarck. They reside here.

Representative Klemin: You said you have an electronic form in your office so you can just update that part that needs to be updated. Is that true everywhere?

Kendel Vetter: No. BCI can give you a better number on who has that form electronically. I think it is only the larger agencies and counties that have that system.

Aaron Birst, Association of Counties: I am speaking from our States Attorney prospective. We support the bill and look at this as a streamline process for law enforcement and the defendant themselves.

Chairman K. Koppelman: What happens on the border areas?

Aaron Birst: We have them register in both Cass and Clay County. It can be difficult for a defendant.

Representative Jones: I have a concern on the rural areas

Aaron Birst: I think we are getting close. The fiscal note on this bill.

Chairman K. Koppelman: One of the concerns is that most of the requirements listed under the fiscal note are FTE employees so this is probably an assignment versus a new higher?

Aaron Birst: I will refer to BCI. If that fiscal note never comes through an BCI then says we have a problem; then our ability to support the bill is going to waiver. The Senate put that funding in and BCI is not objecting to it.

Representative Simons: Do you think people could fall through the cracks if we do this? When they are notified in a different county; I am afraid with the amount of sex offenders we have it could become a normal thing.

Aaron Birst: Yes someone could fall through the cracks now too. This makes it less likely with this. Knowing where sex offenders is the highest priority.

Bruce Burkett: North Dakota Peace Officers Association: (#3) Currently the law requires sex offenders to register in four different places. Electronic registration would be a preferred way to do this.

Chairman K. Koppelman: You support the bill, but have a concern about the electronics is not caught up.

Opposition: None

Neutral:

Mark Saylor, Chief Agent with Bureau of Criminal Investigation: Questions about the Adam Walsh Act. It is the federal offender registration law. The federal government expects that the States have to follow that law and if they are not followed they withhold moneys. In our case 10% of the funding that we would normally have. Senator Larson said the state is already out of compliance. Part of that is the way ND assess the risk level of offenders. The federal government in the Adam Walsh Act assess risk levels to offenders by what offense they have been convicted of. The state of ND assess offenders on what were the circumstances involved. ND maintains our system is better than the federal system. As a result, the federal government withholds that 10%. That has been \$50,000 a year. The Attorney General's office along with the governor's office has been able to get that 10% by showing that the State of ND substantially complies with the other provisions of the Adam Walsh Act. That \$50,000 is what we use for purchase of the computer hardware to grand to the law enforcement agencies to implement electronic registration. The Attorney General thinks this bill could impact the ability to receive that \$50,000 back to the state of ND.

Presently we have 16 electronic offender registration systems around the state. They were placed with the law enforcement agencies who register the highest number of offenders. We

might be out of compliance if you are only registering in the location where these offenders reside? We have purchased 17 more systems and will get those out within the next several months.

Chairman K. Koppelman: The entire grant of federal funds is about \$1 million per biennium?

Mark Saylor: It has been a 10%.

Chairman K. Koppelman: If this were to pass; look we are already notifying all of those jurisdictions and it is just working through a different channel instead of the offender registering in these place we have a central collection point and that information is going out to all the places the act requires?

Representative Klemin: How long is it going to be until everybody is connected?

Mark Saylor: About two years and we should have everyone with this.

Representative Klemin: Maybe it should have been smart to have a delay on this bill so it would have been Maybe we should have a delay in this bill until you have everything ready?

Representative Jones: If we would look at the implementation wouldn't it cripple the whole process because as it is moving forward we wouldn't want to actually cut the funding or cut the program until we have everything read to go; would we?

Mark Saylor: We would prefer to get as many agencies submitting electronically as possible.

Representative Nelson: I was thinking of someone working in the oil patch that might work in three counties in a week, but the business they are working for is located in Fargo. Where do they register?

Mark Saylor: In a lot of cases they will register in their employer's main office location. That is a fall through the cracks type of thing. Their main office may be in Wyoming? That is a problem?

Rep. Satrom: Is this thing working?

