



JUVENILE JUSTICE COMMITTEE

Tuesday, September 17, 2024
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Michelle Strinden, Chairman, called the meeting to order at 10:00 a.m.

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

Members absent: Representatives Karen A. Anderson, Shannon Roers Jones

Others present: Steven Harstad, Bureau of Criminal Investigation; Derek Steiner, Cass County Assistant State's Attorney; Sara Stolt, Department of Health and Human Services; Maja Vlajnic, Crime and Justice Institute
See Appendix A for additional persons present.

It was moved by Senator Larson, seconded by Senator Hogan, and carried on a voice vote that the minutes of the June 18, 2024, meeting be approved as distributed.

JUVENILE DELINQUENCY CODE STUDY

Representative Klemin provided testimony relating to a bill draft [25.0271.01000] establishing concurrent jurisdiction on military installations. He noted:

- The bill draft allows the federal government to request the state to assume jurisdiction over certain offenses committed on military installations.
- The bill draft does not automatically confer concurrent jurisdiction but makes concurrent jurisdiction permissive and invites negotiations between the state and military installations.
- Without concurrent jurisdiction, there is a lack of juvenile justice on federal installations.
- 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.
- 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.

It was moved by Representative Klemin, seconded by Senator Hogan, and carried on a roll call vote that the bill draft [25.0271.01000], relating to establishing concurrent jurisdiction on military installations, be approved and recommended to the Legislative Management. Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

Mr. Derek Steiner, Cass County Assistant State's Attorney, and Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, provided testimony (Appendix B) regarding a bill draft [25.0324.01000] relating to juvenile fitness to proceed and remediation of juveniles. They noted the bill draft:

- Provides time frames for when a fitness to proceed evaluation must be completed, a report must be submitted to the court, a hearing held by the court, and instructions to ensure the discovery is received by the evaluator.
- Allows the court to deflect cases based on prior judicial findings of a lack of fitness to proceed.
- Codifies due process rights and provides a method- for juvenile competency remediation.

In response to a question from a committee member, Dr. Dan Cramer, Clinical Director, Regional Human Service Centers, noted the bill draft includes an appropriation to hire additional psychologists and psychiatrists and to provide training for administering the fitness to proceed examinations. The appropriation also will be used to create, monitor, and track the certification and training process, and to cover travel and remediation expenses.

In response to a question from a committee member, Mr. Cory Pedersen, Director, Children and Family Services Division, Department of Health and Human Services noted human service zones receive a federal match for funding that provides services for children in need of protection, and allows the state to recoup 50 percent of costs under U.S. United States Code Title 40 for case management.

Ms. Lynn Flieth, Director, RSR Human Service Zone, Ransom, ~~Richland, and Sargent~~Sargent, and Richland Counties, provided testimony regarding the bill draft related to juvenile fitness to proceed and remediation of juveniles. She noted one of the defining factors surrounding children in need of services (CHINS) is court action is not permitted based solely on CHINS involvement and behaviors and when the human service zones accept youth into custody as a child in need of protection the same services as CHINS are offered.

Ms. Kylie Oversen, Attorney, Commission on Legal Counsel for Indigents, provided testimony regarding the bill draft related to juvenile fitness to proceed and remediation of juveniles. She noted children in the juvenile system are not receiving the needed services. She noted there are children in detention waiting on services because they are unable to go home, and they ~~can't~~cannot enter residential or outpatient treatment centers.

It was moved by Senator Larson, seconded by Senator Hogan, and carried on a roll call vote that the bill draft [25.0324.01000], relating to juvenile fitness to proceed and remediation of juveniles, be amended on page 5, line 13, by inserting "parent, legal guardian" after ~~the~~ "minor's". Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

It was moved by Representative Klemin, seconded by Representative VanWinkle, and carried on a roll call vote that the bill draft [25.0324.01000], relating to juvenile fitness to proceed and remediation of juveniles, be further amended on page 5, line 13, by inserting "legal custodian" after the "minor's". Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

It was moved by Senator Larson, seconded by Senator Hogan, and carried on a roll call vote that the bill draft [25.0324.01000], as revised, relating to juvenile fitness to proceed and remediation of juveniles, be approved and recommended to the Legislative Management. Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

Mr. Steiner provided testimony (Appendix C) on a bill draft [25.0272.02000] relating to juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements. He noted the bill draft:

- Changes the offense of gross sexual imposition to consensual sexual contact if the victim is under the age

of 15 and there is a 3 or fewer year age difference between the victim and the suspect. The offense will be gross sexual imposition if the victim is ~~with someone~~ under the age of 15 ~~will only be gross sexual imposition if and~~ there is over a ~~three~~3-year age gap between the suspect and the victim.

