



JUVENILE JUSTICE COMMITTEE

Tuesday, June 18, 2024
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Michelle Strinden, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Michelle Strinden, Claire Cory, Karla Rose Hanson, Zachary Ista, Lawrence R. Klemin, Shannon Roers Jones, Lori VanWinkle; Senators David A. Clemens, Diane Larson, Judy Lee

Members absent: Representatives Karen A. Anderson, Jayme Davis; Senator Kathy Hogan

Others present: Cory Pedersen and Kelsey Bless, Department of Health and Human Services; Amy Boyd-Bolme, Youthworks; Laura Feldmann, Home on the Range; Travis Finck, Commission on Legal Counsel for Indigents; Benjamin Eikey*, State Oversight Academy; Lisa Jahner, North Dakota Association of Counties; Lisa Bjergaard and Steven Hall, Department of Corrections and Rehabilitation; Derek Steiner, Cass County Assistant State's Attorney; Michelle Richart*, Secretary of Defense; and Janelle Middlestead, Insurance Department

See Appendix A for additional persons present.

**Attended remotely*

It was moved by Senator Larson, seconded by Representative Ista, and carried on a voice vote that the minutes of the March 19, 2024, meeting be approved as distributed.

REPORTS

Mr. Cory Pedersen, Director, Children and Family Services, Department of Health and Human Services, provided a report (Appendix B) regarding the findings and recommendations of the Department of Health and Human Services (DHHS) ~~and recommendations~~ on the study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking. He noted:

- Senate Bill No. 2341 (2023) required ~~the~~ DHHS to study and implement a standard framework for youth services for children impacted or potentially impacted by human trafficking.
- ~~North Dakota~~ The state should continue to build sustainable, statewide human trafficking prevention and community-based services for children and families, identify a consistent data tracking mechanism to monitor needs, and make informed, data-driven decisions while continuing to locate an evidence-based model that supports child placement in long-term residential treatment settings.
- ~~There is a lack of holding traffickers accountable and, historically, minimal prosecution in these cases. Trafficking cases often are not prosecuted due to the difficulty of proving the offense.~~ In many circumstances, traffickers may be charged with a drug-related or other crime that is easy to prove, but are rarely charged with human trafficking. ~~Traffickers are rarely charged with human trafficking because the offense is often too hard to prove, while charging an individual with a drug-related crime is more likely to be proven.~~
- The North Dakota Human Trafficking Task Force recommends training and education to ensure all state

agencies ~~have proper knowledge~~ are aware of the intricacies of human trafficking cases, and the Attorney General and the North Dakota Human Trafficking Task Force provide initial and ongoing training and technical assistance to local, state, and federal law enforcement officials and the North Dakota court system.

Ms. Kelsey Bless, Licensing Unit Administrator, Children and Family Services Division, Department of Health and Human Services, provided testimony regarding a question by the committee on ~~the DHHS's~~ study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking. She noted the 44 charges related to human trafficking ~~related charges~~ filed between 2016- and 2022, ~~which~~ resulted in 21 convictions, which represents 10 percent of the total number of open investigations that led to ~~actual~~ charges being filed.

Ms. Amy Boyd-Bolme, Program Manager, Youthworks, provided testimony (Appendix C) regarding ~~the DHHS's~~ report on ~~the DHHS's~~ study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking.

Ms. Laura Feldmann, Executive Director, Home on the Range, provided testimony regarding ~~the DHHS's~~ report on ~~the DHHS's~~ study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking. She noted:

- Home on the Range is a qualified residential treatment center in Sentinel Butte for residents ages 12 to 18.
- Ongoing discussion is needed regarding the length of ~~long-term~~ length-of-stay stays at a residential facility for a child victim of human trafficking ~~should be an ongoing discussion~~.
- In 2023, ~~Home on the Range had~~ 33 females and 34 males were admitted to ~~its~~ Home on the Range's residential treatment program ~~in 2023 and, of~~. Of the 33 females admitted, 75 percent ~~of them~~ were trafficked or exploited ~~and, of~~. Of the 34 males admitted, nearly 30 percent were confirmed or suspected to have been trafficked or exploited.

Mr. ~~Gory~~ Pedersen provided a report (Appendix D) regarding ~~the DHHS's~~ review of the option of reinstating parental rights that have been terminated by a court.

Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, provided an overview of the bill draft recommended by ~~the DHHS~~ as a result of ~~the DHHS's~~ review of the option of reinstating parental rights that have been terminated by a court. He noted the recommended bill draft consists of ~~thirteen~~ 13 sections and creates a judicial process for the reestablishment of parental rights and responsibilities.

JUVENILE DELINQUENCY CODE STUDY

Mr. Benjamin Eikey, Manager, State Training and Development, State Oversight Academy, provided testimony (Appendix E) regarding juvenile justice oversight.

Ms. Lisa Jahner, Research and Programs, North Dakota Association of Counties, provided testimony (Appendix F) regarding ~~an overview of~~ the Juvenile Justice and Delinquency Prevention Act (JJDP Act). She noted the JJDP Act:

- Was established in 1974; and most recently was authorized in 2018 ~~via~~ through the Juvenile Justice Reform Act, ~~and is~~.
- Is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be ~~guarded~~ guided by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization.
- Provides for a nationwide juvenile justice planning and advisory system spanning all states, territories, and

the District of Columbia; federal funding for delinquency prevention and improvements in state and local juvenile justice programs and practices; and the operation of ~~the~~ federal ~~agency, the~~ Office of Juvenile Justice and Delinquency Prevention, which is dedicated to training, technical assistance, model programs, and research and evaluation; to support state and local efforts.

