

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1367

2001 HOUSE JUDICIARY

HB 1367

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HIB 1367

House Judiciary Committee

☐ Conference Committee

Hearing Date 01-30-01

Tape Number	Side A	Side B	Meter #
TAPE II	x		983 to 6245
		x	01 to 1760
Committee Clerk Signature <i>Joan Duer</i>			

Minutes: Chairman DeKrey opened the hearing on HIB 1367. Relating to sentencing for drug offenses.

Rep George Keiser: District 47, Bismarek. This bill deals with those who manufacture drugs and the dealers. Our drug program has not worked. Drugs are stronger than ever and drugs have become more powerful. Drug dealers are not being prosecuted. Teenagers even know the law. Drug dealers know the law better than we do, they read the law and tell the teens that they will be prosecuted as minors not as adults until they reach the age of 18. They even know what amount of drugs they can have on their person and what the charge will be. The impact of drugs. 65% of the prisoners nationally are in prison today because of drugs. You talk about the fiscal note. Where is the fiscal note on families and our insurance companies. This bill tries to attack the problem, on page two line 5, we change the age - dealing for a minor from 18 to 16 years of age. Line 8 and 9 changes the amount of drugs or grams. Page 3, section 2 increases the penalty if they deal to children. I have some amendments to add to the bill.

Rep Onstad: Did you give any thought when you lowered that from 18 to 16, that again they might read the law and go to 14.

Rep Keiser: Absolutely, that is why there are two levels of mandatory.

Rep Fairfield: Asks questions to clarify the age.

Rep Keiser: says that she is correct.

Rep Fairfield: The 16 year old isn't the one you want, how do you get to the big fish.

Rep Keiser: That is a problem, but we are interested in getting anyone and all.

Chairman DeKrey: Thank you for appearing.

Rep Mahoney: Spoke in support of HB 1367. He gave examples of working in law enforcement of the rural area.

Rep Klemm: In HB 164, we said we were too tough on crime, this bill, we are saying we want to get tougher. Can we reconcile these two bills?

Rep Mahoney: We can do, but we are focused on the dealers using the youth.

Rep Klemm: I have a concern on page three, section two, the penalty part. We don't have mandatory sentencing under section 23. how are we going to have people in jail for a long period of time, unless it is the second offense.

Rep Mahoney: The rules of reconciling bill, there is a process that legislative council uses, if they don't we will have to take another look at it.

Rep Klemm: Did we create a loophole.

Rep Mahoney: Yes.

Rep Maragos: All we did in the first bill was remove the word mandatory, I'm not so sure I see a conflict.

Rep Mahoney: Thank, you, I'd have to look at the bills again.

Rep Klemm: I'm not sure there is a problem, just want to make sure there is none.

Judy Roberts: teacher from Bismarek High, would like to appear neutral. She gave examples within her classes, with out giving names, and she told us that at least one fourth of her junior and seniors have been through treatment.

Rep Maragos: Of the twenty five per cent, how many have harmed themselves beyond reasonable life?

Judy Roberts: A handful.

Rep Maragos: Are we lucky?

Judy Roberts: Meth is so scary, it is so available. At present juvenile records don't go on, maybe the should follow the student.

Rep Maragos: If they know that, then is it peer pressure that makes them do it.

Judy Robert: Wen you see what meth does, no. they don't think. I really can't answer why they do it.

Chairman DeKrey: Thank you for appearing, is there anyone else who wishes to testify.

Jeff White: Special Agent with the Bureau of Criminal Investigation. He had samples of different drugs and explained how it can be taken.

Rep Delmore: Is this the amount that is in the bill?

Jeff White: That is 50 grams.

Chairman DeKrey: How many hits are there in 50 grams?

Jeff White: About 200 doses.

TAPE II SIDE B

Jeff White: Continues to explain about the samples of sealed drugs that he brought to the committee He explains to the committee the composition of the drugs and the street value of each sample

Chairman DeKrey: Any more questions, if not thank you for appearing . Anyone in opposition of HB 1367.

Ladd Erickson: States Attorney of Bismarck, he was not opposed to the bill, more neutral. Would recommend a DO NOT PASS on both bills (not on merit) and have a study first before we have legislation.

Rep Delmore: My comment, saying that we should put off legislation until a study is done, we are mandated to legislate every other year.

Rep Mahoney: Are you speaking on behalf of the Attorney General?

Ladd Erickson: No, I am testifying on behalf of our office.

Rep Maragos:Are you saying that heretofore, we have not had the information from the Attorney General's office?

Ladd Erickson:Under the bills that are purposed, the Attorney General would report to the legislature 6 months prior to each legislation session.

Chairman DeKrey: No other questions, thank you for appearing.

Elaine Little:Director of Department of Corrections and Rehabilitation (see attached testimony).

Rep Klemin: The money seized from drug activities, is any of that being used to take care of the expense of corrections?

Elaine Little: Generally, no.

ChairmanDeKrey: Under our present law could we seize a teen-agers car.

Page 5  
House Judiciary Committee  
Bill/Resolution Number HB 1367  
Hearing Date 01-30-01

Elaine Little: I'm not the one to answer that.

Rep Onstad: What are other states changing to?

Elaine Little: Most states are doing is a combination of treatment and some jail time.

Chairman DeKrey: If there are no question, thank you for appearing. Is there anyone else wishing to testify. If not we will close the hearing on HB 1367.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1367a

House Judiciary Committee

☐ Conference Committee

Hearing Date 02-12-01

Tape Number	Side A	Side B	Meter #
TAPE II		x	760 to 2485
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:Chairman DeKrey: we will take up HB 1367.

DISCUSSION BY THE COMMITTEE

Rep Mahoney moves the Keiser amendments. Rep Delmore seconded the motion. A voice vote was taken on the amendment. The motion carries.

DISCUSSION

COMMITTEE ACTION

Chairman DeKrey: we now have HB 1367a before us, what are the wishes of the committee. Rep Wrangham moves a DO NOT PASS, then withdraws them.

Rep Mahoney moves further amendments, to remove certain language from the bill. He moved to reconsider the bill. Rep Onstad seconded. A voice vote was taken. The amendments fail.

Rep Mahoney moved to amend sub section two, Rep Onstad seconded. A voice vote was taken on the amendments, motion carries.

DISCUSSION



Page 2  
House Judiciary Committee  
Bill/Resolution Number HB 1367  
Hearing Date 02-12-01

Chairman DeKrey: what are the wishes of the committee? Rep Klemin moved a DO PASS as amend, seconded by Rep Mahoney. The clerk will call the roll on a DO PASS as amend motion on HB 1367. The motion passes with 11 YES, 2 NO and 2 ABSENT. Carrier Rep Mahoney. Motion by Rep Disrud and seconded by Rep Brekke to refer HB 1367 to Appropriations. Motion carries on a voice vote.

