

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2147

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Operator's Signature

Y. Theresa J. Lee

Date

10-16-03

2003 SENATE JUDICIARY

SB 2147

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10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2147

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		X	00-22.4
Committee Clerk Signature <i>Maria L. Salberg</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 SB 2147

Charles R. Placek, Deputy Compact Administrator Department of Corrections and

Rehabilitation's - Attachments and amendment.

Senator Thomas L. Trenbeath asked for language clarification on Section 4, he asked if notification had to be in writing?

Mr. Placek replied - Form. Discussion on Fiscal note \$75/day for meeting. Discussed Governor appointment of commission.

Testimony in opposition of SB 2147:

There was no testimony in opposition of bill.

Senator John T. Traynor, Chairman closed the hearing.

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Yvonne J. Lee
Operator's Signature

10-16-03
Date

BILL/RESOLUTION NO. SB 2147

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 21, 2003

Tape Number	Side A	Side B	Meter #
1		X	0-2.4
Committee Clerk Signature <i>Mona 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 committee work on the bill:

Discussion and review of bill.

Motion made to Amendment SB 2147 by Sen. Trenbeath and Sen. Bercier

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

Motion carried, amendment passed.

Motion made to DO PASS SB 2147 with an Amendment by Sen. Trenbeath Seconded by Sen. Bercier.

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

Motion carried,

Carrier: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing.

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10-16-03
Date

FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: SB 2147

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	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$4,680	\$0	\$40,900	\$0	\$40,900	\$0
Appropriations	\$4,680	\$0	\$40,900	\$0	\$40,900	\$0

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
\$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.

The assumption this fiscal note is based upon included the biennial Interstate Commission dues of \$36,000 and \$4,900 operating expenses for the State Council (\$1,500 per diem and \$3,400 mileage and expenses). The dues structure adopted by the National Commission places North Dakota in the lowest category. This is based on population and Interstate Compact activity.

The expenses for the State Council would include expenses for 5 days of meetings through the 2003 - 2005 biennium.

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.

The assumption this fiscal note is based upon included the biennial Interstate Commission dues of \$36,000 and \$4,900 operating expenses for the State Council (\$1,500 per diem and \$3,400 mileage and expenses). The dues structure adopted by the National Commission places North Dakota in the lowest dues category. This is based on population and Interstate Compact activity.

The expenses for the State Council would include expenses of 5 days of meetings through the 2003 - 2005 biennium. No FTE's are included in this bill or fiscal note.

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.

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Yvonne J. Lee

Date

10-16-03

The amounts are included in the field services line item in the 2003 - 2005 executive budget recommendation for the Department of Corrections and Rehabilitation.

Name:	Charles R. Placek	Agency:	DOCR - Field Services Division
Phone Number:	701-328-6198	Date Prepared:	01/07/2003

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10-16-03
Date

38257.0101
Title.0200

Adopted by the Judiciary Committee
January 23, 2003

JB
1-24-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2147

Page 3, line 13, after the underscored period insert "If there is probable cause to believe an offender has violated any of the terms or conditions of supervision under the compact for the supervision of adult offenders, a parole and probation officer or any peace officer directed by a parole and probation officer may take the offender into custody and detain the offender in a correctional facility pending application for a warrant of arrest and authority to detain."

Page 4, line 4, after the underscored comma insert "and unless permission has been obtained from the state's attorney in the county in which the criminal offense is alleged to have occurred."

Page 4, line 5, after "offense" insert an underscored period

Page 4, remove lines 6 and 7

Renumber accordingly

Page No. 1

38257.0101

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Yubereca d. Lee
Operator's Signature

10-16-03
Date

Date: January 21, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2147

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38085.0102

Action Taken Amend #1 & Amend #2

Motion Made By Senator Thomas L. Trenbeath Seconded By Senator Dennis Bercier

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 _____

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

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Operator's Signature

10-16-03
Date

Date: January 21, 2003
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2147

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38085.0102

Action Taken DO PASS as Amended

Motion Made By Senator Thomas L. Trenbeath Seconded By Senator Dennis Bercier

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 Senator Thomas L. Trenbeath

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

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Yubereca d. Lee
Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
January 28, 2003 2:38 p.m.

Module No: SR-15-1221
Carrier: Trenbeath
Insert LC: 38257.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2147: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Sixth order on the calendar.