- Changes the requirement for sexual offender registration for a juvenile offender for certain offenses ~~from being required to being~~ to a matter within the court's discretion to order.
- Exempts a juvenile from having to register as an offender against a child.
- Applies the offense of domestic violence only to a juvenile if the juvenile was in a dating relationship with the victim or the juvenile has a child in common with the victim.

It was moved by Senator Lee, seconded by Senator Larson, and carried on a roll call vote that the bill draft [25.0272.02000], relating to juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements, be approved and recommended to the Legislative Management. Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

BILL DRAFT

The committee discussed a bill draft [25.0273.01000] relating to reinstating parental rights that have been terminated by a court. The bill draft stems from a report and recommendation received from the Department of Health and Human Services (~~DHHS~~) at the committee's June 18, 2024, meeting, based on a ~~DHHS~~Department of Health and Human Services study. The committee noted the ~~recommended~~ bill draft creates a judicial process for the reestablishment of parental rights and responsibilities.

In response to a question from a committee member, Mr. ~~Cory~~ Pedersen, noted ~~in the bill draft~~ a petition for reestablishment of parental rights may not be filed pursuant to the bill draft if the child is subject to a written adoption placement agreement between the responsible custodian and the prospective adoptive parent.

It was moved by Representative Ista, seconded by Senator Hogan, and carried on a roll call vote that the bill draft [25.0273.01000], relating to reinstating parental rights that have been terminated by a court, be approved and recommended to the Legislative Management. Representatives Strinden, Cory, Davis, Hanson, Ista, Klemin, and VanWinkle and Senators Clemens, Hogan, Larson, and Lee voted "aye." No negative votes were cast.

CRIMINAL HISTORY RECORD CHECK STUDY

Mr. Steven Harstad, Chief Agent, Bureau of Criminal Investigation, provided testimony regarding the state's criminal background check requirements compared to the requirements in other states. He noted:

- The Bureau of Criminal Investigation (BCI) works to provide ~~the most~~ complete, accurate, and thorough criminal history records checks.
- Results of a criminal history check may be delayed:
 - Due to an ongoing criminal court proceeding and BCI having to wait for the results of the proceeding or for a state's attorney to provide BCI the final disposition of a criminal matter; or
 - Because the individual who is the subject of a criminal history record check may have been granted a pardon or a pretrial diversion requiring BCI to conduct an extensive investigation into the aggregate criminal record to ensure accuracy.
- ~~Jails have~~ It is important for jails to take good fingerprints at intake to ensure there is a full and accurate record from the arrest stage to the final disposition of a criminal matter.

Senator Hogan provided testimony (Appendix D) regarding the committee's study on criminal history record checks.

Ms. Sara Stolt, Deputy Commissioner, Department of Health and Human Services, provided testimony (Appendix E) regarding the committee's study on criminal history record checks.

RE-ENTRY OUTCOMES STUDY

Mr. Steven Hall, Director of Transitional Planning Services, Department of Corrections and Rehabilitation, provided testimony (Appendix F) regarding a status update, findings, and recommendations from the working group on improving re-entry outcomes for incarcerated adults and youth.

In response to questions from committee members, ~~Ms.~~Dr. Maja Vlajnic, Senior Data and Policy Specialist, Crime and Justice Institute, noted:

- There is a high proportion of people of color represented in every type of admission to prison.
- 35 percent of parole revocations and 42 percent of probation revocations are Native Americans. Revocation is the largest driver of prison admissions.
- Overall prison admissions for Black individuals increased 120 percent from 2014 to 2023, while admissions for Native Americans increased 61 percent during the same ~~timeframe~~period.
- The ~~Institute~~institute did not have ~~access to the~~ data ~~providing to~~determine whether poverty and economic stability factor into racial disparities in prison admissions.

COMMITTEE DISCUSSION

It was moved by Senator Hogan, seconded by Senator Lee, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.

It was moved by Representative VanWinkle, seconded by Senator Larson, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Strinden adjourned the ~~meeting~~committee sine die at 2:15 p.m.

Christopher S. Joseph
Assistant Legal Division Director

ATTACH:6