**FISCAL NOTE**  
Requested by Legislative Council  
03/02/2001

Bill/Resolution No.:

Amendment to:           Engrossed  
                              HB 1367

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0				
<b>Appropriations</b>	\$0	\$0				

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0		\$0	\$0		\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Engrossed HB 1367, as amended, relates to the penalties for aggravating factors in drug offenses. It allows the prosecutor to increase the classification of an offense when the quantity of various controlled substances reach a certain level, depending on the controlled substance

Information is not available to estimate the impact of this amendment. Department of Corrections staff contacted states attorneys around the state to ask their opinion regarding the impact of Engrossed HB1367, as amended. Generally states attorneys stated that they anticipated no significant increase in the amount of time an offender would be sentenced to serve in prison or on probation. Some states attorneys indicated that they would be willing to charge offenders under the aggravating circumstances. Others indicated that the courts were likely to sentence offenders based on the circumstances of the offense rather than the criminal classification. Thus, there is no solid information available upon which to prepare a fiscal note on the "aggravating factors" amendment.

The amendment also would apply the mandatory minimum drug sentencing statute to persons beginning at age 16 rather than age 18. Present statute already provides that 16 year olds involved in the sale or manufacture of drugs can be waived into adult court. If waived into adult court, there have been no offenders sentenced to the prison at age 16 pursuant to this statute. Unless prosecutors and judges would begin to handle cases differently we do not believe that applying the mandatory minimum drug sentencing to offenders beginning at age 16 would have a significant fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No impact.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See narrative above.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

See narrative above.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Department of Corrections & Rehabilitation
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	03/09/2001

## FISCAL NOTE

Requested by Legislative Council

02/14/2001

Bill/Resolution No.:

Amendment to: HB 1367

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$337,500		\$787,500	
<b>Appropriations</b>			\$337,500		\$787,500	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Engrossed HB No. 1367 would apply the 85% truth-in-sentencing statute to most drug offenses now covered under the mandatory-minimum sentences for drug offenders. It also increases penalties for aggravating factors in drug offenses. The fiscal impact of Section 1 of this bill would be great. For purposes of analysis, of the drug offender inmate population released in year 2000, approximately 39% of inmates were released prior to their good time release date (which co-relates with the date that 85% truth-in-sentencing inmates are eligible for release). These offenders were released on the average 225 days prior to their good time release date. Based upon this data, if the 85% truth-in-sentencing was applied to the drug offenders sentenced in year 2000 under the mandatory minimum statute, the additional cost to house 39% of these inmates (18 inmates) each an average of 225 additional days during a biennium would be \$112,500 each year (18 inmates x 125 days per year x \$50 per day). Assuming that a similar number of drug offenders would be sentenced each year under the mandatory-minimum statute, the cost for the 2001-2003 biennium would be approximately \$337,500 (\$112,500 for the first year and \$225,000 the second year). The cost for the 2003-2005 biennium would be \$787,500 (\$337,500 the first year and \$450,000 the second year). Since the average drug sentence for the mandatory-minimum sentenced drug offenders is 64 months, if the number of incoming drug offenders remains constant, the cost of this measure would level out at \$562,500 each year beginning the fifth year after adoption of this section of Engrossed HB 1367.

The necessary data is not available for the Department of Corrections to calculate the fiscal impact under Section 2 of the bill. We must assume however that the cost would be significant since it appears that the length of mandatory-minimum sentence would be increased for most drug offenders sentenced under this

proposal.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Please refer to the narrative above.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Please refer to the narrative above.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Dept. of Corrections & Rehabilitation
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	02/15/2001

**FISCAL NOTE**  
Requested by Legislative Council  
01/22/2001

Bill/Resolution No.: HB 1367

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures		\$0		\$0		\$0
Appropriations		\$0		\$0		\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB No. 1367 would apply the 85% truth-in-sentencing statute to most drug offenses now covered under the mandatory-minimum sentences for drug offenders. It also increases penalties for aggravating factors in drug offenses. The fiscal impact of Section 1 of this bill would be great. For purposes of analysis, of the drug offender inmate population released in Year 2000, approximately 39% of inmates were released prior to their good time release date (which correlates with the date that 85% truth-in-sentencing inmates are eligible for release). These offenders were released on the average 225 days prior to their good time release date. Based upon this data, if the 85% truth-in-sentencing was applied to the drug offenders sentenced in Year 2000 under the mandatory minimum statute, the additional cost to house 39% of these inmates (18 inmates) each an average of 225 additional days during a biennium would be \$112,500 each year (18 inmates x 125 days per year x \$50 per day). Assuming that a similar number of drug offenders would be sentenced each year under the mandatory-minimum statute, the cost for the 2001-2003 biennium would be approximately \$337,500 ( \$112,500 for the first year and \$225,000 the second year). The cost for the 2003-2005 biennium would be \$787,500 (\$337,500 the first year and \$450,000 the second year). Since the average drug sentence for the mandatory-minimum sentenced drug offenders is 64 months, if the number of incoming drug offenders remains constant, the cost of this measure would level out at \$562,500 each year beginning the fifth year after adoption of this section of HB 1367.

The necessary data is not available for the Department of Corrections to calculate the fiscal impact of the proposed amendments under Section 2 of the bill. We must assume however that the cost would be significant since it appears that the length of mandatory-minimum sentence would be increased for most drug offenders sentenced under this proposal. Also, offenders sixteen years of age and older would now

come under the mandatory-minimum sentencing statutes for drug offenders.

The impact of HB1367 on expenditures and appropriations would depend upon which provisions of the bill were adopted.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Please refer to the narrative above.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Please refer to the narrative above.

<b>Name:</b>	Elaine Little	<b>Agency:</b>	Dept. of Corrections
<b>Phone Number:</b>	328-6390	<b>Date Prepared:</b>	01/28/2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1367

Page 3, line 15, after "The" remove "defendant must be sentenced to imprisonment for at least ten years if the"

Page 3, remove lines 16, 17, and 18

Page 3, line 19, before "offense" remove "designated an A or B felony in section 19-03.1-23, and the"

Page 3, line 21, after "felony" insert "and a class A felony if the violation of section 19-03.1-23 is designated as a class B felony"

Page 3, remove lines 22 and 23, and insert "(1) For purposes of this subdivision, the defendant must be sentenced to imprisonment for at least ten years if the delivery was to an individual sixteen to twenty years of age and the offense is designated a class A or B felony in section 19-03.1-23, and to imprisonment for at least twenty years if the delivery was to an individual under sixteen years of age and the offense is designated an A or B felony in section 19-03.1-23."

