

1999 SENATE JUDICIARY

SB 2087

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2087

Senate Judiciary Committee

Conference Committee

Hearing Date January 13, 1999

| Tape Number | Side A | Side B | Meter # |
|-------------------------------------------------|--------|--------|------------|
| 1 | x | | 4205 - end |
| | | x | 0 - 802 |
| Committee Clerk Signature <i>Jackie Fullman</i> | | | |

Minutes:

SB2087 relates to memberships, meetings, and compensation of the parole board, parole revocation proceedings, and fair treatment standards for victims and witnesses of crimes.

SENATOR STENEHJEM opened the hearing on SB2087 at 10:45 A.M.

All were present.

ERNIE REINERT, Department of Corrections, testified in support of SB2087. Testimony attached. If we could get 6 members, it would help with rotation. These parole board members can revoke parole and can also add time.

SENATOR WATNE asked about the reappointment of members, no prohibition on getting reappointed.

ERNIE REINERT stated that they can be reappointed. Their per diem is \$62.00 a day.

SENATOR STENEHJEM asked if this was to be like two parole boards and rotate them.

ERNIE REINERT stated this was correct.

SENATOR TRAYNOR asked about a bill that was introduced that changed the dollar figure on theft and the bill is adopted. This is now a felony and not a misdemeanor. This is an issue for the parole board.

ERNIE REINERT stated that yes, this would be taken into consideration.

SENATOR WATNE asked what presumptive parole is.

ERNIE REINERT stated that the parole board uses this as a risk score. They arrive at a parole eligibility date that is based on their risk score. The inmate would have a personal appearance before the board. They review in person the prisoner's case file. They send parole plan to parole officer to the place where the parolee wants to live. Based on this information they decide whether to parole someone.

SENATOR STENEHJEM had to leave the meeting to go to another meeting. He turned the meeting over to Vice Chairman SENATOR WATNE.

SENATOR WATNE CLOSED the hearing on SB2087.

January 19, 1999 3:00 p.m.

SENATOR NELSON made a motion to adopt the amendment, SENATOR WATNE seconded.

Motion carried.

SENATOR WATNE made a motion for DO PASS AS AMENDED, SENATOR LYSON seconded. Motion carried.

SENATOR LYSON will carry the bill.

FISCAL NOTE

(Return original and 10 copies)

JAN 6 1999

Bill/Resolution No.: SB 2087

Amendment to: _____

Requested by Legislative Council

Date of Request: 12/30/98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative:

This fiscal note is based on the assumption that all of the Parole Board members will meet jointly 6 times during the course of the biennium. The note includes daily compensation, expenses, and mileage.

2. **State** fiscal effect in dollar amounts:

| | 1997-99 Biennium | | 1999-2001 Biennium | | 2001-03 Biennium | |
|--------------|-----------------------------|-------------------------|-------------------------------|-------------------------|-----------------------------|-------------------------|
| | <u>General Fund</u> | <u>Special Fund</u> | <u>General Fund</u> | <u>Special Fund</u> | <u>General Fund</u> | <u>Special Fund</u> |
| Revenues: | 0 | 0 | 0 | 0 | 0 | 0 |
| Expenditures | 0 | 0 | 3,459 | 0 | 3,459 | 0 |

3. What, if any, is the effect of this measure on the appropriation for your agency or department:


- | | |
|----------------------------------|---------------------------------|
| a. For rest of 1997-99 biennium: | none |
| b. For the 1999-2001 biennium: | Increase of \$3,459 needed |
| c. For the 2001-03 biennium: | Continue funding of the \$3,459 |

4. **County, City, and School District** fiscal effect in dollar amounts:

| | 1997-99 Biennium | | 1999-2001 Biennium | | 2001-03 Biennium | |
|--|-----------------------------|---------------|-------------------------------|---------------|-----------------------------|---------------|
| | <u>Counties</u> | <u>Cities</u> | <u>Counties</u> | <u>Cities</u> | <u>Counties</u> | <u>Cities</u> |
| | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 | 0 |

If additional space is needed,
Attach a supplemental sheet.

Date 1/5/1999

| | |
|--------------|--------------------------------------------------------------------------------------|
| Signed |  |
| Typed Name | Charles R. Placek |
| Department | Field Services Division, DOCR |
| Phone Number | 701-328-6198 |

Date: 1-19-99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2087

Senate Judiciary _____ Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendments

Motion Made By Nelson Seconded By Watne

| Senators | Yes | No | Senators | Yes | No |
|--------------------------|-----|----|----------|-----|----|
| Senator Wayne Stenehjem | X | | | | |
| Senator Darlene Watne | X | | | | |
| Senator Stanley Lyson | X | | | | |
| Senator John Traynor | X | | | | |
| Senator Dennis Bercier | X | | | | |
| Senator Caroloyne Nelson | X | | | | |
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| | | | | | |

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

REPORT OF STANDING COMMITTEE (410)
January 20, 1999 11:07 a.m.