Mark Saylor: Yes it has really helped us. All the major cities and high population counties are on the electronic system now. The notification is instant. Paper forms take a lot longer.

Neutral: None

Hearing closed.

Chairman K. Koppelman: Reopened the meeting. I am not sure we should contemplate changing the effective date? We wouldn't want this to go into effect if the system was not up and running. The federal law requires the registration in the place of work. Maybe we could put a trigger on it.

Representative Klemin: We don't want to just say this is not effective until two years from now and then they will say we don't get the money until then either.

Representative Vetter: Could you do it another way? Maybe had the law go into effect right away but the implementation doesn't take effect until two months after the law takes effect?

Chairman K. Koppelman: We could amend the bill to put a direct appropriation in the bill. Then put the effective date of the changes in law at a later time.

Representative Klemin: I think that is a good idea to put it right in the bill and then say in the appropriation section that the other sections become effective when the Attorney General certifies they have the system running.

Chairman K. Koppelman: Kelly lets work on an amendment with legislative counsel.

Representative Klemin: The SAVIN program had something similar.

Representative Jones: Sounds like this has support from the agencies and it makes sense to register in one place. I think the funding isn't as big an issue as what has presented here. It sounds like they have the resources. I would be fearful if we put the funding in the bill we may lose it on the floor because of the budget concerns.

Chairman K. Koppelman: Contact Kathy Role to drill down on this to see what the fiscal note should be? What might they actually need to IT services.

Representative Simons: What is the reason we need to do this so badly?

Chairman K. Koppelman: It will be a stream lining so the sex offenders would register their location with the Chief of Police or Sheriff and that information would go to BCI.

Representative Klemin: Whenever they change their car or their job or where they live they have to do the same thing. Another thing is it will save money and time on the local level and that is not reflected here.

Representative Simons: We are having sex offenders fill the streets. I am worried that we are going to make it so easy that laws enforcement gets bogged down and then we miss people.

Chairman K. Koppelman: This would make it less cumbersome for sex offenders. If we do want these people to get their act together; then that defeats the purpose as well.

Representative Paur: In the interim there was a suggestion to streamline this whole process because of the difficulties of the system.

Chairman K. Koppelman: We are getting people who aren't use to jumping through all these hoops.

Closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2303
3/8/2017
28914

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to registration requirements for sexual offenders.

Minutes:

1

Chairman K. Koppelman: Reopened the meeting on SB 2303. (#1) Proposed amendment. The amendment is intended to say the bill goes into effect but we don't want to get rid of the requirement to register in area where they go to school or are employed before everything is up and running. The amendment would deal with that by allowing the entire bill to become effective except Section 2. We need to look at this closer. The amendment is intended to say the act goes into effect except for the portions? Maybe it does do that.

Rep. Magrum: What is the difference between legislative management and legislative counsel?

Chairman K. Koppelman: Legislative counsel is the staff that managed the work of the session when we are out of session. Kathy Role had also sent us a note. For clarification the office uses the state vendors poll. She still hasn't told us how much of their staff is involved in that. So we can't move on this either.

Closed.

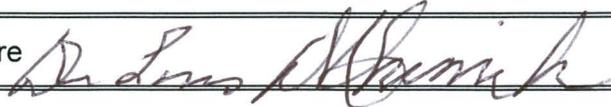
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2303
3/14/2017
29117

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to registration requirements for sexual offenders.

Minutes:

Chairman K. Koppelman: Opened the meeting on SB 2303. Went over the proposed amendment that was passed out March 8. (1:16-1:55) The concern that was brought up was you have to have the money in order to get the system up and running and we don't want people not being required to register where they work or go to school prior to that system being up and running so how do we do that. That effective date amendment would accomplish that.

Motion made to move the proposed amendment by Representative Klemin: Seconded by Representative Vetter

Discussion:

Representative Paur: Some jurisdictions are doing this already. There were two or three already going this?

Representative Hanson: Some jurisdictions are paper only. 16 agencies do it electronically now. They have purchased 17 more systems and will implement them over the next few months. Within another two or three years everyone will be on board.