Page 3, line 24, replace "c" with "b"

Page 3, line 26, replace "d" with "c"

renumber accordingly



VR  
2/13/01

HOUSE AMENDMENTS TO HB 1367 HOUSE JUDICIARY 02-13-01

Page 3, line 15, remove "defendant must be sentenced to imprisonment for at least ten years if the"

Page 3, remove lines 16 through 18

Page 3, line 19, remove "designated an A or B felony in section 19-03.1-23, and the"

Renumber accordingly

Date: 02-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1367

House JUDICIARY Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amend

Motion Made By Rep Klemin Seconded By Rep Mahoney

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield		✓			
Rep Bette Grande					
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham		✓			

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep Mahoney

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

be referred to approp

2001 SENATE JUDICIARY

HB 1367

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1367

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 28th, 2001

Tape Number	Side A	Side B	Meter #
1	x	x	0-end/0-1
2	x	x	52.7-end/0-1
Committee Clerk Signature			

Minutes:

**Senator Traynor** opened the hearing on HB 1367: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 12.1-32-09.1 AND 19-03.1-23.1 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO SENTENCING FOR DRUG OFFENSES.

**Representative Keiser**, district 47, prime sponsor of bill. Asked the experts to testify. 5000 dollars is the wholesale value of meth. (sample presented before the committee) Specific drug offense he is concerned with are the drug dealers. Not out to put the user in jail. Wants the dealers and manufacturers. Have on the books laws that already deal with the manufacturer. Someone will testify this bill, because they base their records on the amount of arrests. There are amounts that dealers can't be prosecuted with. Dealer out of Minneapolis supplies dealers in Bismarck, the middle dealer. Kids say they can get drugs from this middle man. Dealers are using kids to sell the drugs. He knew a kid during Christmas time who was supposed to skiing in Montana, instead he went to Utah and delivered a truck full of meth back into ND for 4,000

dollars. Another problem is that our kids don't think they will get caught. Bill changes age from 18 to 16. (handouts attached)

**Senator Trenbeath**, in the original bill sixteen years old, fifty grams, ten years. That was the intent?

**Rep. Kelser**, yes. (reads from handouts)

**Senator Traynor**, do you think the criminal justice system will answer the problem?

**Rep. Kelser**, I don't think that it is the only solution.

**Senator Dever**, bringing down the age to 16, won't that make the dealers target even younger children?

**Rep. Kelser**, 16 year olds have the most mobility.

**Senator Trenbeath**, do you know of similar laws in other states. I'm wondering what kind of effect this law will have.

**Rep. Kelser**, I don't know.

**Senator Traynor**, I see you took out subsection 2 of page 3 in the original bill.

**Rep. Onstad**, district 4, testified in favor of the bill. Tells of the drug related problems in his home district.

**Senator Watne**, if the 16 year old on the reservation was caught with this bill, would the tribal laws be the same as the state laws.

**Rep. Onstad**, I don't know. It would definitely be different. They protect their own.

**Marcia A. Myers Olson**, member of the Bismarck School District, testifies in favor of bill.  
(testimony attached)

**Senator Trenbeath**, what area of the state budget would you cut to support this?

**Ladd Erickson**, neutral on the bill. On page 2 line 8 and 9. There might be issues of double jeopardy. Another problem might be sensing entrapment. I would recommend that the committee drop this.

**Senator Trenbeath**, how does this differ from subsequent DUI's? In terms of convictions..

**Ladd Erickson**, the real effect of mandatory law is in a different section. This deals with enhancements.

**Senator Trenbeath**, I know a lot of first time marijuana offenses. This would seem to be a problem of proof.

**Ladd Erickson**, on line 5 paragraph. I don't know what the effect would be by reducing the age.

**Senator Lyson**, on page 2 line 5, does this automatically move them to an adult court?

**Ladd Erickson**, I don't think so.

**Greg Wallace**, state administrators office, juvenile court already does this.

**Elaine Little**, Director of the Department of Corrections and Rehabilitation, testifies against the bill. (testimony attached)

**Side B**

**Senator Trenbeath**, is it true that the department of corrections received a grant to study all of this? What is the effect of that?

**Elaine Little**, we studied the feasibility of a drug court.

**Senator Traynor**, closed the hearing on HB 1367.

Discussion followed.

**SENATOR TRENBEATH MOTIONED TO AMEND PAGE 1 SECTION 1, SECONDED BY SENATOR NELSON. VOTE INDICATED 6 YEAS, 1 NAY AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH MADE A SECOND MOTION TO AGAIN**

AMEND THE BILL ON PAGE 2, TO MOVE AGE FROM 16 BACK TO 18, SECONDED BY SENATOR NELSON. VOTE INDICATED 2 YEAS, 5 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH MADE A THIRD MOTION TO AMEND; DELETE THE UNDERSCORE ON PAGE 2, LINE 8-9, SECONDED BY SENATOR NELSON. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH MADE A FOURTH MOTION TO AMEND ON SUBSECTION 9, TO ADOPT THE KEISER MAHONEY AMENDMENTS, SECONDED BY SENATOR NELSON. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. A FIFTH MOTION WAS MADE BY SENATOR WATNE TO DO PASS AS AMENDED FOUR TIMES. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1367

*Paragraph 1 replace "Sections ~~12.1-52-09.1 and~~ 12.1-52-09.1 and" with "section."*

Page 1, line 9, remove "subdivision a or b of"

Page 1, line 10, remove "subsection 1 of section 19-03.1-23,"

*Page 1, remove lines 4 through 17*

Page 2, line 8, remove "or the total from all previous offenses including the present"

Page 2, line 9, remove "offense"

*"gamma-butyrolactone"*  
Page 3, line 13, after the semi-colon insert "or 1,4 butanediol or any substance that is an  
analogue of gamma-hydroxybutyrate"

Renumber accordingly



Date: 2/29

Roll Call Vote #: /

## 2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

**BILL/RESOLUTION NO. 1367**

## Senate Judiciary

## Committee

☐ Subcommittee on

or

☐ Conference Committee**Legislative Council Amendment Number**

### Action Taken

**Motion Made By**

Seconded  
By

[illegible]

Total (Yes)

No

**Absent**

### Floor Assignment

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

**Roll Call Vote #: 2**

Senate	Judiciary	Committee
--------	-----------	-----------

Legislative Council Amendment Number \_\_\_\_\_

Motion Made By Traubert Seconded By Nelson

[illegible]

Absent

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

Date: 2/24  
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1367

Senate	Judiciary	Committee
--------	-----------	-----------

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number

Action Taken Amend underscued on pg.2 line 8-9

Motion Made By Tierbach Seconded By Nelson

[illegible]