- ~~Has four core requirements:~~
- ~~Deinstitutionalization of status offenders, which f~~Focuses on alternatives to placing juveniles who are considered status offenders into detention facilities;.
- ~~Adult jail and lock-up removal, which f~~Focuses on removing juveniles from adult jails and detention facilities;.
- ~~Sight and sound separation, which e~~Ensures accused and adjudicated delinquents, status offenders, and non-offending juveniles are not detailed or confined in any institution where they may have contact with adult inmates; ~~and.~~
- ~~Racial and ethnic disparities, which f~~Focuses on helping states address and eliminate racial and ethnic disparities in the juvenile justice system.

Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, provided testimony regarding the bill draft presented by Mr. Derek Steiner, Cass County Assistant State's Attorney, relating to juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements. She noted the bill draft is the result of the committee's request to have the Commission on Juvenile Justice ~~look into~~ examine collateral consequences for juveniles and the possibility of establishing a separate juvenile delinquency offense code.

Mr. Steiner provided testimony (Appendix G) ~~efrelating to~~ a bill draft [~~LC~~ 25.0103.02000] ~~relating to~~ regarding juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements.

The committee requested the following revisions be made before the bill draft is considered for recommendation to the Legislative Management:

- On line 23 of page 6, ~~line 23~~, add "or the individual has a child in common with the victim regardless of whether the victim is or was in a dating relationship with the individual"; and
- On line 26 of page 11, ~~line 26~~, add "or the child has previously been adjudicated as a sexual offender."

BILL DRAFT

Representative Klemin and Ms. Michelle Richart, Midwest Regional Liaison, Defense-State Liaison Office, Secretary of Defense, provided testimony (Appendix H) ~~efrelating to~~ a bill draft [LC 25.0233.01000] ~~regarding~~ related to establishing concurrent jurisdiction on military installations. They noted:

- Most states have ceded exclusive legislative jurisdiction to the federal government over lands on which military installations are located and the federal system lacks an effective mechanism for handling juvenile offenses.
- Without concurrent jurisdiction, there is a ~~void~~ lack of juvenile justice on federal installations ~~and f.~~
- Federal prosecutors routinely decline to prosecute juvenile-on-juvenile sexual assault cases, and local prosecutors lack legal authority to apply state laws to juvenile criminal conduct on federal lands.
- The bill draft does not automatically confer concurrent jurisdiction but makes concurrent jurisdiction permissive and invites negotiations between the state and military installations. The proposed ~~policy~~ changes includes a statutorily supported memorandum between the military installation and state officials.

- The bill draft ~~is critical to preventing~~ seeks to prevent adverse impacts to the health, safety, and welfare of juveniles, and the military community.

RE-ENTRY OUTCOMES STUDY

Mr. Steven Hall, Director of Transitional Planning Services, Department of Corrections and Rehabilitation, provided ~~testimony~~ a status update (Appendix I) regarding ~~a status update on~~ the Reentry Study ~~w~~ Working ~~g~~ Group's progress on improving re-entry outcomes for incarcerated adults and youth. He noted:

- The ~~Reentry Study Work Group continues to~~ working group is collaborating ~~ing~~ with the Crime and Justice Institute on the study related to improving re-entry outcomes for incarcerated adults and youth.
- At ~~the~~ its May meeting, the work group focused on reviewing the goals and processes of the study, defining reentry, and exploring the intersection of behavioral health and criminal legal systems through a review of trends, research, and best practices.
- On June 3, 2024, members of the Crime and Justice Institute met with the Department of Corrections and Rehabilitation business analysts and subject matter experts to conduct a preliminary review of the department's data and to answer questions before presenting the data findings back to the full work group.
- The goal of the work group is to ~~have~~ gain a comprehensive understanding of reentry services in North Dakota and provide evidence-based recommendations to the Legislative Management by ~~F~~ fall 2024.

CRIMINAL HISTORY RECORD CHECK STUDY

Ms. Janelle Middlestead, Division Director, Producer Licensing, Insurance Department, provided testimony (Appendix J) regarding the department's fingerprint processes.

Mr. Jack McDonald, Attorney, Wheeler Wolf Law Firm, ~~provided testimony introducing~~ introduced Mr. Steve Smith, President, YMCA of Cass and Clay Counties.

Mr. ~~Steve Smith, President, YMCA of Cass and Clay Counties,~~ provided testimony (Appendix K) regarding YMCA child care background checks.

CHILD WELFARE STUDY

The committee traveled to the Pride Manchester House to tour the residential treatment facility for children. During the tour, Ms. Beth Larson-Steckler, Executive Director, Pride Manchester House, distributed information (Appendix L) regarding the facility and the clinical, educational, and residential services provided.

The committee traveled to the Dakota Boys and Girls Ranch to tour the residential treatment facility for children and adolescents. During the tour, Mr. Tim Gienger, Senior Director of Residential Partnerships, Dakota Boys and Girls Ranch, provided information on the multi-disciplinary programs and therapy services offered for children and adolescents with chronic psychiatric and behavioral health issues.

No further business appearing, Chairman Strinden adjourned the meeting at 4:00 p.m.

Christopher S. Joseph
Assistant Legal Division Director

ATTACH: