

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1453

2001 HOUSE JUDICIARY

HB 1453

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1453

House Judiciary Committee

Conference Committee

Hearing Date 01-31-01

Tape Number	Side A	Side B	Meter #
TAPE I	X		01 to 4898
Committee Clerk Signature <i>Joan Dicus</i>			

Minutes: Chairman DeKrey opened the hearing on HB 1453. Relating to execution of public duty and conditions of probation.

Robert Bennett: Assistant Attorney General (see attached testimony).

Rep Grande: What is the involvement with this with juveniles when it comes to buying drugs?

Robert Bennet: If you are talking about general involvement with juveniles or some specific incidents I have not known juveniles to be involved with drug buys. We use 18 year olds because of the liability issues and parental issues.

Rep Grande: Is the parental permission written?

Robert Bennet: The issue of tobacco does require parental consent but as a matter of practice the parents are involved. However there is no statutory requirement.

Rep Grande: Would be be able to add that to this bill.

Robert Bennet: Yes.

Rep Delmore: She had the same question about statute.

Robert Bennet: Some of the same language that is used in tobacco could be used in this area.

Again explains about the age issue.

Rep Maragos: In the example of the UPS driver, if things go wrong and the UPS driver is hurt, who assumes the liability?

Robert Bennet: First we have to have the approval of the company, then it would be covered under workers comp coverage. A private individual is classified as an agent, I don't know if the liability issue has been resolved.

Rep Grande: If a 17 year old is injured, what is the recourse.

Robert Bennet: They would have the same recourse as any other person.

Vice Chair Kretschmar: Is it a common practice to use private citizens in the war on drugs?

Robert Bennet: It is becoming more involved all the time.

Rep Wrangham: Could you give an example where law enforcement would be more effective or more efficient if 1453 would pass than under current law?

Robert Bennet: I have more assurances to the public that they will not get into trouble, provides a basic level of protection.

Rep Delmore: Would it cloud the liability issue, if we add the parental consent?

Robert Bennet: I don't think it will effect anything.

Chairman DeKrey: Any more questions, thank you for appearing.

Rep Disrud: District 21. Introduces the bill, the purpose of the bill is a good faith purpose to assist the law enforcement community.

John Olson: States Attorney Association and the Peace Officers Association, spoke in support of the bill.

Chris Magnes: Chief of Police in Fargo. Spoke in support of HB 1453. Brought members of his staff to speak in behalf of the bill.

Steve Link: Narcotic Supervisor of Fargo Police Department. Right now it is unclear if what we are doing is lawful. It is necessary to use informants for drug cases. He also address the problem of alcohol and how the checks are done. Spoke on the issue of using people who are on probation and using them for drug issues.

Vice Chair Kretschmar: On a scale of one to ten, how would you rate the drug problem in your city?

Steve Link: We do about 60 to 70 search warrants a year.

Vice Chairman Kretschmar: Is the problem increasing or decreasing?

Steve Link: Increasing.

Chairman DeKrey: Any more questions, thank you for appearing.

Keith Turness: Deputy Chief of Police of Fargo. Spoke in support of using people between the age of 18 and 21. Since they have three colleges in their area, we have and increase. They had 1100 to 1200 citations last year alone on alcohol.

Chairman DeKrey: If there are no questions, thank you for appearing.

Audrey Opgrand: Human Resource and Safety Manager for Red River Commodities in Fargo.
(see attached testimony)

Chairman DeKrey: Are there any questions, seeing now, thank you for appearing. If there is no further testimony, we will close the hearing on HB 1453.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1453 b

House Judiciary Committee

Conference Committee

Hearing Date 2-13-01

Tape Number	Side A	Side B	Meter #
1		xx	1365--2093
Committee Clerk Signature <i>Jean Diers</i>			

Minutes: Chair DeKrey : Let's take up HB1453. I have an amendment here. Amendment was explained.

Rep. Disrud : I move the amendment.

Rep. Delmore : I second.

VOICE VOTE: ALL YES. PASSED.

Chair DeKrey : Do we have another amendment here? I guess Rep. Grande had one the day of the hearing concerning parental notification.

Rep. Grande : I move to amend the amendments.

Rep. Eckre : I second.

VOICE VOTE: ALL YES. PASSED.

Rep. Delmore : I move a DO PASS AS AMENDED.

Rep. Maragos : I second

VOTE: 12 YES and 0 NO with 3 absent. PASSED. Rep. Kretschmar will carry.

VR
2/13/01

HOUSE AMENDMENTS TO HB 1453 HOUSE JUDICIARY 02-14-01
Page 1, line 2, remove "subdivision to" and replace "4 of" with "to"

Page 1, line 14, after the period insert "When practicable, permission must be obtained from a parent or guardian of a minor who is under the age of eighteen years and is neither married nor in the military service of the United States before the minor may engage in conduct, other than the providing of information, to assist in a criminal investigation under the direct supervision of a public servant."

Page 1, line 15, remove "subdivision to" and replace "4 of" with "to"

Page 1, line 17, after the comma insert "the court may"

Page 1, line 19, replace "required" with "require" and after the period insert "The court shall hold a hearing in camera before issuing an order under this subsection."

Renumber accordingly

Date: 02-13-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-145-3

House JUDICIARY Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amend

Motion Made By Rep Delmore Seconded By Rep Maragos

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) 12 No 0

Absent 3

Floor Assignment Vice Chr Kretschmar

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

REPORT OF STANDING COMMITTEE

HB 1453: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENT'S AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subdivision to" and replace "4 of" with "to"

Page 1, line 14, after the period insert "When practicable, permission must be obtained from a parent or guardian of a minor who is under the age of eighteen years and is neither married nor in the military service of the United States before the minor may engage in conduct, other than the providing of information, to assist in a criminal investigation under the direct supervision of a public servant."

Page 1, line 15, remove "subdivision to" and replace "4 of" with "to"

Page 1, line 17, after the comma insert "the court may"

Page 1, line 19, replace "required" with "require" and after the period insert "The court shall hold a hearing in camera before issuing an order under this subsection."

Renumber accordingly

2001 SENATE JUDICIARY

HB 1453

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1453

Senate Judiciary Committee

Conference Committee

Hearing Date March 7th, 2001

Tape Number	Side A	Side B	Meter #
1	x	x	45.1-end/0-9.6
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on HB 1453.

Bob Bennette, Assistant Attorney General, (testimony attached) supports the bill.

Senator Watne, why must the person not be married?

Bob Bennette, a child is under 18, and not married. People not considered emancipated.

Rep. Disrud, district 21, supports the bill. Idea came from police chief in Fargo. Complaints with bars serving minors. There is a need to deputized young people under 21 to help crack down on serving minors.

Ross Renner, sergeant from the Fargo Police Department, (testimony attached) supports the bill.

Senator Nelson, were you part of the party crack down?

Ross Renner, yes.

Senator Nelson, good for you.

Senator Traynor, closed the hearing on HB 1453.

Page 2

Senate Judiciary Committee

Bill/Resolution Number 1453

Hearing Date MARCH 7TH, 2001

**SENATOR TRENBEATH MOTIONED TO DO PASS, SECONDED BY SENATOR
BERCIER. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING.
SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.**

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 8:54 a.m.

Module No: SR-40-5092
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1453, as engrossed: **Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1453

TESTIMONY OF ROBERT P. BENNETT
ASSISTANT ATTORNEY GENERAL

HOUSE BILL NO. 1453

House Bill No. 1453 provides protection to persons who, in good faith, assist law enforcement officers in the investigation of a criminal offense.

Section 1 of this bill creates a new subsection to North Dakota Century Code § 12.1-05-02, Execution of Public Duty.

Under the current law, section 12.1-05-02 provides a justification and defense for actions as a public servant, which includes law enforcement officers, who engages in conduct in the course of official duties when required or authorized by law. In addition, this section permits a private citizen to use force when directed by a public servant to provide assistance in carrying out the public servant's duties. As an example, under section 12.1-05-02, a UPS driver could be directed by a public servant to use force against another person to make an arrest, prevent an escape, or prevent the commission of a crime. Should force be used by the driver at the law enforcement officer's direction, that conduct is justified and, as long as the driver was acting in good faith, the driver would have a defense to a threatened criminal prosecution arising out of the use of force. However, if that same UPS driver, at the request of a law enforcement officer, delivers a package which contains illegal drugs, that driver would not have the benefit of the execution of public duty justification and defense. In other words, that driver may lawfully use force, and possibly injure another person at the direction of a law enforcement officer but may not assist that same officer in an investigation involving a controlled delivery of illegal drugs.

Persons who have, in good faith and at the request of law enforcement officials, assisted in criminal investigations have not been criminally prosecuted for their assistance. Prosecutors have viewed this conduct as lawful assistance to law enforcement and that these individuals have acted at the direction and as an agent for the law enforcement authorities.

Section 1 of House Bill 1453 ensures and clarifies that citizens can help law enforcement officials without undergoing public attacks or allegations that they are criminals or felons. Effective law enforcement requires the assistance of the public. This bill reaffirms the important role a member of the public assumes by assisting law enforcement and provides basic legal protection for such conduct.

This bill was drafted a little over two years ago but, for some reason, was not introduced by law enforcement groups during the 1999 Legislative Session. This bill was prompted by the reoccurring allegations and finger pointing by persons charged with drug offenses against others who assisted law enforcement in effecting their arrest and prosecution. However, House Bill 1453 may be applicable to other criminal investigations as well.

To obtain the benefit of this justification and defense, a person must establish that the person engaged in conduct:

1. At the direction of a public servant;
2. Who is known by the person to be a public servant;
3. To assist in a criminal investigation; and

4. Does not have knowledge or a firm belief, unaccompanied by substantial doubt, that the conduct to be engaged in is not within the public servant's official duties or authority.

In other words, only conduct engaged in by a person at the direction of a law enforcement officer or other public servant in good faith would be encompassed by this bill.

Section 2 creates a new subsection to N.D.C.C. § 12.1-32-07. Section 2 permits a court to authorize a defendant to assist law enforcement officers in a criminal investigation upon terms and conditions as the court may require by written order.

When a defendant is placed on probation, the defendant will be subject to specific, enumerated conditions of probation. A violation of these probation conditions may result in a revocation of probation and incarceration. Every probation is subject to the condition that the person not violate the law while on probation. In addition, drug offenders are often subject to additional conditions including requirements that they not associate with known drug users and that they not possess or otherwise deal with drugs unless pursuant to a valid prescription.

Occasionally, as a part of a plea agreement, drug offenders have agreed to assist law enforcement in further investigations of criminal activity. In addition, after a person has been placed on probation, the probationer may be asked to make contacts or assist law enforcement in such investigations.

Compliance with the plea agreement or the request may place law enforcement, probation officers, and the probationer in the position of violating the terms and

conditions of the probation as set by the court. A probationer who participates in a controlled buy of controlled substance, even pursuant to an agreement with a prosecutor and law enforcement officials, is engaged in conduct which involves the association with known drug users and the possession of illegal drugs.

Section 2 permits a court to authorize a defendant to assist law enforcement officials in criminal investigations thereby not placing the probationer in the position of violating an express term and condition of probation because of such assistance. There may be cases in which the court will determine that it is more important that the drug offender avoid all contact with that person's past associations and the court will not allow that conduct to be engaged in by probationer. However, there may be instances in which, under controlled circumstances, such activity may be determined by the court to be justified. The probationer and law enforcement officials will be fully protected since Section 2 of this bill also requires that any order which authorizes the probationer to engage in such activity be sealed and subject to inspection only upon order of the court.

Section 2 of House Bill 1453 specifically establishes whether a probationer will be permitted to engage in activity which may, in other circumstances, be a violation of a condition of probation. In some cases the court may permit such activity and other cases it will not. Regardless, everyone will know where they stand when a request for assistance from a probationer is made.

The Attorney General requests that House Bill 1453 receive a do pass recommendation.

12.1-05-02. Execution of public duty.

1. Conduct engaged in by a public servant in the course of his official duties is justified when it is required or authorized by law.
 2. A person who has been directed by a public servant to assist that public servant is justified in using force to carry out the public servant's direction, unless the action directed by the public servant is plainly unlawful.
 3. A person is justified in using force upon another to effect his arrest or prevent his escape when a public servant authorized to make the arrest or prevent the escape is not available if the other person has committed, in the presence of the actor, any crime which the actor is justified in using force to prevent, or if the other person has committed a felony involving force or violence.
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January 31, 2001

Chairman DeKrey and members of the Committee, thank you for this opportunity to testify in support of HB 1453. My name is Audrey Opgrand. I am the Human Resource and Safety Manager for Red River Commodities in Fargo.

As the mother of three boys ages 10, 12 and 14, I've always been especially concerned about issues relative to the safety and health of the children of our State. I became a volunteer member of the Drugs, Alcohol and Youth subcommittee for the Fargo Traffic Safety Task Force because I was concerned about the large number of minors trying and succeeding in gaining access to alcohol.

This subcommittee includes concerned citizens and members of law enforcement. We wanted to take a proactive approach to address the problem of youth access to alcohol so we developed a training program for servers/sellers to identify fake or altered ID's. Too often these ID's are difficult to detect without proper training. We also trained in the detection of and intervention with minors.

Although we felt that we were providing a quality program, we knew that server training alone would not change behavior. The only way to change behavior is to conduct enforcement along with education. Just as we enforce DUI laws, if the law that prohibits the sale of alcohol to minors is to have value, it too must be enforced.

Alcohol sales to youth are illegal and a violation of the retailer's liquor license. Reducing the source of supply through retail compliance investigations is one of the most effective strategies available to combat underage drinking

Law enforcement agencies do not have the resources to continuously monitor every alcohol retailer. Therefore, the goal of retail compliance investigation programs is voluntary compliance by the alcohol retailers by holding them accountable for their actions. They encourage management to train servers and sellers of alcohol and to develop and enforce internal policies that discourage sales to youth. They are one of the most cost-effective activities law enforcement can utilize to assess the availability of alcohol in the community, change behavior of retailers, and send a message to young people that underage drinking is not acceptable and will not be tolerated.

We did our first alcohol compliance checks in Fargo, West Fargo and Cass County in October, 1999 which resulted in a 29% failure rate. Since that time we've offered server training on a regular basis and we've conducted several more compliance checks. The latest compliance check conducted on January 25, 2001 resulted in a 7% failure rate. These results indicate that the combination of education and enforcement has had an impact in Cass County and retailers are doing a much better job of asking for ID, which is very encouraging.

In order to conduct compliance checks, we rely on 18 to 20 year old adult volunteers to make purchase attempts. So that these volunteers are protected under the law, The Cass County Sheriff has agreed to deputize them for the purpose of conducting the compliance checks. Because our

local police departments conduct compliance checks in conjunction with the Cass County Sheriff's Department, this system has worked well for us. However, the protection this Bill provides is crucial for any jurisdiction that chooses to conduct a compliance check without having to rely on the Sheriff to deputize volunteers. I believe that passage of this bill would be a better solution for the entire state.

Passage of this bill doesn't require compliance checks be done, it just provides the protection necessary to do them in a lawful manner.

Thank you for this opportunity to testify.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1453

Page 1, line 15, replace "subdivision to subsection 4 of" with "subsection to"

Page 1, line 17, after "law," insert: "the court may"

Page 1, line 19, replace "required" with "require"

Page 1, line 19, after "order." insert: "The court shall hold a hearing in camera before issuing an order under this subsection."

Renumber accordingly

TESTIMONY OF
ROBERT P. BENNETT
ASSISTANT ATTORNEY GENERAL

ENGROSSED HOUSE BILL NO. 1453

Engrossed House Bill No. 1453 provides protection to persons who, in good faith, assist law enforcement officers in the investigation of a criminal offense.

Section 1 of this bill creates a new subsection to North Dakota Century Code § 12.1-05-02, Execution of Public Duty.

Under the current law, section 12.1-05-02 provides a justification and defense for actions as a public servant, which includes law enforcement officers, who engages in conduct in the course of official duties when required or authorized by law. In addition, this section permits a private citizen to use force when directed by a public servant to provide assistance in carrying out the public servant's duties. As an example, under section 12.1-05-02, a UPS driver could be directed by a public servant to use force against another person to make an arrest, prevent an escape, or prevent the commission of a crime. Should force be used by the driver at the law enforcement officer's direction, that conduct is justified and, as long as the driver was acting in good faith, the driver would have a defense to a threatened criminal prosecution arising out of the use of force. However, if that same UPS driver, at the request of a law enforcement officer, delivers a package which contains illegal drugs, that driver would not have the benefit of the execution of public duty justification and defense. In other words, that driver may lawfully use force, and possibly injure another person at the direction of a law enforcement officer but may not assist that same officer in an investigation involving a controlled delivery of illegal drugs.

Persons who have, in good faith and at the request of law enforcement officials, assisted in criminal investigations have not been criminally prosecuted for their assistance. Prosecutors have viewed this conduct as lawful assistance to law enforcement and that these individuals have acted at the direction and as an agent for the law enforcement authorities.

Section 1 of Engrossed House Bill 1453 ensures and clarifies that citizens can help law enforcement officials without undergoing public attacks or allegations that they are criminals or felons. Effective law enforcement requires the assistance of the public. This bill reaffirms the important role a member of the public assumes by assisting law enforcement and provides basic legal protection for such conduct.

This bill was drafted a little over two years ago but, for some reason, was not introduced by law enforcement groups during the 1999 Legislative Session. This bill was prompted by the reoccurring allegations and finger pointing by persons charged with drug offenses against others who assisted law enforcement in effecting their arrest and prosecution. However, Engrossed House Bill 1453 may be applicable to other criminal investigations as well.

To obtain the benefit of this justification and defense, a person must establish:

1. That the person acted at the direction of a public servant known by the person to be a public servant;
2. That the person was requested to assist in a criminal investigation; and
3. The person does not have knowledge or a firm belief, unaccompanied by substantial doubt, that the conduct to be engaged in is not within the public servant's official duties or authority.

In other words, only conduct engaged in by a person at the direction of a law enforcement officer or other public servant in good faith would be encompassed by this bill.

Section 1 also requires that a parent or guardian of a minor who is under the age of 18 years who is neither married nor in the military service of the United States to give permission, when practicable, before the minor may engage in conduct, other than the providing of information, to assist in a criminal investigation. This assistance must be under the direct supervision of a public servant. This requirement, found on page 1, lines 14 through 18, was added by the House to the original bill to address concerns relating to the involvement of minors with law enforcement investigations.

Section 2 creates a new subsection to N.D.C.C. § 12.1-32-07. Section 2 permits a court to authorize a defendant to assist law enforcement officers in a criminal investigation upon terms and conditions as the court may require by written order.

When a defendant is placed on probation, the defendant will be subject to specific, enumerated conditions of probation. A violation of these probation conditions may result in a revocation of probation and incarceration. Every probation is subject to the condition that the person not violate the law while on probation. In addition, drug offenders are often subject to additional conditions including requirements that they not associate with known drug users and that they not possess or otherwise deal with drugs unless pursuant to a valid prescription.

Occasionally, as a part of a plea agreement, drug offenders have agreed to assist law enforcement in further investigations of criminal activity. In addition, after a

person has been placed on probation, the probationer may be asked to make contacts or assist law enforcement in such investigations.

Compliance with the plea agreement or the request may place law enforcement, probation officers, and the probationer in the position of violating the terms and conditions of the probation as set by the court. A probationer who participates in a controlled buy of controlled substances, even pursuant to an agreement with a prosecutor and law enforcement officials, is engaged in conduct which involves the association with known drug users and the possession of illegal drugs.

Section 2 permits a court to authorize a defendant to assist law enforcement officials in criminal investigations thereby not placing the probationer in the position of violating an express term and condition of probation because of such assistance. There may be cases in which the court will determine that it is more important that the drug offender avoid all contact with that person's past associations and the court will not allow that conduct to be engaged in by probationer. However, there may be instances in which, under controlled circumstances, such activity may be determined by the court to be justified. The probationer and law enforcement officials will be fully protected since Section 2 of this bill also requires that any order which authorizes the probationer to engage in such activity be sealed and subject to inspection only upon order of the court.

Section 2 of Engrossed House Bill 1453 specifically establishes whether a probationer will be permitted to engage in activity which may, in other circumstances, be a violation of a condition of probation. In some cases the court may permit such activity

and other cases it will not. Regardless, everyone will know where they stand when a request for assistance from a probationer is made.

The Attorney General requests that Engrossed House Bill 1453 receive a do pass recommendation.

12.1-05-02. Execution of public duty.

1. Conduct engaged in by a public servant in the course of his official duties is justified when it is required or authorized by law.
 2. A person who has been directed by a public servant to assist that public servant is justified in using force to carry out the public servant's direction, unless the action directed by the public servant is plainly unlawful.
 3. A person is justified in using force upon another to effect his arrest or prevent his escape when a public servant authorized to make the arrest or prevent the escape is not available if the other person has committed, in the presence of the actor, any crime which the actor is justified in using force to prevent, or if the other person has committed a felony involving force or violence.
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Fargo Police Department

222 4th Street North, P.O. BOX 150

Fargo, North Dakota 58107

Chris Magnus - Chief of Police

March 7, 2001

Chairman Traynor and members of the Committee, thank you for this opportunity to testify in support of HB 1453. My name is Ross Renner. I am a Sergeant with the Fargo Police Department. My responsibilities include supervision of street patrol officers. I see the damage that is caused by underage alcohol consumption and drug use in my community.

Police can't fight crime alone - we rely on citizens to help us. This civilian assistance takes many forms. Some forms, like neighborhood watch groups or volunteer efforts are obvious. Some civilian assistance must come in other ways. There are times when a law enforcement, even working in an undercover capacity, cannot do this job alone.

In reality some drug dealers only deal initially, to friends or people they know. Police must rely on informants or even persons on probation to make a controlled narcotics buy. In order to infiltrate a group of people involved in drug dealing, we need to be able to use these individuals. A majority of the cases involving drugs are made with the assistance of civilians acting at the direction of law enforcement. Without this aid, law enforcement would be limited within their capacity to do their job and slow the flow of drugs in our community.

TO REPORT A CRIME
PHONE (701) 235-4493

DEPARTMENT FAX
(701) 241-8272

ADMINISTRATION
PHONE (701) 241-1427
FAX (701) 297-7789

INVESTIGATIONS
PHONE (701) 241-1405
FAX (701) 241-1407

In other circumstances, like the sale of alcohol to minors, police need to utilize 18-20 year old adults to attempt to purchase alcohol from the liquor retailers. The purpose of this is to verify that liquor retailers are doing their job and not selling alcohol to minors. These activities are controlled under the direction of law enforcement. The goal of retail compliance investigation programs is voluntary compliance by the alcohol retailers by holding them accountable for their actions. We encourage management to train servers and sellers of alcohol and to develop and enforce internal policies that discourage sales to youth. These compliance checks are one of the most cost-effective activities law enforcement can utilize to assess the availability of alcohol in the community, change behavior of retailers, and send a message to young people that underage drinking is not acceptable and will not be tolerated.

In 1999, a group of concerned citizens along with law enforcement met to develop solutions to the problem of availability of alcohol to youth in our community. In October of 1999, we conducted an alcohol compliance check of the local liquor retailers that resulted in a 29% failure rate. In other words, approximately one of three attempts failed to ask for any identification and an alcohol sale was made. This was after a warning letter was mailed to all licensed establishments informing them that the compliance checks were being planned within the upcoming weeks.

Since that time, we've offered server training on a regular basis and conducted several more compliance checks. The latest compliance check conducted on January 25, 2001 resulted in a 7% failure rate. These results indicate that the combination of education and enforcement has had an impact and retailers are doing a much better job of asking for ID, which is very encouraging.

In order to conduct compliance checks, we rely on young adult volunteers to make purchase attempts. This Bill will provide protection under the law for these individuals who participate in compliance checks under the direction of law enforcement.

Passage of this bill doesn't require compliance checks be done, it just provides the protection necessary to do them in a lawful manner.

Thank you for this opportunity to testify.