Total (Yes) 7 No 0

Absent

### Floor Assignment

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

Date: 2/28

Roll Call Vote #: 4

## 2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

**BILL/RESOLUTION NO. 1367**

## Senate Judiciary

Committee

☐ Subcommittee on

05

☐ Conference Committee

Legislative Council Amendment Number

### Action Taken

**Motion Made By**

**Seconded**

By

Nelson

[illegible]

**Total (Yes)**

No

**Absent**

### Floor Assignment

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

Date:

**BILL/RESOLUTION NO. 1367**

## Senate      Judiciary

☐ Subcommittee on☐ Conference Committee

**Legislative Council Amendment Number**

### Action Taken

**Motion Made By**

Seconded  
By

[illegible]

**Total (Yes)**

**Absent**

## Floor Assignment

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

**REPORT OF STANDING COMMITTEE**

HB 1367, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 12.1-32-09.1 and" with "section"

Page 1, remove lines 4 through 19

Page 2, line 8, remove "or the total from all previous offenses including the present"

Page 2, line 9, remove "offense"

Page 3, line 13, after "gamma-butyrolactone" insert "or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate"

Renumber accordingly

2001 TESTIMONY

HB 1367



## DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898  
(701) 328-6390 • FAX (701) 328-6851 • TDD 1-800-366-6888  
Website: [www.discovernd.com/docr](http://www.discovernd.com/docr)

January 30, 2001

### Testimony on HB 1367 House Judiciary Committee

The Department of Corrections and Rehabilitation opposes HB No. 1367. Section 1 of this bill would apply the eighty-five percent truth-in-sentencing provision of NDCC 12.1-32-09.1 to all mandatory-minimum sentences for drug offenders under NDCC 19-03.1-23. The Department opposes any additional mandatory-minimum sentencing for offenders; it rather supports leaving sentencing of offenders to the Court's discretion.

The fiscal impact of Section 1 of HB No. 1367 would be tremendous. For purposes of analysis, if the 85% truth-in-sentencing was applied to the drug offenders sentenced in Year 2000 under the mandatory-minimum statute, the additional cost of incarceration would be \$112,500 for these offenders. Since the average mandatory-minimum sentence for drug offenders is 64 months, the cost of this measure would be \$562,500 by the fifth year after adoption.

Additionally HB 1367 increases penalties for aggravating factors in drug offenses. The amendments under Section 2 of the bill (1) provide that juveniles 16 years of age or older would be subject to the mandatory-minimum drug sentences and (2) lower the quantities of drugs involved (for any single offense or the total from all previous offenses) in determining the length of the mandatory-minimum sentence and (3) include the sale or manufacture of marijuana under the mandatory-minimum sentencing and (4) enhance the length of sentences for certain drug offenses. The Department opposes all of the proposed amendments under Section 2 of this bill. Data is not available to determine the fiscal impact of the changes under Section 2. We must assume however that the cost would be significant since the length of mandatory-minimum sentence would be increased for most drug offenders sentenced under this proposal.

This bill again deals with the policy issue of mandatory-minimum sentencing of drug offenders. In North Dakota the number of drug offenders sentenced to prison has increased from 41 in 1993 to 252 in 2000. Not all of these offenders have been sentenced under the mandatory-minimum statutes, however, we believe the mandatory-minimum sentencing statute has created a "philosophy" of incarceration for drug offenders. Not only have many more drug offenders been sentenced to



prison, they also have been sentenced to longer prison terms. Research continues to show that the mandatory-minimum sentencing laws do not have the affect that was intended by lawmakers. Mandatory-minimum statutes do not serve as deterrents and long sentences do not positively affect recidivism of offenders. Mandatory-minimum drug sentencing has filled the nations prisons with drug offenders but has not impacted the use or sale of drugs.

When the mandatory-minimum drug-sentencing statute was adopted by the North Dakota Legislature in 1995, virtually all states had passed similar types of laws. However, a number of states have recently taken major steps to eliminate or restructure their drug sentencing laws. Nebraska and Kansas are two states in the Midwest that have repealed or changed their laws. Other states that have joined the emerging national movement in acknowledging that harsh punishments have contributed to failed drug policy are New York, New Mexico, Massachusetts, California and Michigan.

The Department of Corrections and Rehabilitation urges a do not pass vote on HB No. 1367.

Submitted by  
Elaine Little  
Director, DOCR

Colle & McVoy

22 February 2001

The Honorable George Keiser  
House of Representatives  
State of North Dakota  
422 Toronto Drive  
Bismarck, ND 58503-02767

Dear Representative Keiser:

Congratulations on your recent introduction of HB 1367, a bill that provides increased penalties for possession of even small amounts of gamma-hydroxybutyrate (GHB) or gamma-butyrolactone (GBL) among other controlled substances. This is a big step toward providing North Dakota law enforcement authorities and rape crisis advocates with the tools they need to combat the illicit use of GHB.

However, there is one provision you and your committee may wish to consider that would significantly strengthen your proposal. Here's why:

As you may be aware, about the time the state and federal authorities began to criminalize GHB a few years ago, its abuse began to take on a new form. The industrial solvent gamma butyrolactone (GBL) was being diverted and sold as GHB — for use by sexual predators to facilitate sexual assault, by rave club-goers as a euphoric and by body-builders as a muscle-enhancer.

When consumed, GBL naturally turns into GHB inside the body.

When federal law enforcement authorities cracked down on the sale and trafficking of GBL — as an illegal dietary supplement at health food stores or via the Internet, and as "scoop" or "G" sold at rave parties — enterprising drug dealers switched to promoting another legal industrial solvent. It's called 1,4 butanediol (1,4 BD) and it also turns into GHB after being swallowed.

According to law enforcement authorities and toxicologists in Alabama, Ohio, Florida, Texas and California, abuse of homemade GHB has been replaced by abuse of GBL, and most recently, 1,4 BD.

By adding "1,4 butanediol or any substance that is an analogue of gamma-hydroxybutyrate" to Section 2: 1-c-9 of your amendment, you would effectively combat the use of the newest GHB analogue and future analogues that may be abused for their GHB effects.

Attached is an amendment for your consideration. I've also enclosed a recent study published in the *New England Journal of Medicine* describing 1,4 BD abuse as well as recent press concerning 1,4 BD.

Should you have any questions, please don't hesitate to call me at 888-738-2332, ext. 1801 or e-mail me at [wolff@collemcvoy.com](mailto:wolff@collemcvoy.com).

