



JUDICIARY COMMITTEE

Thursday, March 3, 2022
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Kim Koppelman, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Kim Koppelman, Ruth Buffalo, Sebastian Ertelt, Karla Rose Hanson, Terry B. Jones, Karen Karls, Jeffery J. Magrum, Bob Paulson, Shannon Roers Jones, Bernie Satrom, Mary Schneider*, Steve Vetter; Senators JoNell A. Bakke, Robert O. Fors, Diane Larson, Janne Myrdal*

Members absent: Representatives Mary Adams, Mary Johnson, Lawrence R. Klemin

Others present: See [Appendix A](#)

**Attended remotely*

It was moved by Senator Larson, seconded by Representative Karls, and carried on a voice vote that the minutes of the October 5, 2021, meeting be approved as distributed.

SHELTER CARE STUDY

Mr. Denis Otterness, West Fargo Police Chief, presented information ([Appendix B](#)) relating to issues with shelter care placements. He noted:

- In December 2021, YouthWorks indicated its Minot facility had stopped taking delinquent youth, creating a concern about where delinquent youth will be held;
- On average, a juvenile needing emergency shelter is placed in shelter care for 24 hours; and
- West Fargo spent roughly \$30,000 to support the 33 referrals law enforcement made to shelter care in 2021.

Mr. Jesse Jahner, Cass County Sheriff, presented information ([Appendix C](#)) relating to issues with shelter care placements. He indicated Cass County may have difficulty placing youth in shelter care as soon as August 1, 2022.

Mr. Cory Pedersen, Director, Children and Family Services, Department of Human Services, provided information ([Appendix D](#)) relating to shelter care services. He noted:

- Law enforcement's concerns are related to the implementation of North Dakota Administrative Code Section 75-03-14.1-04, directing shelters to separate children in need of services from children in need of protection, rather than House Bill No. 1035 (2021);
- There is a misunderstanding as to the type of separation required, which requires adequate staff to properly supervise both categories of children; and
- The department will work with providers to ensure providers can continue to house both categories of youth without a disruption in services.

Comments by Interested Persons

Ms. Lisa Jahner, Assistant Director, Research and Programs, North Dakota Association of Counties, indicated her understanding of the new administrative rule required children in need of services and children in need of protection to be held in separate facilities. She noted both categories of children are currently held in the same facilities without issue.

Ms. Melanie Heitkamp, Executive Director, YouthWorks, indicated it is unclear whether YouthWorks will be able to staff separate facilities.

JUVENILE JUSTICE STUDY

Ms. Mandy Dendy, Attorney, Protection and Advocacy Project, provided information ([Appendix E](#)) relating to individual justice planning. She indicated individual justice planning has been in practice for 30 years and at least 40 individuals have used the process since the start of the current fiscal year.

Ms. Karen Kringlie, Director of Juvenile Court, Administrative Unit Two, provided information ([Appendix F](#)) relating to the implementation of House Bill No. 1035.

Ms. Laura van der Lugt, Project Manager, State Initiatives, Council of State Governments' Justice Center, provided information ([Appendix G](#)) relating to course corrections and noted although the Council of State Governments is aware of the perception the criminal justice pendulum may be moving too far, the evidence supports the initiatives. She indicated the reduction in jail population among minority groups during the pandemic is one of the areas policymakers should review.

Mr. Josh Weber, Deputy Division Director, Corrections and Reentry, Council of State Governments' Justice Center, provided information ([Appendix H](#)) on the implementation of House Bill No. 1427 (2021).

REPORTS

Mr. Troy Seibel, Chief Deputy Attorney General, Attorney General's office, provided a report ([Appendix I](#)) summarizing activity relating to civilly forfeited property.

Mr. Jack Schulz, Executive Director, North Dakota Racing Commission, provided a report ([Appendix J](#)) relating to the liability of charitable organizations that receive and disburse money handled through account wagering as required by North Dakota Century Code Section 53-06.2-04.

No further business appearing, Chairman Koppelman adjourned the meeting at 2:30 p.m.

Samantha E. Kramer
Senior Counsel

ATTACH:10