

1999 SENATE JUDICIARY

SB 2249

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2249

Senate Judiciary Committee

Conference Committee

Hearing Date January 25, 1999

Tape Number	Side A	Side B	Meter #
1		x	751 - 2175
2		x	1660 - 2350
Committee Clerk Signature <i>Jackie Follmer</i>			

Minutes:

SB2249 relates to sentence reduction for good or meritorious conduct.

SENATOR STENEHJEM opened the hearing on SB2249 at 10:25 A.M.

All were present.

SENATOR STENEHJEM testified in support of SB2249. I have introduced this bill on the request of the District Judges in our area. They asked us to adopt a statute that allows local jails to grant the same time of good time that is allowed in the state penitentiary.

MARCY COMNY FISHER, Stutsman County, testified in opposition of SB2249. We used to provide good time in our facility up to about 8 years ago and my judges asked me to get rid of it.

I feel this will be a record keeping nightmare. I have a problem with the mechanics of it.

SENATOR LYSON asked what she thought about good time overall.

MARCY COMNY FISHER stated that they haven't used it for so long, I don't know.

SENATOR STENEHJEM asked if judges will calculate time accordingly. Maybe having this will be an additional tool.

MARCY COMNY FISHER stated yes, I believe so.

SENATOR LYSON asked if the bill was amended to be more clear, would you be opposed to this bill.

MARCY COMNY FISHER stated that she would not be totally opposed, but felt it would still be a record keeping nightmare.

DICK PECK, North Dakota Sheriff's and Deputy's Association, testified in opposition of SB2249. The Sheriff's departments feels it would be a record keeping nightmare and section 3 is unclear.

SENATOR STENEHJEM asked if he could get the status of counties that use good time.

DICK PECK stated that he would.

SENATOR STENEHJEM stated this is a frequent tool in the pen for meritorious conduct.

KEN SORENSON stated that it is no longer a tool but is there if they want to use it. They do use it on occasion.

SENATOR STENEHJEM CLOSED the hearing on SB2249.

SENATOR STENEHJEM AND JIM GANJE discussed some amendments.

Discussion.

SENATOR TRAYNOR made a motion for AMENDMENTS, SENATOR LYSON seconded.

Motion carried.

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

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Senate Judiciary Committee

Bill/Resolution Number SB2249

Hearing Date January 25, 1999

SENATOR LYSON will carry the bill.

5 - 0 - 1

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: 2249

Amendment to: _____

Requested by Legislative Council

Date of Request: 01-18-99

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

Narrative:

The State of North Dakota would not be effected fiscally by the implementation of this bill. No city within the state of North Dakota would be effected by the implementation of this bill. It appears that many county correctional facilities are currently awarding "good time" to inmates at the present time to resolve overcrowding issues. County Administrators contacted do not foresee any fiscal note being attached to this bill. Because the facility must operate regardless of inmate population there is no evidence of a measurable fiscal impact.

- State fiscal effect in dollar amounts:

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

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

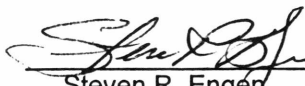
- For rest of 1997-99 biennium: 0
- For the 1999-2001 biennium: 0
- For the 2001-03 biennium: 0

- County, City, and School District fiscal effect in dollar amounts:

	<u>1997-99</u> <u>Biennium</u>		<u>1999-2001</u> <u>Biennium</u>		<u>2001-03</u> <u>Biennium</u>	
	<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 01-22-99

Signed 
 Typed Name Steven R. Enger
 Department N.D. Dept of Corrections
 Phone Number 701-328-6390

PROPOSED AMENDMENTS TO SENATE BILL NO. 2249

Page 1, line 15, replace “ Except as provided under section 12.1-32-09.1, offenders sentenced to “ with “ The presiding judge of a judicial district in which “

Page 1, line 16, replace “ are eligible to earn “ with “ is located, after consultation with the other judges in the district, may authorize the facility administrator to provide for “

Page 1, line 17, remove “ of the correctional “

Page 1, line 18, remove “ facility “

Page 1, line 19, after the underscored period insert “ Except as provided under section 12.1-32-09.1, offenders sentenced to the facility are eligible to earn sentence reductions based upon the performance criteria. “

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 22

Renumber accordingly

The new subsection 2, beginning on line 15, would then read as follows:

2. The presiding judge of a judicial district in which a correctional facility is located, after consultation with the other judges in the district, may authorize the facility administrator to provide for sentence reductions based upon performance criteria established through the administrator. The criteria must be substantially similar to the performance criteria established by the penitentiary. Except as provided under section 12.1-32-09.1, offenders sentenced to the facility are eligible to earn sentence reductions based upon the performance criteria. While incarcerated in the correctional facility, an inmate may earn five days good time per month except for any sentence there the incarceration time is thirty days or less.

The remainder of the bill would be deleted.

Date: 1-27-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2249

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendments

Motion Made By Traynor Seconded By Lyson

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					
Senator Caroloyne Nelson	X				

Total (Yes) 5 No _____

Absent 0

Floor Assignment _____

Date: 1-27-99
 Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2249

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Traynor Seconded By Lyson

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					
Senator Carolyn Nelson	X				

Total (Yes) 5 No _____

Absent 1

Floor Assignment Lyson

REPORT OF STANDING COMMITTEE

SB 2249: Judiciary Committee (Sen. W. Stenejem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove ", 12-54.1-03, and 12-54.1-04"

Page 1, line 15, replace "Except as provided under section 12.1-32-09.1, offenders sentenced to" with "The presiding judge of a judicial district in which"

Page 1, line 16, replace "are eligible to earn" with "is located, after consultation with the other judges in the district, may authorize the facility administrator to provide for"

Page 1, line 17, remove "of the correctional"

Page 1, line 18, remove "facility"

Page 1, line 19, after the underscored period insert "Except as provided under section 12.1-32-09.1, offenders sentenced to the facility are eligible to earn sentence reductions based upon the performance criteria."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 22

Renumber accordingly

1999 HOUSE JUDICIARY

SB 2249

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2249

House Judiciary Committee

Conference Committee

Hearing Date : March 3, 1999

Tape Number	Side A	Side B	Meter #
1	X		0
Committee Clerk Signature <i>Alan Grindberg</i>			

Minutes:

REP. HAWKEN This bill will allow local jails to use the same good time system as the penitentiary uses. The granting of good time gives inmates an incentive to behave and aids control and deportment. Some counties are doing this now, but others feel they may be without authority and this bill will clarify that.

COMMITTEE WORK

REP. MARAGOS moved that the committee recommend that the bill DO PASS. Rep. Hawken seconded and the motion passed on a roll call vote with 15 ayes, 0 nays and 0 absent. Rep. Hawken was assigned to carry the bill.

Date: 3/3
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2249

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Maragos Seconded By Hawken

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 15 No 0

Absent 0

Floor Assignment Hawken

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

REPORT OF STANDING COMMITTEE (410)
March 3, 1999 4:11 p.m.

Module No: HR-38-3976
Carrier: Hawken
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2249, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2249 was placed on the Fourteenth order on the calendar.