Sincerely,



Sara Wolff

Policy Analyst to Orphan Medical

cc: Representative Mahoney

Marketing Communications

**Amendment to  
First Engrossment of  
Engrossed House Bill No. 1367**

Introduced by

Representatives Keiser, Mahoney

**SECTION 2. AMENDMENT.** Section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-23.1. Increased penalties for aggravating factors in drug offenses.**

1. A person who violates section 19-03.1-23 is subject to the penalties provided in subsection 2 if:

c. The offense or the total from all previous offenses including the present offense involved:

(9) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of gamma-hydroxybutyrate or gamma-butyrolactone; OR 1.4 BUTANEDIOL OR ANY SUBSTANCE THAT IS AN ANALOGUE OF GAMMA-HYDROXYBUTYRATE;

**SUBJECT: House Bill 1367**

**DATE: 2/28/2001**

**Presenter: Marcia A. Myers Olson**

**Senators:**

I urge your support on HB 1367 relating to expanding drug offenses for which felonies can be charged. Please note that I was also in favor of some mandatory sentencing which was removed from this bill by the House.

As a member of the Bismarck School Board I am aware of the drastic influence drugs are having on North Dakota youth. It is our responsibility to put teeth into our drug laws.

Our family too has experienced first hand the effects that drugs can have on an individual's and family's life and the destruction and havoc it can cause. During her mid-teens our daughter was caught in a downward spiral. At her rock bottom she too engaged in selling drugs to support her parties. (Fortunately we have come out the other side of that abyss and she is doing well.)

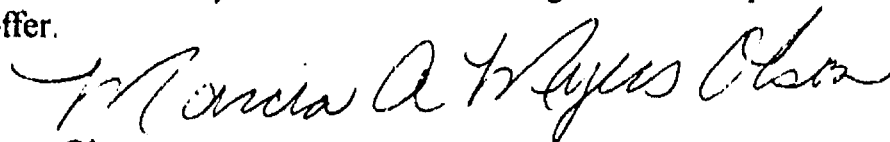
Youth who are involved in the "drug scene" are well aware of the laws and the "loopholes". They know how to "work the system". It is necessary to provide a deterrent to those who sell and distribute to the children of North Dakota. In my experience most of these are non-students (drop-outs) who are in their late teens to early twenties who hang out near the high schools.

Many North Dakotans are like ostriches with their head stuck in the sand. They fail to recognize the counter cultures, drug under stream and dangers which exist very close to our homes. We prefer to believe that this problem is somewhere else but not in our midst. After going through drug treatment programs (note the plural) with our daughter, I can tell you a different story. After working with and participating in parent support groups, I could tell you stories that would turn your stomachs and tie you in knots. These are no bedtime stories with happy endings. The price that is paid is in the mental and physical health of our young people and in the productivity and capabilities of 20 and 30 year olds.

The "teeth" to the amendments/additions to this law reside in making previous offenses count towards the present offense and charges. This assures that even when an individual tries to skirt the law and watch closely the amounts they are carrying so they stay beneath the felony charge dosages, these people will still be subject to sentencing under the law after repeated offenses.

The addition of new dangerous drugs is a necessity. We must send a message to drug pushers of all ages. We must do away with the slap on the wrist that all too often occurs.

Thank you on behalf of our youth who need all the guidance and protection that we can collectively offer.



Marcia A. Myers Olson



# DEPARTMENT OF CORRECTIONS AND REHABILITATION

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February 28, 2001

## Testimony on Engrossed HB 1367 Senate Judiciary Committee Senator Traynor, Chairman

The Department of Corrections and Rehabilitation (DOCR) opposes Engrossed HB No. 1367. Section 1 of this bill would apply the eighty-five percent truth-in-sentencing provision of NDCC 12.1-32-09.1 to all mandatory-minimum sentences for drug offenders under NDCC 19-03.1-23. The Department opposes any additional mandatory-minimum sentencing for offenders; it rather supports leaving sentencing of offenders to the Court's discretion. The DOCR also opposes the amendments to current statute included in Section 2 of the bill. I will further address these amendments later in this testimony.

The fiscal impact of Section 1 of Engrossed HB No. 1367 would be tremendous. For purposes of analysis, if the 85% truth-in-sentencing was applied to the drug offenders sentenced in Year 2000 under the mandatory-minimum statute, the additional cost of incarceration would be \$112,500 for these offenders. The fiscal impact for the 2003-2005 biennium is estimated at \$787,500. Since the average mandatory-minimum sentence for drug offenders is 64 months, the cost of this measure would be \$562,500 each year by the fifth year after adoption.

Additionally Engrossed HB 1367 increases penalties for aggravating factors in drug offenses. The amendments under Section 2 of the engrossed bill (1) reduce the quantities of drugs involved (for any single offense or the total from all previous offenses) in determining the length of the mandatory-minimum sentence, (2) include the sale or manufacture of marijuana under the mandatory-minimum sentencing and (3) apply the mandatory-minimum drug sentencing statutes to anyone 16 years of age and older. The Department opposes all of the proposed amendments under Section 2 of this bill. Data is not available to determine the fiscal impact of the changes under Section 2. We must assume however that the cost would be significant since the length of mandatory-minimum sentence would be increased for most drug offenders sentenced under this proposal.

I'd like to address separately the issue of applying the mandatory-minimum statutes to juveniles 16 and older. The Division of Juvenile Services, a division of the DOCR,

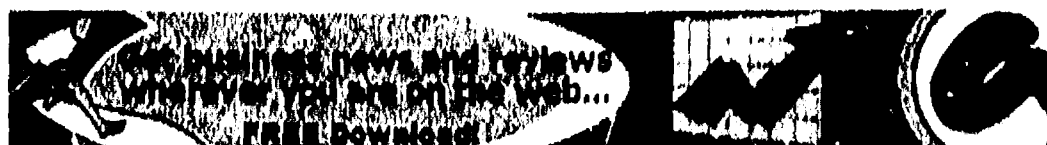
on any one-day has approximately 475 juveniles statewide who have been placed in its custody by the Courts. In review of all these cases, there are only two juveniles whose crime was "dealing drugs". We believe that this data suggests that this bill would not solve the problem that the sponsor of the bill is trying to address. There must be a better alternative than to incarcerate a handful of youth for long periods of time. In actuality our present system is addressing these youth's problems. The recidivism rate for DJS offenders has averaged 12 -13% the past few years. Research also shows that drug offenders of all ages are some of the offenders who are most amenable to treatment. We suggest that it should be the drug dealer who uses the 16 year old as a dealer who should be held primarily accountable. Again we believe that if this information is given to judges they will respond with appropriate sentences. The average sentence given drug offenders sentenced to prison at this time is 60 months.