Chairman K. Koppelman: So the offender can fill out the form electronically?

Representative Jones: I like this amendment. It says within a jurisdiction if you have got the process in place you can move forward with it.

Representative Magrum: The way I understand it everyone has to have a computer provided by the state of ND? There are three jurisdictions that have this up and running. So somebody is living in Burleigh County and working in Emmons County; if they register where they are living then they do not have to register in their place of work? BCI can forward that registration to the employer so that is all electronic. Now if Logan County does not have the

technology available yet; and the sex offender says I am already registered in Burleigh County, now BCI doesn't have to get the paper work down to Emmons County, that person who is working right beside our school on the new school, technically not even know he is in violation of the law and be working and nobody will know about it. How long is this going to take?

Representative Paur: I spoke to Diane Larson. She said they have to go to the police station and register.

Representative Hanson: They have to register in person.

Representative Klemin: This did pass with an appropriation of \$68,200 in the Senate. That is the reason for the amendment that Rep. Koppelman proposed because they have to do this 486 hours' worth of ITD work to get it operational before it can actually be fully implemented.

Chairman K. Koppelman: I did ask how much was staff time versus external costs? Emmons County sheriff was ok with this and thought this would streamline things. I am going to forward this to the AG's office so they can look at this as an option. One common complaint with the current process is that it is a fillable PDF form that the agencies must fill, which is good as long as they don't regularly change the form as they did twice in 2016 & 15.

Representative Johnston: If you do go the police department to register; are your credentials verified at that point before you register. Who does the computer thing work?

Representative Jones: They had to give them access to a computer.

Representative Roers Jones: I don't think it was they would have excess to the computer; they may still fill out the form on paper and then it would be entered into the computer and accessible to the other departments.

Representative Klemin: We are trying to make the life simpler for the law enforcement.

Chairman K. Koppelman: Kathy Role indicated it is all contractor time; no staff time.

Voice Vote Carried.

Do Pass as Amended by Representative Roers Jones: Seconded by Representative Nelson

Discussion:

Representative Hanson: The law enforcement will still follow up on these people.

Chairman K. Koppelman: This is not new for them to be doing this.

Roll Call Vote: 13 Yes 2 No 0 Absent Carrier: Representative Roers Jones: Closed.

3/13/17 DA

17.0961.01001
Title.02000

Prepared by the Legislative Council staff for
House Judiciary Committee
March 13, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2303

Page 1, line 2, after "offenders" insert "; and to provide a contingent effective date"

Page 4, after line 2, insert:

"SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the attorney general certifies to the legislative council that the registration process provided in section 1 of this Act is operational."

Renumber accordingly

Date: 3-13-17
Roll Call Vote)

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2303

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0961.01001

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 Rep. Klemm Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman			Rep. Hanson		
Vice Chairman Karls			Rep. Nelson		
Rep. Blum					
Rep. Johnston					
Rep. Jones					
Rep. Klemm					
Rep. Magrum					
Rep. Maragos					
Rep. Paur					
Rep. Roers-Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

0
Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

Voice Vote carried

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2303**

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0961.01001

- 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 Rep. Roers Jones Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson	✓	
Vice Chairman Karls	✓		Rep. Nelson	✓	
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum		✓			
Rep. Maragos	✓				
Rep. Paur	✓				
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons		✓			
Rep. Vetter	✓				

⁰ Total (Yes) 13 No 2

Absent 0

Floor Assignment Rep. Roers Jones

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

REPORT OF STANDING COMMITTEE

SB 2303: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 2, after "offenders" insert "; and to provide a contingent effective date"

Page 4, after line 2, insert:

"SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the attorney general certifies to the legislative council that the registration process provided in section 1 of this Act is operational."

Renumber accordingly

2017 CONFERENCE COMMITTEE

SB 2303

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2303
4/5/2017
29936

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to registration requirements for sexual offenders.

Minutes:

Attachments

1

Chair Larson called the committee to order on SB 2303. All committee members were present: Senators Larson, Osland, Nelson, and Representatives T. Jones, Roers Jones, Hanson.