Page 3, line 13, after the underscored period Insert "If there is probable cause to believe an offender has violated any of the terms or conditions of supervision under the compact for the supervision of adult offenders, a parole and probation officer or any peace officer directed by a parole and probation officer may take the offender into custody and detain the offender in a correctional facility pending application for a warrant of arrest and authority to detain."

Page 4, line 4, after the underscored comma Insert "and unless permission has been obtained from the state's attorney in the county in which the criminal offense is alleged to have occurred."

Page 4, line 5, after "offense" Insert an underscored period

Page 4, remove lines 6 and 7

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-15-1221

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Operator's Signature

10-16-03
Date

2003 SENATE APPROPRIATIONS

SB 2147

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Yuberca d. Ace
Operator's Signature

10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2147

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-05-03

Tape Number	Side A	Side B	Meter #
1	x		3003-4000
Committee Clerk Signature <i>Sandra Danson</i>			

Minutes: Chairman Holmberg opened the hearing to SB 2147. (Meter 2900) Warren Emmer, Deputy Compact Administrator, Department of Corrections and Rehabilitation: He presented and read testimony from Charles Placek, see Exhibit 1. (Meter 3260) Chairman Holmberg: The amounts in this particular bill are included the department of corrections budget? (Meter 3231) Warren Emmer: Yes (Meter 3260) Chairman Holmberg: Clarified several points and asked why this is being put off for two years. (Meter 3378) Warren Emmer: one of the areas that has not been the case over the years has been the parole board and pardon advisory board. IN '93 we had it tied to exact as suggested and was vetoed. (Meter 3500) Senator Bowman: On the per diam for the four members that amounts to \$1500 are these people on the state payroll already or are they on a private sector that would lose wages by attending these wages? (Meter 3783) Senator Kilzer: how are state's attorneys paid? Based on FTE in each county? (Meter 3804) Warren Emmer: He doesn't know. (Meter 4000) Motion on a DO PASS by Senator Tallackson, seconded by Senator Lindaas. Roll call vote was Do Pass , 12 yeas, 0 nays, 2 absent (Grindberg and Robinson).

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Operator's Signature

10-16-03
Date

2147

Judiciary

Date: 2-5-03
Roll Call Vote #: 12003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.Senate Appropriations Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PassMotion Made By Tallackson Seconded By Lindaas

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair					
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 12 No _____Absent 2Floor Assignment Judia Trenbeath

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

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Yubereva d. Lee

Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
February 5, 2003 11:02 a.m.

Module No: SR-22-1692
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2147, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed SB 2147 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-22-1692

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10-16-03
Date

2003 HOUSE JUDICIARY

SB 2147

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Yuberose A. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2147

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-11-03

Tape Number	Side A	Side B	Meter #
1	xx		24.4-35.8
1	xx		46.1-48.9
Committee Clerk Signature <i>APenrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on SB 2147.

Charles Placek, Deputy Compact Administrator, DOCR, Field Services Division: Support
(see attached testimony).

Rep. Onstad: Let's say Minnesota for example, someone is on parole there and they want to leave and come here. What do they have to do.

Mr. Placek: If it's under the Interstate Compact, the process of the compact is, this MN probationer that lives in Brainerd, they would prepare an application and sign forms 3 and 5 of the Compact, and that Interstate packet will be sent to North Dakota, let's say Rugby. They would investigate that packet to see if it's viable. There are two kinds of acceptance under the old compact. The new rules for the new compact are being written as we speak. By November of this year, all the new rules and the new commission have to be completed. So the new compact allows for the continuation of the rules of the old compact. So, therefore, we have two

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10-16-03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number SB 2147
Hearing Date 3-11-03

kinds of acceptance, mandatory acceptance and courtesy acceptance. So we would investigate that, an officer would go to Rugby and investigate the home offer, the job offer, and make a determination whether it's a mandatory acceptance case or a courtesy. Then we would either accept it or not. It's an application process and vice versa. If somebody was arrested in Minot, and wanted to return to Brainerd, they would just reverse the process.

Rep. Onstad: So when they move to another state, does the parole officer in that state now have the responsibility to oversee the activities of that parolee, or still under the original state where they were incarcerated.

Mr. Placek: When there is a formalized acceptance from the other state, the actual day-to-day supervision of the offender, is done in the other state. So if it is Minnesota over here, we do the day-to-day supervision, or vice versa. But the legal file, the legal court or parole board, depending on, in the sending state, holds the legal jurisdiction over the offender. So the decision to revoke or dismiss the case or whatever, would reside in a MN court.