This bill again deals with the policy issue of mandatory-minimum sentencing of drug offenders. In North Dakota the number of drug offenders sentenced to prison has increased from 41 in 1993 to 252 in 2000. Not all of these offenders have been sentenced under the mandatory-minimum statutes, however, we believe the mandatory-minimum sentencing statute has created a "philosophy" of incarceration for drug offenders. Not only have many more drug offenders been sentenced to prison, they also have been sentenced to longer prison terms. Research continues to show that the mandatory-minimum sentencing laws do not have the affect that was intended by lawmakers. Mandatory-minimum statutes do not serve as deterrents and long sentences do not positively affect recidivism of offenders. Mandatory-minimum drug sentencing has filled the nations prisons with drug offenders but has not impacted the use or sale of drugs.

When the mandatory-minimum drug-sentencing statute was adopted by the North Dakota Legislature in 1995, virtually all states had passed similar types of laws. However, a number of states have recently taken major steps to eliminate or restructure their drug sentencing laws. Nebraska and Kansas are two states in the Midwest that have repealed or changed their laws. Other states that have joined the emerging national movement in acknowledging that harsh punishments have contributed to failed drug policy are New York, New Mexico, Massachusetts, California and Michigan.

The Department of Corrections and Rehabilitation urges a do not pass vote on Engrossed HB No. 1367.

Submitted by  
Elaine Little  
Director, DOCR



DANCE

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**TODAY**

## Newspaper stories

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### N.Y. joins campaign to reform drug laws Mandatory minimums are not working, many officials concede

By Kevin Johnson  
USA TODAY

WASHINGTON -- When New York Gov. George Pataki announced plans to reduce prison terms for non-violent drug offenders last week, he joined an emerging national movement in acknowledging that harsh punishments have contributed to failed drug policy.

In New Mexico this month, a state advisory committee proposed radical changes to existing drug laws that would do away with criminal penalties for marijuana possession and eliminate mandatory-minimum prison sentences for drug-related offenses.

The Massachusetts Legislature is considering restructuring the state's drug laws to reduce steep mandatory-minimum punishments for first-time offenders.

And in Michigan, officials recently replaced mandatory life sentences with parole-eligible prison terms for first-time cocaine and heroin offenders.

"The impetus for drug law reform in New York and across the nation has never been stronger," says Edward Jurith, acting director of the White House Office of National Drug Control Policy. "We cannot simply arrest our way out of the problem of drug abuse and drug-related crime."

Long mandatory-minimum prison sentences for drug offenders were the rage in the 1970s and '80s, when officials began to confront serious drug-related crime in their states.

Nearly three decades later, those strict policies, some of which bought many first-time drug offenders up to 15 years in prison, have only driven up prison populations while having little influence on addiction, many officials now acknowledge.

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In New York, where existing drug laws are considered among the harshest and date to the early 1970s, the new strategy "balances the need to crack down on drug kingpins with common sense proposals to address overly severe provisions of the Rockefeller-era drug laws," Pataki says.

Instead of 15-years-to-life terms for first-time, non-violent offenders convicted of the most serious drug felonies, Pataki's plan calls for a minimum of slightly more than eight years to life.

"Pataki has joined the ranks of state officials troubled that these mandatory sentences have failed to accomplish what they were intended to accomplish," says Laura Sager, executive director of Families Against Mandatory Minimums. When the current drug laws were enacted in New York, the state prison population numbered more than 12,000. That number has increased to about 70,000 today, Pataki spokeswoman Caroline Quartararo says.

About 21,000 of those inmates are there for drug-related convictions. About 70% of them were involved in non-violent offenses.

"We want to keep the violent predators in prison longer and find treatment for the low-level, non-violent drug offenders," Quartararo says.

Frank Carney, executive director of the Massachusetts Sentencing Commission, says proposed changes pending before the state Legislature "represent a comprehensive re-structuring of the drug laws toward moderation."

The commission, as in New York, has proposed reducing mandatory sentences for non-violent first offenders from 15 years to a minimum of eight years.

"We found the sentences to be disproportionately long when compared to punishments for rape and armed robbery," Carney says.

"Now there is a growing awareness that in the drug war there needs to be a greater emphasis on treatment and perhaps less on taking prisoners."

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## Study Questions Link Between Crime and Incarceration Rates

Crime rates dropped while states built more prisons during the 1990s, but a state-by-state review of the statistics raises doubts about whether greater use of incarceration should receive the credit, according to the Sentencing Project, a Washington, D.C.-based organization that promotes alternatives to incarceration.

"Every state increased its rate of incarceration during the seven-year period 1991-1998," Sentencing Project researchers Jenni Gainsborough and Marc Mauer said in a report released September 28, "but there was substantial variation in the degree to which states built and filled prisons. [Our] findings refute the popular notion about the benefits of increasing incarceration levels and shed serious doubt on the wisdom of continuing to build prisons."

The 20 states with the highest increases in incarceration between 1991 and 1998, averaging 72 percent, achieved a 13-percent reduction in crime, the study found. But the 20 states with the smallest increases in incarceration, averaging 30 percent, actually did better, with an average drop in crime of 17 percent.

Texas led the nation with a 144-percent increase in incarceration, and experienced one of the most impressive drops in crime, 35 percent, the study found. But the Sentencing Project said that three other large states — California, New York, and Massachusetts — had similar or larger reductions in crime, with far smaller increases in incarceration — 52 percent, 24 percent, and 21 percent, respectively.

States with higher-than-average increases in incarceration, but smaller-than-average improvements in crime rates, included West Virginia, Hawaii, North Dakota, Idaho, Louisiana, and Pennsylvania, the Sentencing Project found. Mississippi and Montana increased their incarceration rates by about 70 percent but actually saw their crime rates *increase* between 1991 and 1998, the study indicated.

At the other end of the spectrum, states with smaller-than-average increases in incarceration, but better-than-average improvements in crime rates, included Maine, Alaska, Michigan, Nevada, New Jersey, Rhode Island, Virginia, Florida, Arkansas, and New Hampshire.

"Our findings ... do not suggest that incarceration has no impact on crime," Ms. Gainsborough and Mr. Mauer concluded. "Clearly, at a certain level, the

imprisonment of dangerous offenders contributes to public safety. The extreme examples in this regard are mass murderers and serial rapists. And either through incapacitating offenders or deterring current or future offenders, imprisonment may have some impact on less serious offenders as well. This does not, however, suggest that imprisonment is the *most* effective means of reducing crime. Further, the experience of the 1990s implies that whatever impact incarceration may have, at a certain level a point of diminishing returns is reached."

### Good Economy Said to Help Cut Crime

The Sentencing Project said that improvements in policing and other factors — in particular, a strong economy and low unemployment rates — are likely to have contributed to lower crime rates.

"Most offenders who are sent to prison have low-level educational attainments and limited job experience," the report said. "A 1991 survey of state prisoners conducted by the Department of Justice found that 65 percent of prisoners had not completed high school, and 53 percent earned less than \$10,000 in the year prior to their incarceration....The sustained economic recovery which began in 1992 has helped low wage earners...."