Proposed amendment was reviewed. (see attachment 1)

Representative Roers Jones: "The amendment was drafted to give it a little flexibility. We wanted to make sure the program was implemented and funded right away, but that it wouldn't take effect until BCI had the necessary systems in place to monitor this."

Senator Larson (1:40): "I talked to BCI about this, and I had some questions regarding the effective date. I asked, that since this is now in the bill is it just going to be every biennium before it's actually implemented? I was told by John Buyers and he feels that we can implement it soon; even though not everybody has a computer set up to handle this. He said that there are a lot of jurisdictions that may only have one-person register, and he thinks they can accommodate this by handling it with just an email. He said he should be able to get this up before next session, but he didn't give me a date."

Senator Larson, briefly went over what the Senate passed.

"It just accommodated the electronic aspect; that is, the notifications they are moving toward. You guys brought something up that we didn't think about, and that was what if they lived on the border? So the changes will be that everybody will register here, it will just simplify it for people that register here and go to school in a different jurisdiction."

Senator Nelson motioned to Accede to House amendments and further amend with proposed amendments that are provided.

Senator Osland seconded.

Senate Judiciary Committee

SB 2303

4/5/2017

Page 2

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Senator Larson carried the bill.

Representative T. Jones carried the bill.

Senator Larson closed the hearing on SB 2303.

April 5, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2303

That the Senate accede to the House amendments as printed on page 811 of the Senate Journal and page 964 of the House Journal and that Senate Bill No. 2303 be further amended as follows:

Page 2, line 21, after "written" insert "or electronic"

Page 3, line 25, after the period insert "If an individual required to register in North Dakota, including in a tribal registry, resides in another state or on tribal lands, that individual shall register employment and school addresses and any changes in required registration information with the law enforcement agency having local jurisdiction over the school or employment address."

Renumber accordingly

Date: 4/5/17
 Roll Call Vote #: 1

**2017 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2303 as (re) engrossed

Senate Judiciary Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Nelson Seconded by: Sen. Osland

Senators	4/5			Yes	No	Representatives	4/5			Yes	No
Sen. Larson	X			X		Rep. T Jones	X			X	
Sen. Nelson	X			X		Rep. Rocrs Jones	X			X	
Sen. Osland	X			X		Rep. Hanson	X			X	
Total Senate Vote				3		Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Larson House Carrier Rep. Jones

LC Number 17.0961 . 01003 of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 17.0961.01003
Senate Carrier: Larson
House Carrier: Jones

REPORT OF CONFERENCE COMMITTEE

SB 2303: Your conference committee (Sens. D. Larson, Nelson, Osland and Reps. Jones, Roers Jones, Hanson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 811, adopt further amendments as follows, and place SB 2303 on the Seventh order:

That the Senate accede to the House amendments as printed on page 811 of the Senate Journal and page 964 of the House Journal and that Senate Bill No. 2303 be further amended as follows:

Page 2, line 21, after "written" insert "or electronic"

Page 3, line 25, after the period insert "If an individual required to register in North Dakota, including in a tribal registry, resides in another state or on tribal lands, that individual shall register employment and school addresses and any changes in required registration information with the law enforcement agency having local jurisdiction over the school or employment address."

Renumber accordingly

SB 2303 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

SB 2303

①

1/30/17

Date: 1/26/17

To: Senate Judiciary Committee

From: Kendall Vetter

Subject: Testimony in favor of Senate Bill 2303

Mr. Chairman and members of the Senate Judiciary Committee thank you for taking your time to read my testimony in favor of Senate Bill 2303.

I will start off by letting you know that I currently work for the Bismarck Police Dept., and have done so for the past 6 ½ years. Currently I am assigned to the Warrants Division and the major scope of my duties is to conduct Sex Offender and Offender Against Children compliance checks for offenders that live, work, and go to school in the City of Bismarck. However, my testimony is based on my personal experiences and is no way the testimony on behalf of the City of Bismarck or the Bismarck Police Dept.