Chairman DeKrey: Thank you. Further testimony in support? Testimony in opposition. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2147.

Rep. Delmore: I move a Do Pass and rerefer to Appropriations.

Rep. Maragos: Seconded.

13 YES 0 NO 0 ABSENT DO PASS REREFER TO APPROP. CARRIER: Rep. Onstad

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Yvonne J. Lee

Date

10-16-03

Date: 3/11/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2147

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Maragos

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	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Onstad

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

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Yvonne J. Lee

Date

10-16-03

REPORT OF STANDING COMMITTEE (410)
March 11, 2003 10:11 a.m.

Module No: HR-43-4425
Carrier: Onstad
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-43-4425

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10-16-03
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2003 HOUSE APPROPRIATIONS

SB 2147

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10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2147

House Appropriations Committee

☐ Conference Committee

Hearing Date March 26, 2003

Tape Number	Side A	Side B	Meter #
1	X		0
Committee Clerk Signature <i>Chris J. [Signature]</i>			

Minutes:

REP. SVEDJAN Called the committee to order.

REP. DEKREY Gave a background on the bill, stating it was the adult offender compact which we have with the other states in the country. It is being implemented in forty one states. When we passed this last session, we didn't know what the time frame was for it to be implemented and they needed thirty five states to implement it, it is now in force. The dues for the compact are \$18,000 a year. That is where you get \$36,000 of \$40,900, the rest is for operating expenses, where they will use \$1,500 in per diem and \$3,400 in mileage and expenses, that is the fiscal note.

REP. SVEDJAN Asked what the date was on the fiscal note?

REP. DEKREY January 3

REP. WALD Asked what would happen if we killed this bill and didn't join the compact?

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Operator's Signature

10-16-03
Date

Page 2
House Appropriations Committee
Bill/Resolution Number SB 2147
Hearing Date March 26, 2003

REP. DEKREY We would be under the old compact and would be out of sine with forty one states.

REP. SVEDJAN We entered this compact two years ago?

REP. DEKREY We entered this two years ago, and there were several reasons. The main thing is the old compact is out of date. If you remember, the Erickson murders here in Bismarck, was done by a couple of guys from Texas, who were not being supervised, and North Dakota did not know they were around, because the old interstate compact is just not working anymore. It was under funded and poorly written for this time. It was written in the thirties. It did not grow with how mobile our society has become today, with these probationers moving around the country.

REP. SVEDJAN What hasn't been said yet, is that this amount is included in the field services portion of the DOCR budget.

REP. WARNER How does the fee relate to the funding of this?

REP. DELZER Stated, it was his understanding that the collections are being used, none of them go through the general fund, they are being used for the Department of Corrections in the field services area.

REP. WALD Made a motion for a **DO PASS**.

REP. KOPPLEMAN Second the motion. **MOTION CARRIED. 21 yes 0 no**

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Y. Herrera
Operator's Signature

10-16-03
Date

consultant relating to a new fee-for-service payment system for developmental disabilities services providers.

REPORT OF STANDING COMMITTEE

SB 2089: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2089 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2150 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2153, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (17 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2153 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 17, after "applicant's" insert "written"

Page 1, line 21, remove "Immunity -"

Page 1, line 23, after "agency's" insert "written"

Page 2, line 3, after "agency's" insert "written"

Page 2, line 4, remove "A child-placing agency is not civilly or criminally liable for refusing to"

Page 2, remove line 5

Page 2, line 6, remove "the agency's religious or moral convictions or policies."

Page 2, line 8, after "agency's" insert "written"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2223, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2223 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (18 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). Engrossed SB 2297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2310, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2310 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2314, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

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Yuberead J. Lee
Operator's Signature

10-16-03
Date

2003 TESTIMONY

SB 2147

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SENATE JUDICIARY COMMITTEE
JOHN T. TRAYNOR, CHAIRMAN
JANUARY 14, 2003

Charles R. Placek
Deputy Compact Administrator
Department of Corrections and Rehabilitation
Field Services Division
Presenting Testimony RE: SB 2147

SB 2147 deals with North Dakota offenders on parole or probation who wish to live in another state while under supervision and with offenders who wish to live in North Dakota while on parole or probation from another state. Many of the proposed changes that are included in SB 2147 are a result of the passage of a new Interstate Compact for Adult Offender Supervision by the 57th Legislative Assembly in 2001 and which appears in Chapter 12-65 of the North Dakota Century Code. The existing compact, the Interstate Compact for the Supervision of Parolees and Probationers, is contained in Chapter 12-56 of the North Dakota Century Code. When the 57th Legislative Assembly enacted the new compact, it did not repeal the compact that was then in effect because the new compact, the Interstate Compact for Adult Supervision, needed to be enacted by at least thirty-five states in order to become effective. At the time the 57th Legislative Assembly enacted the new compact, fewer than thirty-five states had enacted the new compact. The 57th Legislative Assembly included a "sunset" clause with the new compact in case less than thirty-five states enacted the new compact. A total of more than thirty-five states have since enacted the new compact.