"Economic conditions do not supply the complete explanation for falling crime, [but] where legitimate jobs exist, workers are in short supply, and wages are rising, young men are more likely to take a job and less likely to see criminal activity as their only means of earning money."

Changes in the drug trade also may have been a factor, the report said, because today's young people have observed the consequences of drug abuse.

A key factor causing higher incarceration rates during the 1980s was the use of prison sentences for larger numbers of offenders, particularly drug offenders, but today the dominant factor is the length of prison sentences, the Sentencing Project said.

"Three strikes" laws, mandatory minimum sentencing laws, and abolition of parole in many states have resulted in significantly longer prison terms for violent as well as nonviolent offenders, the group said.

*Diminishing Returns: Crime and Incarceration in the 1990s*, a 28-page report, is available from the Sentencing Project, 514 10th Street NW, Suite 1000, Washington DC 20004, (202)628-0871. The report also is available on the Internet at the following address: [www.sentencingproject.org](http://www.sentencingproject.org).

—C.F.

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Abuse Treatment  
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Breast  
Reconstruction  
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Anesthesia  
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Screening  
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Counselors  
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Practitioners  
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Psychiatric  
Nurses  
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Psychologists  
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Workers  
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ALCOHOL/DRUG ABUSE TREATMENT	4,176,377
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PSYCHIATRIC NURSES	408,210
MENTAL HEALTH	21,223,744
PSYCHOLOGISTS	4,459,820
PROFESSIONAL COUNSELORS	512,902

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EMERGENCY SERVICES	45,804,202
SOCIAL WORKERS	992,354

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HOSPITALS	?
TREATMENT CENTERS - RESIDENTIAL	?

# Substance abuse costs states as much

## State by state

Associated Press

Per capita substance abuse spending and total spending by state:

State	Per capita	Total
Alabama	\$277	\$1,197,105
Alaska	\$532	\$323,874
Arizona	\$205	\$931,164
Arkansas	\$206	\$518,892
California	\$340	\$10,942,032
Colorado	\$217	\$845,923
Connecticut	\$267	\$873,380
Delaware	\$500	\$367,591
District of Columbia	\$812	\$429,560
Florida	\$215	\$3,152,481
Georgia	\$210	\$1,570,005
Hawaii	\$368	\$437,826
Idaho	\$196	\$237,025
Illinois	\$239	\$2,868,512
Iowa	\$257	\$733,857
Kansas	\$223	\$584,534
Kentucky	\$245	\$956,943
Louisiana	\$243	\$1,058,834
Maryland	\$253	\$1,288,941
Massachusetts	\$442	\$2,701,042
Michigan	\$282	\$2,754,910
Minnesota	\$433	\$2,031,180
Mississippi	\$178	\$486,594
Missouri	\$254	\$1,371,999
Montana	\$291	\$255,818
Nebraska	\$176	\$291,103
Nevada	\$282	\$473,045
New Jersey	\$252	\$2,030,261
New Mexico	\$271	\$467,531
New York	\$478	\$8,673,254
North Dakota	\$155	\$99,078
Ohio	\$263	\$2,951,008
Oklahoma	\$213	\$705,489
Oregon	\$278	\$902,435
Pennsylvania	\$292	\$3,506,309
Puerto Rico	\$235	\$898,916
Rhode Island	\$303	\$289,421
South Carolina	\$158	\$599,339
South Dakota	\$178	\$128,985
Tennessee	\$173	\$931,532
Utah	\$242	\$499,923
Vermont	\$229	\$134,835
Virginia	\$267	\$1,798,374
Washington	\$269	\$1,509,295
West Virginia	\$187	\$338,804
Wisconsin	\$273	\$1,421,566
Wyoming	\$240	\$115,234
State Average	\$299	\$1,563,278

Note: Indiana, Maine, New Hampshire, North Carolina and Texas did not provide complete information for the study and are not included in this list. An estimate of their substance abuse spending is \$13.7 billion, which added to the figures from the 47 listed jurisdictions totals \$81.3 billion.

Source: National Center on Addiction and Substance Abuse at Columbia University.

WASHINGTON (AP) — Dealing with the effects of drug, alcohol and cigarette abuse costs states about as much as they pay for higher education, a private study estimates.

States spent \$81.3 billion dealing with substance abuse in 1998 — or about 13 percent of their budgets, according to the study released Monday by the National Center on Addiction and Substance Abuse at Columbia University.

The three-year, state-by-state study, titled "Shoveling Up: The Impact of Substance Abuse on State Budgets," put New York at the top in percentage of funds — 18 percent of its budget — spent to "shovel up the wreckage" of abuse. South Carolina had the lowest percentage — under 7 percent.

"Substance abuse and addiction is the elephant in the living room of state government; creating havoc with service systems, causing illness, injury and death and consuming increasing amounts of state resources," Joseph A. Califano Jr., the center's president, said at a press conference.

Only about 4 percent of the amount spent, or \$3 billion, was for prevention and treatment programs, said Califano.

The rest of the money spent was drawn from state services ranging from law enforcement and welfare to health care and education.

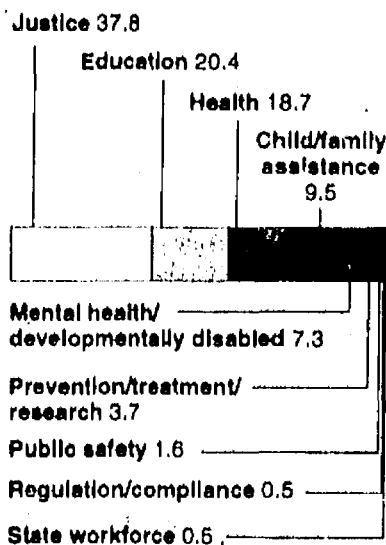
The report recommends greater investment in prevention and treatment, particularly among prisoners to keep them from committing drug-related crimes after their release.

"Governors who want to curb child abuse, teen pregnancy and domestic violence and further

## Drug costs

The National Center on Addiction and Substance Abuse at Columbia University estimates that states spent \$81.3 billion toward programs associated with substance abuse.

Percentage of substance abuse spending by category



reduce welfare rolls must face up to this reality: Unless they prevent and treat alcohol and drug abuse and addiction, their other well-intentioned efforts are doomed," Califano said.

Meanwhile, President Bush on Monday established a White House office that would distribute billions of dollars to religious groups and charities over the next 10 years. One role for the groups would be to administer drug treatment programs.

Califano called the plan "a big help" and said it was "long overdue to get the faith community involved with substance abuse prevention."

Total state spending in 1998 was \$620 billion, with 13.1 percent related to substance abuse, the report said. By comparison,

states spent on average 13.1 percent of their budgets on education, 11.3 percent on health and 8.3 percent on transportation.