Currently as our offender registration law (12.1-32-15) is written it states that offenders have to register with the agency (law enforcement) in which they reside, work, and go to school. For example, if an offender lived in Burleigh County, went to school in Bismarck, and worked in Mandan they would have to register at each respective agency every time they have a change to their registrations. They would also have to make sure each registration at each agency is exactly the same. For example, if they were no longer going to school in Bismarck they would have to go to each agency and remove the school from each of their registrations, not just Bismarck's.

Many people might ask why we would want to make it easier for the offenders to register, or ask why we wouldn't want offender to have to register at each agency. On any given day there are approximately 275 offenders that are required to register with the Bismarck Police Dept. when they have any sort of change. Of these 275 offenders approximately 50 of them are offenders who don't reside in Bismarck, they either work or go to school in Bismarck. So that means there are 50 more offenders that the Bismarck Police Dept. would have to do compliance checks on. Additionally, out of the 225 offenders that reside in Bismarck, approximately 18 of them work outside of Bismarck, and are required to register with that additional agency. This in turn lags down the system because it takes time away from other duties to register these offenders when they have changes, and remember these are changes that are already being made at agency where the offender resides. Ultimately we are doubling the work for offenders and the law enforcement employees that have to register the offenders, conduct compliance checks, and keep records of the registrations.

By having one agency register these offenders (the agency where the offender resides) it would lighten the case load for the amount of offenders that many of the larger agencies would have to monitor and conduct compliance checks on.

As it stands now with the current process there are constantly offenders who are in violation because they updated their registration with the agency in which they reside, but have not updated the agency in which they work. Whether it's because they are being deceptive about their registration, uneducated/misinformed of the process (even though they initial their requirements on every registration form), or they forgot are the questions we have to figure out and I have seen examples of all of these. Additionally, in the metro area of Bismarck, Mandan, Burleigh, & Morton counties each dept. has different times the offenders are allowed to register now that we have switched to an electronic registration process. Many times the offenders are told one thing at one agency (based on their policies/procedures), which in turn puts the offender in violation at another agency because the other agency has a different process for registering the offenders.

Our state is moving forward with an electronic registration for the offenders which updates their new information almost instantly, and I think our law needs to adapt to the way we are conducting business and progress with the times and technology.

There may be some testimony against this bill, as some agencies would still like to have offenders register in their jurisdiction if the offender works there, because it would allow them to keep track of the offenders who work but do not reside in their jurisdiction. Our Bureau of Criminal Investigation (BCI) is the agency who monitors the registrations and controls the notifications given to law enforcement agencies of offenders moving or working in their jurisdictions. It will no doubt take some work on the information technology (IT) end at BCI to have software that would still send out notifications to the agencies where offenders are working and going to school, without the offender having physically coming in to register.

Mr. Chairman and members of the Senate Judiciary Committee, thank you for taking your time to read my testimony. If any of you have any questions or concerns please feel free to contact me via email or my cell phone, which are listed below.

Respectfully,



Kendall Vetter
(701) 226-1451
kvetter@bismarcknd.gov

SB2303 2-8-17

#1
p1

Mr. Chairman and members of the committee, for the record my name is Diane Larson, I'm a Senator from District 30 in Bismarck.

The purpose of SB 2303 is to simplify the sex offender registration process.

Currently, if an offender lives in Burleigh County, goes to college in Bismarck and works in Mandan the offender has to go to register at the Burleigh County Sherriff's Department where he lives, works and goes to school. Then he has to go to the Bismarck Police Department to register where he is going to school, along with where he lives and works. Then he has to go to Mandan Police Department to register where he works as well as where he lives and goes to school. If he quits his job at one location and goes to work somewhere else in Mandan, he has to go to each location to update his registration even though all this information is electronically sent to the BCI and updated in their records when it is submitted.

If the offender just goes to Mandan PD to change the location where he is working but forgets to go to Bismarck PD or Burleigh County Sherriff's Department, he is in violation and can be arrested for violating his requirement to keep his registration up to date.

