

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1415

That the Senate recede from its amendments as printed on pages 1389 and 1390 of the House Journal and pages 1132 and 1133 of the Senate Journal and that Engrossed House Bill No. 1415 be amended as follows:

Page 1, line 2, after "program" insert "; and to provide for a legislative management study"

Page 1, line 6, replace "\$480,000" with "\$50,000"

Page 1, line 7, replace "a" with "any"

Page 1, line 8, remove "southeastern North Dakota"

Page 1, line 8, remove "with a population of between"

Page 1, line 9, remove "fourteen thousand and seventeen thousand residents"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SEXUAL PREDATOR TASK FORCE. During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of creating a multijurisdictional sexual predator task force. The study must include input from stakeholders, including representatives from law enforcement, regarding the need for or desire to have a sexual predator task force. The study also must include an analysis of interagency coordination. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Introduced by

Representatives Kiefert, K. Anderson, Heinert, Ostlie, Rohr, Satrom
Senators Conley, Wanzek

1 A BILL for an Act to provide an appropriation to the attorney general for a law enforcement
2 staffing grant program; and to provide for a legislative management study.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION - LAW ENFORCEMENT STAFFING GRANT PROGRAM -**

5 **ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state
6 treasury, not otherwise appropriated, the sum of ~~\$480,000~~\$50,000, or so much of the sum as
7 may be necessary, to the attorney general for the purpose of awarding grants to ~~any~~ local
8 police department located in a ~~southeastern North Dakota~~ community ~~with a population of~~
9 ~~between fourteen thousand and seventeen thousand residents~~ that has recently experienced a
10 significant increase in the number of registered sex offenders living in that community in order to
11 hire additional law enforcement staff, for the biennium beginning July 1, 2023, and ending
12 June 30, 2025. Eligible expenditures under the program include costs related to salaries and
13 overtime, training, and purchases of equipment for existing and newly hired law enforcement
14 staff. The attorney general shall establish guidelines to provide grants under the program. This
15 funding is considered a one-time funding item.

16 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SEXUAL PREDATOR TASK**

17 **FORCE.** During the 2023-24 interim, the legislative management shall consider studying the
18 feasibility and desirability of creating a multijurisdictional sexual predator task force. The study
19 must include input from stakeholders, including representatives from law enforcement,
20 regarding the need for or desire to have a sexual predator task force. The study also must
21 include an analysis of interagency coordination. The legislative management shall report its
22 findings and recommendations, together with any legislation required to implement the
23 recommendations, to the sixty-ninth legislative assembly.



JAMESTOWN POLICE DEPARTMENT

205 Sixth Street Southeast
Jamestown, North Dakota 58401
Phone 701-252-2414
FAX 701 252-7087
sedinger@jamestownnd.gov

SCOTT EDINGER
Chief of Police

April 19, 2023

North Dakota House Judiciary Committee

RE: HB 1415

Chairman Klemm
Members of the Committee,

Over these last few months, many Representatives, Senators, members of the Jamestown Police Department, and various members of other organizations have testified on this bill. I feel several outside of law enforcement have testified inaccurately about what state agencies can or will do to assist the Jamestown Police Department in the duties of registering and monitoring "local" sex offenders. The truth is, many of the state agencies mentioned either would be prohibited from, untrained to, or aren't staffed to assist in this type of work.

It is true that the North Dakota Bureau of Criminal Investigations assists with some technical forensic analysis of some electronics. However, there is currently only one agent in our area trained for this type of work. BCI Agents routinely cover several counties and many have less staff and technical expertise than even the Jamestown Police Department. BCI doesn't have the resources or time for the volume of work we present.

North Dakota Probation and Parole monitors some of the activities of the offenders who are currently on probation or parole but have no interaction with those who have completed their sentence, nor would that be appropriate. Most often in our experience, Probation and Parole will not take proactive measures against an offender without criminal charges first coming from our department.

The question of local funding has been discussed during this legislative session. First, I would disagree that this is a Jamestown problem. The issues created by the enormous number of sex offenders in Jamestown mostly starts in other communities whose sex offenders decide to stay in Jamestown after they complete their sentences. The notion that the citizens of Jamestown should lift this load for the rest of the state is unreasonable. And Jamestown's tax burden is heavily residential, which makes our general fund tax revenues barely cover basic fire and police services.

Over the last decade or so, cities and counties located in a strip, west of the Red River and east of the Missouri River, have largely missed out on the benefits of the oil boom of the west and population boom of the east. In HB 1415, we are simply asking for assistance with a sex offender problem that largely starts outside of Jamestown.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Scott Edinger".

Scott Edinger
Chief of Police

12.1-32-15. Offenders against children and sexual offenders — Sexually violent predators — Registration requirement — Penalty.

1. As used in this section:

a. “A crime against a child” means a violation of chapter 12.1-16, section 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or section 14-09-22, subsection 3 of section 12.1-41-02, subsection 3 of section 12.1-41-03, or an equivalent offense from another court in the United States, a tribal court, or court of another country, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt or conspiracy to commit these offenses.

b. “Department” means the department of corrections and rehabilitation.

c. “Homeless” means an individual who is physically present in this state, but is living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a traditional dwelling, and also one who resides in this state but does not maintain a permanent address. The term does not include individuals who are temporarily domiciled or individuals residing in public or private shelters that provide temporary living accommodations.

d. “Mental abnormality” means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the individual a menace to the health and safety of other individuals.

e. “Predatory” means an act directed at a stranger or at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

f. “Reside” means to live permanently or be situated for a considerable time in a home or a particular place.

g. “Sexual offender” means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a of subsection 1, 12.1-20-11, 12.1-20-12.1, 12.1-20-12.2, 12.1-20-12.3 except for subdivision a of subsection 1 and subdivision b of subsection 1 if the offense involves only a demand for money, chapter 12.1-27.2, subsection 2 of section 12.1-22-03.1, subdivision b of subsection 1 of section 12.1-41-02, section 12.1-41-04, 12.1-41-05, or 12.1-41-06, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.

h. “Sexually dangerous individual” means an individual who meets the definition

specified in section 25-03.3-01.

i. “Temporarily domiciled” means staying or being physically present in this state for more than thirty days in a calendar year or at a location for longer than ten consecutive days, attending school for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence.

2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city of the individual’s place of residence, or the sheriff of the county if the individual resides in an area other than a city. A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:

a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision c.

b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender for, a misdemeanor or attempted misdemeanor. The court may deviate from requiring an individual to register if the court first finds the individual is no more than three years older than the victim if the victim is a minor, the individual has not previously been convicted as a sexual offender or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

c. Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.

d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, including juvenile delinquent adjudications of equivalent offenses. Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.

e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated delinquent of any crime against another individual which is not otherwise specified in this section if the