

2019 SENATE JUDICIARY COMMITTEE

SB 2253

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2253
1/21/2019
#31092 (8:20)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new subsection to section 12.1-32-15 of the North Dakota Century Code, relating to international travel reporting requirements for registered offenders.

Minutes:

1 Attachment

Vice Chairman Dwyer opens the hearing on SB 2253.

Diane Larson, District 30 Senator, testifies in favor of the bill

Senator Larson: Last session I brought legislation to the Senate and House to have the person who is a registered sex offender register where they reside. They do have to register where they live, go to school and reside and sometimes those are 3 different locations. It is a requirement for a sex offender to keep all of their registrations up to date. This simplified it, but I became aware at that time of the Adam Walsh act which is what requires this. Our state gets some funding to do some of this enforcement. At the request of the Attorney General's Office, I submitted this bill because since you have to keep your registration up to date where you reside, go to school and work, it certainly makes sense that if you will travel internationally, you need to let the person that you have to register with or the location where you register be up to date. This requires a 21-day prior notice.

Senator Bakke: Why 21 days?

Senator Larson: I will defer that question to Mr. Beyers.

(2:30) Jonathan Byers, Assistant Attorney General, testifies in favor of the bill (see attachment #1)

Byers: The Supplemental Guidelines specify 21 days, so we simply put in this legislation what they require.

Senator Myrdal: Line 10 where we use the word “details” of intended travel, what does that all include?

Byers: I imagine that should this pass, we will create a form which would require that they give their basic information and notify us on the form what country they intend to travel to, the length of the stay, and the purpose of the travel so that the other country knows where they’re going to be, what city they’ll be in and so forth. Just enough details so law enforcement in the other country can keep track of them while they’re there.

(5:06) Senator Luick: Do other countries do this as well?

Byers: Of course other countries don’t necessarily have to comply with U.S.’s Congress that passed the Adam Walsh Act, but I think in the spirit of having an even exchange of information, some are passing it. I’m not aware of the total number of countries, but a number of them have done that, requiring their offenders to give information before they travel to the U.S. as well.

Chair Larson closes the hearing on SB 2253.

Senator Luick: Moves a Do Pass.

Vice Chairman Dwyer: Seconds.

Senator Myrdal: “Details” is a very broad term for me. By passing this we’re leaving it to the discretion of the Attorney General, and I’m not questioning that, but I’m a little concerned.

Chair Larson: We are talking about convicted sex offenders that must register. Personally I don’t have a problem with the word “details”.

Senator Myrdal: I travel internationally but even then, whether I’m a former felon or not, there are certain rights you have. I’ll vote for the bill; I just think the wording is a little broad.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Chair Larson will carry the bill.

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2253**

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 Vice Chairman Dwyer

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Chair Larson

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

REPORT OF STANDING COMMITTEE

SB 2253: Judiciary Committee (Sen. D. Larson, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the
Eleventh order on the calendar.

2019 HOUSE JUDICIARY

SB 2253

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2253
3/6/2019
33262

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to international travel reporting requirements for registered offenders.

Minutes:

1

Chairman Koppelman: Opened the hearing on SB 2253.

Senator Diane Larson: Introduced the bill. I have a very simple bill that I brought to you today at the request of the Attorney General. What this bill does it requires a registered sex offender to have notify where they have to register twenty-eight days in advance of any international travel. This is compliant with federal law.

Britta Demello Rice, Assistant Attorney General: (Attachment #1) Went over testimony. This would just be adding a form and should not be more inconvenient than what they are doing.

Rep. Rick Becker: What is ND's share of the Byrne/Jag funds? So when someone who is a sex offender and is about to fly how does the US Marshall know?

Britta Rice: We could ask a person at BCI?

Rep. McWilliams: When a registered sex offender travels to another state on vacation; do they have to notify that jurisdiction where they are going?

Britta Rice: Note that I am aware of.

Rep. Satrom: How about regular felonies?

Britta Rice: That might depend on whether a felon is on supervised probation or not. There are some countries that don't allow convicted felons in their country. I am not sure if that is discovered at the border crossing or when. If you were on supervised probation you would probably be required not to leave the state; not alone the country. I don't know for sure.

Rep. Jones: Have you heard on any of your conversations of the bill; how it is being used?

Britta Rice: No I have not heard of any of those stories.

Rep. Jones: My concern is it seems like the title of sex offender stays with someone and effects their life. Is this something that is going to be reasonable or unreasonable? Have you heard any discussion on how this was going to impact people's traveling?

Britta Rice: A statistic that I heard that this would be a small amount that this would affect. If we are not in compliance with the federal act; we may not be getting the funds, we need.

Rep. Jones: You are saying there was only four or five of people that were registered sex offenders that were international travelers last year out of ND.