Module No: SR-12-0887
Carrier: Lyson
Insert LC: 98083.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2087: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Sixth order on the calendar.

Page 2, line 2, after "of" insert "at least"

Renumber accordingly

1999 HOUSE JUDICIARY

SB 2087

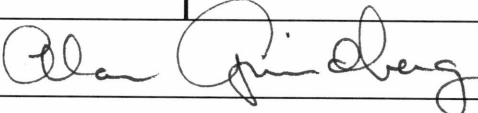
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. : 2087

House Judiciary Committee

Conference Committee

Hearing Date : February 24, 1999

| Tape Number | Side A | Side B | Meter # |
|--------------------------------------------------------------------------------------------------------------|--------|--------|---------|
| 3 | X | | 6 |
| | | | |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

ERNIE REINERT (Pardon Bd.) This bill is intended to save some wear and tear on the Pardon Board members. There are now three members on the board and by adding three more they can each cover one-half of the meetings, cutting down on the time they have to spend in Bismarck or Jamestown. The board meets once a month for nine months and the meetings last for two and a half days. This bill will increase the number of members to six, but only three will meet at any one time. I ask that you add the emergency clause to this bill.

COMMITTEE ACTION: March 1, 1999

REP. MARAGOS moved that the bill be amended to add the emergency clause. Rep Cleary seconded and the motion passed on a unanimous voice vote.

Page 2

House Judiciary Committee

Bill/Resolution Number :2087

Hearing Date : February 24, 1999

REP. SVEEN moved that the committee recommend that the bill DO PASS AS AMENDED.

Rep. Maragos seconded and the motion passed on a roll call vote with 11 ayes, 0 nays and 4

absent. Rep. Cleary was assigned to carry the bill on the floor.

Date: 3/1
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2087

House JUDICIARY Committee _____

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as

Motion Made By Sveen Seconded By Marra

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| REP. DEKREY | ✓ | | REP. KELSH | | |
| REP. CLEARY | ✓ | | REP. KLEMIN | ✓ | |
| REP. DELMORE | ✓ | | REP. KOPPELMAN | | |
| REP. DISRUD | ✓ | | REP. MAHONEY | ✓ | |
| REP. FAIRFIELD | | | REP. MARAGOS | ✓ | |
| REP. GORDER | ✓ | | REP. MEYER | ✓ | |
| REP. GUNTER | ✓ | | REP. SVEEN | ✓ | |
| REP. HAWKEN | | | | | |

Total Yes 11 No 0

Absent 4

Floor Assignment Cleary

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

REPORT OF STANDING COMMITTEE (410)
March 2, 1999 4:17 p.m.

Module No: HR-37-3830
Carrier: Cleary
Insert LC: 98083.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2087, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2087 was placed on the Sixth order on the calendar.

Page 1, line 4, after "crimes" insert "; and to declare an emergency"

Page 3, after line 2, insert:

"SECTION 5. EMERGENCY. Sections 1 and 2 of this Act are declared to be an emergency measure."

Renumber accordingly

1999 TESTIMONY

SB 2087

**Senate Judiciary Committee
Wayne Stenehjem, Chairman
January 13, 1999**

**Warren R. Emmer, Director
Department of Corrections
Field Services Division
Testimony in Support of SB 2087**

- I. Problems facing the current North Dakota Parole Board
 - A. Parole board dockets have risen approximately 300% during the last ten years
 - 1. Former boards worked approximately two days every other month
 - 2. Current board works three day per month
 - B. Parole Board members are called on to do more with inmate applicants then in previous years
 - 1. Parole to more options
 - 2. Presumptive Parole
 - C. Illness and conflicts have reduced Parole Board to a quorum of two (several times)
 - D. Questions arise as to when parole violators are entitled to good time
 - E. Current law requires victim participation in non-paroling administrative decisions

- II. SB 2087 will rectify the problems outlined in part I.
 - A. Additional parole board members will alleviate excessive work loads by creating two panels
 - 1. The two, three person, panels will work three days every other month
 - 2. Illness and conflicts are easily solved by utilizing other board members
 - B. Legislation clarifies when an inmate receives good time
 - C. Law will allow victim participation when inmate has a personal appearance before the board