State justice systems have the largest portion of the expense attributed to substance abuse, spending \$30.7 billion on prisons, juvenile justice and costs.

The White House Office of National Drug Control Policy said the report demonstrates a need for a "balanced strategy" to deal with drug abuse.

"We cannot simply arrest our way out of the problem," Eric H. Jurith, acting director of the office, said in a statement. "Treatment programs that focus on a criminal from arrest to release follow-up must be implemented to end the cycle of abuse and crime."

Federal estimates, using state and local costs of drug and alcohol use at \$277 billion annually, including law enforcement

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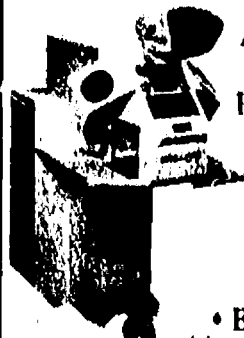
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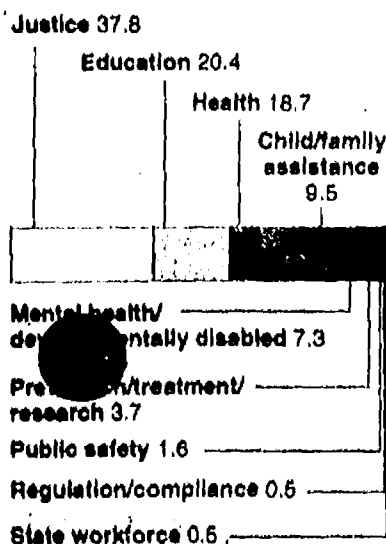
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# States spend as much as higher education

## Drug costs

The National Center on Addiction and Substance Abuse at Columbia University estimates that states spent \$81.3 billion toward programs associated with substance abuse.

Percentage of substance abuse spending by category



reduce welfare rolls must face up to this reality: Unless they prevent and treat alcohol and drug abuse and addiction, their other well-intentioned efforts are doomed," Callfano said.

Meanwhile, President Bush on Monday established a White House office that would distribute billions of dollars to religious groups and charities over the next 10 years. One role for the groups would be to administer drug treatment programs.

Callfano called the plan "a big help" and said it was "long overdue to get the faith community involved with substance abuse prevention."

Total state spending in 1998 was \$620 billion, with 13.1 percent allocated to substance abuse, the report said. By comparison,

states spent on average 13.1 percent of their budgets on higher education, 11.3 percent on Medicaid and 8.3 percent on transportation.

State justice systems had the largest portion of the expenses attributed to substance abuse, spending \$30.7 billion on prisons, juvenile justice and court costs.

The White House Office of National Drug Control Policy said the report demonstrates the need for a "balanced strategy" to deal with drug abuse.

"We cannot simply arrest our way out of the problem," Edward H. Jurith, acting director of the office, said in a statement. "Treatment programs that follow a criminal from arrest to post-release follow-up must be implemented to end the cycle of drug abuse and crime."

Federal estimates, using 1995 data, place the overall federal, state and local costs of drug and alcohol use at \$277 billion annually, including law enforcement

and social programs.

The new study, which does not include federal funds, relied on data from the states about their spending on prevention programs, research and health care costs directly related to substance abuse. For indirect costs, researchers estimated the "burden" on state resources.

For example, to estimate substance abuse costs in elementary and high school education, researchers considered the expenses caused by all abusers. Mothers who drink while pregnant and have children with fetal alcohol syndrome influence the costs of special education when those kids go to school. Student drug use affects the need for drug testing and health care, and drug-related violence might require more spending on security and repairs. Teachers who abuse substances can cost the state in productivity, work time and more expensive health insurance.

Of the states, New York's esti-

mated 18 percent amounted to more than \$8.6 billion. Massachusetts was second, spending 17.4 percent of its budget, or \$2.7 billion, followed by California, which spent nearly \$11 billion, or 16 percent of its state budget.

Puerto Rico spent the smallest percentage of its budget, 6.1 percent, on substance abuse. South Carolina spent 6.6 percent, and Connecticut spent 7.6 percent of its budget.

In terms of substance-abuse spending per person, however, the District of Columbia topped the list, laying out \$812 per resident. North Dakota spent the least, \$155 per person.

Susan Foster, the study's principal researcher, cautioned against comparisons between states because the report does not include federal funds and states spend different proportions of their budgets on social programs.

(On the Net: National Center on Addiction and Substance Abuse: [www.casacolumbia.org](http://www.casacolumbia.org).)

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## DAKOTA

# Dealer robbed of drug money named, arrested

By VIRGINIA GRANTIER  
Bismarck Tribune

Seven arrests have been made since a man walked into the Bismarck Police station Jan. 26 and said he was a former drug dealer who wanted help because he'd been robbed of \$6,000 he made dealing drugs.

He didn't seem to think he'd get in trouble. He just wanted the police to help get his money back, a police investigator said.

Alexander Twedt, 18, of Bismarck ended up being one of the seven arrested. Twedt has been charged with felony possession of methamphetamine and felony possession of marijuana with intent to deliver, said Burleigh County Assistant State's Attorney Rick Volk.

Twedt told police he was robbed by three "friends" after he told them he wanted to get out of the drug business and wouldn't buy drugs for them anymore.

Police notified the Metro Area Narcotics Drug Task Force of the situation, and arrests were made last weekend. The names of those arrested were withheld from Tuesday's news story because investigators thought more arrests might be possible.

But a Bismarck police spokesman said Friday that they now don't expect more arrests.

Twedt told police that the robbery occurred in a room he rented at Bismarck's Nodak

Motel, 210 N. 20th St.

Twedt said he refused to buy drugs for the three individuals. "He told them, 'I'm getting out of this,'" Police Lt. Nick Sevart said.

Twedt said the three friends then "wrestled him down" and took the money. They told him if he wasn't going to buy the drugs, then they would, Twedt told police.

Officers did recover some of the money, but some was used to buy stereo equipment. Less than an ounce of methamphetamine was seized, along with several ounces of marijuana.

In addition to Twedt, authorities arrested:

■ William Schneider, 19, of Mandan for felony robbery, possession of methamphetamine with intent to deliver and misdemeanor possession of marijuana.

■ Michael Schell, 19, of Bismarck for conspiracy to possess marijuana with intent to deliver, a felony, and conspiracy to commit robbery, a felony.

■ William Louis Falconer, 24, of Bismarck for misdemeanor possession of drug paraphernalia, misdemeanor possession of marijuana and felony possession of methamphetamine.

■ Charged with misdemeanor possession of drug paraphernalia were Karl Halbeck, 19, of Mandan, Craig Marsh, 20, of Bismarck and Jason Gullickson, 20, of Bismarck.