Rep. Rick Becker: I would like to get the details where the offender was prohibited from traveling into the country after he already purchased the airline tickets.

Britta Rice: Sure I can do that.

Chairman K. Koppelman: Do they do anything with passport applications if this is a federal law and we are talking about international travel. Is there a red flag or some kind of a process when a sex offender might apply for a passport?

Britta Rice: Just because you apply for a passport doesn't mean you are traveling to a country that does not allow that.

Rep. Paur: With the newer passports, I think they have all that information on them. I don't think a felon can go to Canada.

Chairman K. Koppelman: I think you have explained well why this is necessary. This action makes it easier for the individual involved because they can do it in our state and can buy those airline tickets. It should allow us to administer it though the Attorney General's office rather than dealing with the air marshals.

Britta Rice: That is correct.

Opposition: None

Neutral: None

Hearing closed.

Do Pass Motion Made by Rep. Satrom; Seconded by Rep. McWilliams

Discussion:

Roll Call Vote: 12 Yes 1 No 1 Absent Carrier: Rep. Hanson

Rep. Jones: When you call someone a registered sex offender that sounds like a license to fishermen. It sounds like it is an active term. To be fair to people that have had this

experience and done their time we should revisit that term. Instead of calling them registered sex offenders they should be called registered past sex offenders or something to that affect rather than the term that basically sounds like they are licensed fishermen or registered sex offenders meaning they are actively a sexual offender. I am going to try to figure out how to build on that a little bit. They live with that title the rest of their life. In most cases it was a bad experience and they would be less likely to be a sex offender than now than someone who had not born that title and had that experience.

Chairman K. Koppelman: Registration is required for certain offenses and not others. Some of the minor offenses of that nature you don't necessarily have to register. I was here when we passed the laws on this. The courts have deemed this is different especially with registration and if you are confined. Minnesota got in trouble for this. They did not have a program for sex offenders that were in treatment on how they were rehabilitated so it was kind of a life sentence. Even though it is not prison your freedom is curtailed and ND has done a pretty good job of not only treating, but also being able to ascertain where the likelihood of recidivism is so it is always a balancing act between protecting the public and also rehabilitating an offender.

Rep. Paur: It looks like a sex offender is considered a mental amorality? I printed up the section on this and I don't think there is a bigger section in code.

Closed.

Date: 3-6-19
 Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2253

House 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 Satrom Seconded By McWilliams

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	✓		Rep. Karla Rose Hanson	✓	
Rep. Becker		✓			
Rep. Terry Jones	✓				
Rep. Magrum	✓				
Rep. McWilliams	✓				
Rep. B. Paulson	✓				
Rep. Paur	✓				
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. HANSON

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

REPORT OF STANDING COMMITTEE

SB 2253: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2253 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2253

SENATE BILL 2253 TESTIMONY
SENATE JUDICIARY COMMITTEE
JANUARY 21ST, 2019
FORT LINCOLN ROOM

#1
SB 2253
1/21

By Jonathan Byers, Assistant Attorney General

Madame Chair 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 2253.

In 2011, the Department of Justice released the SORNA (Sex Offender Registration and Notification Act) **Supplemental Guidelines** that require registered sex offenders to inform their residence jurisdiction of any intended travel outside of the United States at least **21 days prior** to their departure, and the registration jurisdiction to collect information about the offender's intended international travel. The jurisdiction is required to send that information to the U.S. Marshals Service's National Sex Offender Targeting Center, who, in turn, reviews and forwards it to INTERPOL-Washington for foreign country notification.

We had reached a point where non-compliance with the international travel provision was jeopardizing North Dakota's share of the Byrne/JAG funds we receive from DOJ. Senate Bill 2253 brings North Dakota into compliance with that international travel provision of the Adam Walsh Act. The Attorney General asks for a do pass. I would be happy to answer any questions.

SENATE BILL 2253 TESTIMONY
HOUSE JUDICIARY COMMITTEE
March 6, 2019
PRAIRIE ROOM

#1
SB 2253
3-6-19
P. 1

By Britta Demello Rice, Assistant Attorney General

Chair Koppelman and Members of the Committee:

My name is Britta Demello Rice and I appear on behalf of the Attorney General. I wish to testify in favor of Senate Bill 2253.

In 2011, the Department of Justice released the SORNA (Sex Offender Registration and Notification Act) **Supplemental Guidelines** that require registered sex offenders to inform their residence jurisdiction of any intended travel outside of the United States at least **21 days prior** to their departure, and the registration jurisdiction to collect information about the offender's intended international travel. The jurisdiction is required to send that information to the U.S. Marshals Service's National Sex Offender Targeting Center, who, in turn, reviews and forwards it to INTERPOL-Washington for foreign country notification.

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