Section 1 of SB 2147 amends NDCC Section 12-47-36(3)(e) and changes the code reference from the current chapter of the Interstate Compact for the Supervision of Parolees and Probationers to the new chapter of the North Dakota Century Code that covers the new Interstate Compact for Adult Offender Supervision.

Section 2 of SB 2147 amends subsection 4 of Article 2 of NDCC Section 12-65-01 to include in the definition of a compact administrator the compact administrator's designee. This will allow the compact administrator to delegate various duties to designated staff within the Department of Corrections and Rehabilitation's Division of Field Services.

Section 3 of SB 2147 amends subsection 2 of Article 3 of NDCC Section 12-65-01 to provide that the governor appoint the compact commissioner and a deputy commissioner to the interstate compact commission. While the new compact requires a commissioner, it did not provide any appointment mechanism. The provision for both a commissioner and a deputy commissioner will give North

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Dakota the flexibility of always being able to have a commissioner at national commission meetings. It is important that the state be represented at these meetings.

Section 4 of SB 2147 creates six new sections to NDCC ch. 12-65, the chapter that contains the new interstate compact.

Custody and detention of offender for violation of terms and conditions of compact supervision --Hearing and waiver -- Report to sending state.

This new section replaces current language in NDCC Section 12-56.1-01 and will place it under NDCC ch. 12-65, the chapter that contains the new compact. This section would allow the Compact Administrator the ability to issue a warrant and order a hearing held on a out of state offender living in North Dakota under the interstate compact if the out-of-state offender is alleged to have violated terms and conditions of supervision under the compact and should be returned back to the sending state. The Department of Corrections and Rehabilitation is also submitting a proposed amendment to authorize a parole and probation officer to take an out-of-state offender into custody when the officer has probable cause to believe the offender has violated any terms and conditions of supervision. The language in the amendment would give a parole and probation officer the same authority as they currently have offenders who have been placed under the supervision and management of the Department of Corrections and Rehabilitation by the North Dakota District Courts.

Waiver of extradition

This new section takes the current language in NDCC Section 12-56-01(3) and places it in chapter 12-65. The new compact did not include the same language as NDCC Section 12-56-01(3) and so it was necessary to take that language and include it in chapter 12-65. This section authorizes authorized officers of a sending state to enter North Dakota to retake a interstate compact offender that had waived their right to extradition through their application for compact services without going through the formal extradition process. The courts have recognized waivers of extradition in compact supervision cases.

Who may hold a hearing

This new section replaces similar language in from NDCC 12-56.1-02. The compact administrator would designate the hearing officer.

Conduct of hearing

This new section replaces similar language in NDCC 12-56.1-03. This section sets forth the rights an out-of-state offender is entitled to when the offender has been taken into custody for an alleged violation of terms of supervision under the compact, namely, a written notice of the hearing stating the allegations against

the offender and advising the offender of the opportunity to be heard in person and present witnesses and evidence, to confront and cross-examine adverse witnesses, and of the right to written findings of fact and an explanation of the decision.

Force and effect of hearing in other states.

This new section replaces similar language in NDCC 12-56.1-04. This section would provide for the same standing and effect as though the proceeding of which it is a record was held before the appropriate officer or officers in this state.

Violation of compact – Penalty.

This new section moves the provisions of NDCC Section 12-56-03 to NDCC ch. 12-65. This is known in the field as the "Get out of Dodge Notice" and is for the purpose of enforcing compliance with the Interstate compact. The 56th Legislative Assembly enacted N.D.C.C. Section 12-56-03 in 1999 to address situations when out-of-state parolees and probationers are in North Dakota without permission through the Interstate compact. When an out-of-state offender is served with a notice under this section that the offender is unlawfully in the state, the offender has seven days to leave state or face new felony charges for violating this section.

Section 5 amends NDCC Section 54-57-03 (1) by deleting the reference to requiring administrative hearing through the Office of Administrative Hearings for Interstate Compact violations, since the sending state is the state responsible for determining whether parole or probation will be revoked.

Section 6 repeals NDCC chapters 12-56 and 12-56.1, which relate to the current compact. It will also repeal section 2 of chapter 141, S.L. 2001 that provides an expiration date of August 1, 2003 for the new Interstate compact. It is necessary to repeal the expiration date since more than thirty-five states have now enacted the new compact.

In addition the Department of Corrections and Rehabilitation submits an amendment that would clarify and assist the uniform supervision of offenders in North Dakota.

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Operator's Signature

10-16-03
Date

Fifty-eighth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SENATE BILL No. 2147

Page 3, line 13, insert after "offender." "If there is probable cause to believe an offender has violated any of the terms or conditions of supervision under the compact for the supervision of adult offenders, a parole and probation officer, or any peace officer directed by a parole and probation officer, may take the offender into custody and detain the offender in a correctional facility pending application for a warrant of arrest and authority to detain."

Renumber accordingly

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10-16-03
Date

Exhibit 1

SENATE APPROPRIATIONS COMMITTEE
Senator Ray Holmberg, Chairman
February 5, 2003

Charles R. Placek, Deputy Compact Administrator
Department of Corrections and Rehabilitation
Field Services Division
Presenting Testimony Re: SB 2147

As a member of the current interstate compact, for the supervision of parolees and probationers, North Dakota is obligated to contribute dues to the National Interstate Compact Commission. During the organizational meeting of the National Commission in November 2002, a tiered dues structure was approved. This dues structure was based on a combination of per capita data and the interstate activity of states. North Dakota fell into the lowest dues tier. The dues account for \$32,000 of the fiscal note.

The balance of the fiscal note pays for the mandated State Council. The State Council has 7 members, which includes the chairperson who is the National Commissioner and current Director of the Field Services Division. The Governor also appoints three members, one of which needs to represent victims. The Chief Justice, President of the Senate and the Speaker of the House, all appoint one member to the State Council. The primary role of the State Council is to provide advice to the National Commissioner relating to interstate compact activities. It is also the role, of the State Council members, to relay information gathered to their respective organizations and interest groups.

The Department of Corrections supports passage of SB 2147.

H:\Legislature\SB2147

- 1 -

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10-16-03
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SB 2147 - Interstate Compact 1/8/03

	2001-2003	2003-2005	2005-2007
Dues Compact	4,000	36,000	36,000
IC Council Members Pay	0	1,500	1,500
IC Expenses	680	3,400	3,400
Total	4,680	40,900	40,900

2003-2005 Expenses

Dues Compact	\$18,000 per year X 2 years = \$36,000
IC Council Members Pay	4 members X \$75 a day X 5 meeting = \$1,500
IC Expenses	5 meeting X 400 miles per meeting X 5 members X .29 = \$2,900
	5 meeting X \$20 a day per diem X 5 members = \$500

Governor 3 Appointees: Amy Vorachek - Victims Rep.
Wade Enget - States Attorney
Chair Person of Parole Board

Chief Justice Judge Dawson - Fargo

President of Senate Sen. Lyson

Speaker of House Rep. DeKrey

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HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE DUANE DEKREY, CHAIRMAN
MARCH 11, 2003

Charles R. Placek
Deputy Compact Administrator
Department of Corrections and Rehabilitation
Field Services Division
Presenting Testimony RE: ENGROSSED SB 2147

SB 2147 deals with North Dakota offenders on parole or probation who wish to live in another state while under supervision and with offenders who wish to live in North Dakota while on parole or probation from another state. Many of the proposed changes that are included in SB 2147 are a result of the passage of a new Interstate Compact for Adult Offender Supervision by the 57th Legislative Assembly in 2001 and which appears in Chapter 12-65 of the North Dakota Century Code. The existing compact, the Interstate Compact for the Supervision of Parolees and Probationers, is contained in Chapter 12-56 of the North Dakota Century Code. When the 57th Legislative Assembly enacted the new compact, it did not repeal the compact that was then in effect because the new compact, the Interstate Compact for Adult Supervision, needed to be enacted by at least thirty-five states in order to become effective. At the time the 57th Legislative Assembly enacted the new compact, fewer than thirty-five states had enacted the new compact. The 57th Legislative Assembly included a "sunset" clause with the new compact in case less than thirty-five states enacted the new compact. A total of more than thirty-five states have since enacted the new compact.

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