This bill changes that requirement so they only have to register at the law enforcement agency where they reside. The information about where they work and go to school is sent to BCI and they can notify the other jurisdictions so the information is updated saving office time in the other departments and simplifying the process for the offender.

I have talked to people from the BCI who said they can do this notification but there is a fiscal note to get the system up to date. I

p1

have attached the latest fiscal note from the Attorney General's office regarding that note.

#1
P2

I should also note that there is an outside potential that this change could affect the Adam Walsch Act which North Dakota is already out of compliance with in 3 areas. Since we are out of compliance, the JAG grant withholds 10% and the state then justifies the compliance violation and they have then gotten their 10%. Last year that was around \$50,000.

Committee, I believe this is a good bill and can save staff time at local law enforcement agencies, as well as keeping offenders out of jail for violating a technicality. This bill was brought to me from a Detective from the Bismarck Police Department who tracks registered sex offenders. He told me that although he doesn't have a lot of sympathy for the offenders, this process is so cumbersome for them they do sometimes violate their conditions by an oversight. I hope the Appropriations Committee gives this bill a Do Pass recommendation.

P2

SB 2303

SB 2303
2-8-17

#2
P-1

Upon receipt of registration information from a residence jurisdiction, the Attorney General will forward the registration information to any employment or school jurisdiction supplied by the registrant.

- a. Requirements Analysis
 - i. (40 hours) The offender registration system collects and forwards offender information through a variety of mechanisms. Evaluate each of these to see where changes will be required.
 - ii. (40 hours) Work with (5) local law enforcement agencies to determine what information will be forwarded to the school or employment jurisdiction.
 - iii. (40 hours) Work with (5) local law enforcement agencies to determine what reports jurisdictions would need to get visibility into the offenders employed or attending school in the jurisdiction.
 - iv. (4 hours) Review changes to system documentation
 - v. (4 hours) Evaluate communications/training plan for statewide implementation
- b. Design
 - i. (40 hours) Determine and review technical plan to implement requirements in database, web application, and notifications defined above
- c. Development
 - i. (100 hours) Implement changes to database, web application, and notifications
 - ii. (40 hours) Develop reports
 - iii. (16 hours) Develop communications/training materials for statewide implementation
- d. (40 hours) Internal technical testing
 - i. Test plan to include multiple scenarios of offender registration and jurisdictions including in-state, out-of-state, and tribal
- e. (50 hours) Coordinate testing in house with offender registration staff
 - i. Test plan to include multiple scenarios of offender registration and jurisdictions including in-state, out-of-state, and tribal
- f. (50 hours) Coordinate testing in collaboration with local law enforcement
 - i. Test plan to include multiple scenarios of offender registration and jurisdictions including in-state, out-of-state, and tribal
- g. Implementation
 - i. (16 hours) Communicate changes to and train local law enforcement as defined above
 - ii. (4 hours) Deploy solution to production database and web environments
- h. Post-implementation
 - i. (8 hours) Monitor system performance and evaluate effectiveness
 - ii. (4 hours) Work with local LE to ensure system acceptance

TOTAL: 496 hours @ \$125/hour = \$62,000

RISK 10% = \$6,200 (minimal, but involves multiple agencies)

TOTAL: \$68,200

#1
2303
3-6-17

Mr. Chairman and members of the committee, for the record my name is Diane Larson, I'm a Senator from District 30 in Bismarck.

The purpose of SB 2303 is to simplify the sex offender registration process. If you look at page one, lines 10 and 11 you will see the change. Other changes in the bill reflect this same change.

Currently, if an offender lives works and goes to school in Bismarck, they go to their jurisdiction, the Bismarck Police Department to register all this information plus a lot of other information in a 6-page document. If they get a job in Mandan, they must go to the Mandan Police Department and register all this information as well as going to BPD to update the work information. Now imagine that the offender starts school in Burleigh County. They must go to the Burleigh County Sherriff's Department and submit all the same information, as well as going back to BPD and MPD to update the latest information. All this information is duplicative and if the offender forgets to go to one location to update the information, they are out of compliance with their parole and can be arrested and crowd our jails because of a technical violation. Mr. Finck the Deputy Director of the Commission on Legal Counsel for Indigents informed the Appropriations Committee in the Senate that this has happened.

