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10/2/03
Date

2003 HOUSE JUDICIARY

HB 1191

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1191

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-28-03

Tape Number	Side A	Side B	Meter #
2	x		0-13
Committee Clerk Signature <i>D. Penrose</i>			

Minutes: 11 present, 2 members absent (Rep. Onstad and Rep. Eckre).

Vice-Chairman Maragos: We will open the hearing on HB 1191.

Rep. Carlisle: This bill is intended to remove the sunset clause on the drug court program. (see attached testimony from Judge Hagerty).

Vice-Chair Maragos: Thank you.

Judge Bruce Haskell: Support. We want to remove the sunset clause because this program has been successful and want to keep it going.

Rep. Kretschmar: This is only in Burleigh County or in the entire South Central District.

Judge Haskell: In Burleigh & Morton counties, but are looking at other areas, but do need probation services, and treatment services. An adult program is starting in Fargo.

Rep. Onstad: This is not a mandatory program.

Judge Haskell: No.

Vice-Chair Maragos: Thank you. Anyone else to testify in favor of HB 1191.

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House Judiciary Committee
Bill/Resolution Number HB 1191
Hearing Date 1-28-03

Ted Gladden, Supreme Court: Support. (See attached testimony).

Rep. Delmore: Is there a fiscal note?

Mr. Gladden: No, this is covered out of existing appropriations of the department or grant funds, and the judges' volunteer to be in drug court, the program is working.

Vice-Chair Maragos: Thank you. Anyone else in favor of HB 1191.

Cory Schlinger, Drug Court Coordinator: To address Rep. Onstad's question, currently we are tracking cases of what would have been the sentences.

Rep. Onstad: What percent choose drug court.

Mr. Schlinger: The drug court is on a voluntary basis, they have to request admission to the program.

Rep. Onstad: How many choose this program, what percentage.

Mr. Schlinger: I don't have the figures.

Rep. Delmore: What criteria is it they have to meet.

Mr. Schlinger: Be the 3rd DUI offense, must show addiction, etc.

Vice-Chair Maragos: Thank you. Anyone else wishing to testify in favor of HB 1191.

Christine Hogan, Exec. Dir., State Bar Association: Enthusiastically support this bill.

Vice-Chair Maragos: Thank you.

Keith Magnuson, ND DOT: Support. This program deserves a chance to continue on.

Vice-Chair Maragos: Thank you. Anyone else wishing to testify in HB 1191.

John Olson, Peace Officer's Association: Support.

Vice-Chair Maragos: Thank you. Anyone wishing to testify in opposition to HB 1191. We will close the hearing.

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1/28/03
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House Judiciary Committee
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Hearing Date 1-28-03

Chairman DeKrey: What are the committee's wishes?

Rep. Klemin: I move a Do Pass.

Rep. Delmore: Seconded.

12 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Delmore

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1/21/03
Date

FISCAL NOTE
Requested by Legislative Council
01/08/2003

Bill/Resolution No.: HB 1191

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

There is no negative fiscal impact by this bill. Judge services will be provided as part of our normal appropriation.

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.*

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.*

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.*

Name:	Ted Gladden	Agency:	N.D. Supreme Court
Phone Number:	3284216	Date Prepared:	01/09/2003

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Date: 1/28/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1191

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Klemm Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	HB				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Delmore

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

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Deanna Hallmark 1/28/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 29, 2003 12:06 p.m.

Module No: HR-17-1246
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1191: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1191 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-17-1246

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1/2/03
Date

2003 SENATE JUDICIARY

HB 1191

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10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1191

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/¹²~~11~~/03

Tape Number	Side A	Side B	Meter #
1	X		19.1 - 32.0
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HB 1191

Rep Ron Carlisle - Dist. 30 Introduced the Bill as a bill that has passed House, Senate and signed by the Governor last session with a sunset clause to be re-addressed this session. This bill is to take off the sunset clause. We did not know what kind of numbers we would have with this bill and now we do. Discussed the process of Drug Court and a trip committee made to it.

Sen. Traynor questioned the fiscal note? Yes, we are paying for it with a Federal grant.

Gail Hagerty - District Judge, Drug court works as a team! (Meter 20) Read Testimony - Attachment #1.

Sen. Trenbeath questioned Judge Hagerty if those charged with delivery are not a candidates for drug court is that-because the nature of the delivery charge in being a felony? No, we take

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10/2/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1191
Hearing Date 03/12/03

people who are felons. If there crimes of violence or delivery offense, we don't drug court is an appropriate kind of penalty. Sen. Trembeath asked that even if the delivery were to support to the habit. If the state attorney charges the offense as a possession they are eligible. If the prosecutor determines that it is a delivery charge-they are not eligible for drug court. We do not take anyone with out the prosecutors recommendation. We also don't take easy cases. If it is someone that just needs to go to treatment, they don't need all the services and resources here.

Sen. Dever discussed the program for the Juvenile Drug court, was it similar-Yes and it has been a positive one.

Sen. Traynor asked why the sunset clause was put on? (meter 26.9) They wanted to see if the program would be a success. Sen Carlyle was willing to take a good look at this bill, but he wanted to make sure it was working before it became permanent.

Sen. Dever questioned if it require legislative action to expand this across the state? The Judge responded that it is being expanded, but it can only be in an area where you have; 1. Treatment immediately accessible 2. Probation/Parole Services 3. Volunteer Judge Time. This process took over a year to open the court. You can not just mandate this, it is a process. Other areas are looking at this; i.e. Fargo. We are video taping our court sessions so the Fargo Judges can see how we do drug court. They are looking at our materials and revising them. Sen. Dever discussed the authority is already in place, it is a matter of the "teamwork" being put into place.

Discussion of complexity of process.

Bar Association supports program.

Corry Schlenger - Coordinator of program. Here for questions.

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12/12/03
Date

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Senate Judiciary Committee
Bill/Resolution Number HB 1191
Hearing Date 03/12/03

Keith Magnusson - Department of Transportation - We endorsed this bill two years ago and we still endorse taking the sunset clause off.

John Olson - Attorney representing - ND Attorneys and ND Peace Officer, We are in favor of this bill.

Testimony in Opposition of HB 1191

None

Testimony Neutral to HB 1191

None

Motion Made to DO PASS HB 1191 Senator Stanley W. Lyson, Vice Chairman and seconded by Sen. Dever

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment: Senator Stanley W. Lyson, Vice Chairman

Senator John T. Traynor, Chairman closed the hearing.

Date: March 12, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1191

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Sen. Lyson Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent ZERO (0)

Floor Assignment Sen. Lyson

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REPORT OF STANDING COMMITTEE (410)
March 12, 2003 1:15 p.m.

Module No: SR-44-4500
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1191: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-44-4500

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2003 TESTIMONY

HB 1191

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10/2/03
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Drug Court It's Not Business As Usual!

**Testimony in support of HB1191
Gail Hagerty, District Judge**

Summary: House Bill 1191 would remove the sunset provision on legislation which allows DUI offenders who have three or more convictions to serve their mandatory minimum sentences by serving 10 days in jail and then successfully completing a drug court program.

Imagine a courtroom where the judges clap for the criminal defendants and know their families. There are donuts and coffee to celebrate successes. It's happening.

Since January of 2001, an adult drug court has been in operation in Bismarck and Mandan. Drug court meets every week. And it's working.

The concept has been around since the late 1980's. Offenders who continue to commit criminal offenses in large part because of chemical addiction are given an opportunity to participate in drug court instead of being incarcerated. It's not the easy way out. Those sentenced to drug court are on intensive probation supervision. They're tested several times every week. They're involved in an intensive treatment program. They are required to have full-time employment, be full-time students or do community service for 40 hours each week. And they go to court on a regular basis - every week during the first phase of the program.

The criminal defendants sentenced to drug court are non-violent, chemically addicted individuals. Those charged with delivery are not candidates. Nor are those who most likely would not go to jail if they weren't sentenced to drug court. The clientele is made up of individuals with long-standing addiction problems. Defendants are recommended by prosecutors and law enforcement officers and must apply within days of arrest.

Judges meet with a representative of the parole and probation department, a representative of the treatment provider and, often, a prosecutor, every week to prepare for the court session. Each person who will make an appearance is discussed. When necessary, the team decides what sanctions should be imposed. More often, positive incentives are provided.

It takes a minimum of 12-months to complete the drug court program. Usage episodes happen, and are dealt with swiftly. Offenders may spend a weekend, or a week, or longer in jail. For less serious violations, community service is imposed or a curfew is imposed. There are a whole range of sanctions.

Research demonstrates that one of the best ways to predict whether treatment will work is to look at the length of the treatment. The longer people are actively involved in treatment, the more likely it is to work! Drug court keeps people involved in treatment for a significant period of time.

Since we began operating drug court, we've had:

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39 people sentenced to the program
24 current participants
10 participants have been women
29 participants have been men
19 have been multiple DUI offenders
20 have been drug offenders
13 have of the drug offenders had meth as a drug of choice
9 have graduated from the program
6 have been terminated ~> to Penn

Judge Bruce Haskell is the lead judge for the program and we work together. Each of us spends three to four hours a week on the program. We've found it works well to have two judges involved, because neither of us could be there every week, and familiarity with the program and participants is necessary for anyone who presides.

We are volunteers, in a sense. We are not required to be involved. . . and our involvement doesn't affect the number of cases we are assigned. I think I speak for both of us in saying we are involved in the drug court program because we believe it works in a positive way. It is a cost effective way to deal with offenders. It helps build their lives and families in a way incarceration never would. And because it works, the community is a better and safer place.

If drug courts are to expand, it will require that the judges involved have the resources necessary to devote the time and energy necessary.

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**Comments to House Judiciary Committee
January 28, 2003
By Ted Gladden, State Court Administrator**

Chief Justice VandeWalle is out of state and unavailable to appear in support of the bill today. I am appearing on his behalf supporting passage of HB 1191. This bill removes the sunset provision of July 31, 2003, in § 39-08-01, N.D.C.C., related to sentencing individuals convicted of being under the influence of an intoxicating liquor or other drugs or substances while operating a vehicle.

If you have any questions, I will respond to them at this time.

G:\WP\Renet\Legislature\Comments - HB 1191 - Ted.vpd

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