This bill changes the requirement so they only have to register at the law enforcement agency where they reside. The information about where they work and go to school is sent to BCI and they can notify the other jurisdictions so the information is updated saving office time in the other departments and simplifying the process for the offender.

I have talked to people from the BCI who said they can do this notification but there is a one-time fiscal note to get the system up to

date. I have attached the latest fiscal note from the Attorney General's office regarding that estimated expense.

I should also note that there is an outside potential that this change could affect the Adam Walsh Act which North Dakota is already out of compliance with in 3 areas. Since we are out of compliance, the JAG grant withholds 10% and the state then justifies the compliance violation and they have then gotten their 10%. Last year that was around \$50,000.

Committee, I believe this is a good bill and can save staff time at local law enforcement agencies, as well as keeping offenders out of jail for violating a technicality. This bill was brought to me from a Detective from the Bismarck Police Department who tracks registered sex offenders. He told me that the registration process is so cumbersome for some that they do sometimes violate their conditions by an oversight. The Senate Judiciary committee, Appropriations committee and the full Senate all gave this bill a unanimous do pass and I request that this committee do the same.

#2
2303
3-6-17

SB 2303

Upon receipt of registration information from a residence jurisdiction, the Attorney General will forward the registration information to any employment or school jurisdiction supplied by the registrant.

- a. Requirements Analysis
 - i. (40 hours) The offender registration system collects and forwards offender information through a variety of mechanisms. Evaluate each of these to see where changes will be required.
 - ii. (40 hours) Work with (5) local law enforcement agencies to determine what information will be forwarded to the school or employment jurisdiction.
 - iii. (40 hours) Work with (5) local law enforcement agencies to determine what reports jurisdictions would need to get visibility into the offenders employed or attending school in the jurisdiction.
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TOTAL: 496 hours @ \$125/hour = \$62,000

RISK 10% = \$6,200 (minimal, but involves multiple agencies)

TOTAL: \$68,200

#3
2303
3-6-17

SB2303

Chairman Koppelman and members of the House Judiciary Committee;

My name is Bruce Burkett representing the North Dakota Peace Officers Association. Current law requires a convicted sex offender to register in potentially four places; 1- with the Chief of Police in the city where he or she resides or, 2- with the Sheriff if residence is outside the city or, 3- where he goes to school outside of the city or county of residence and 4 if he is employed in another city or county outside his residence.

At our last Friday NDPOA committee meeting the jurisdictions that handle the registration of sex offenders felt logistical implementation of this bill could have a negative impact on timely notifications of sex offenders.

Electronic offender registration would certainly be the preferred way of giving quick notifications to all jurisdictions. An electronic registration is in the process of being implemented but will not be completed throughout the state for another period of time.

If this bill passes it will create a time period in which jurisdictions where an offender works or went to school would not be notified of the offender's presence in their area.

If the fiscal note on this bill is the cost of funding the electronic registration system costs, and if the fiscal note is passed with SB2303, the implementation date of this law could be delayed to match its completion.

Hopefully, there is Attorney General Personnel present to answer any questions.

Bruce Burkett

NDPOA Lobbyist 283

17.0961.01001
Title.

Prepared by the Legislative Council staff for
House Judiciary Committee
March 7, 2017

#1
2303
3-8-17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2303

Page 1, line 2, after "offenders" insert "; and to provide an effective date"

Page 4, after line 2, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on the date the attorney general certifies to the legislative council that the registration process provided in section 1 of this Act is operational."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2303 with House Amendments

Page 2, line 23, after "written" insert "or electronic"

Page 3, line 27, after the period insert "If an individual required to register in North Dakota, including a tribal registry, resides in another state or on tribal lands, that individual is required to register employment and school addresses and any changes in required registration information with the law enforcement agency having local jurisdiction over the school or employment address."

Renumber accordingly