

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1 288

2005 HOUSE JUDICIARY

HB 1288

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1288

House Judiciary Committee

Conference Committee

Hearing Date 1/26/05

Tape Number	Side A	Side B	Meter #
1	xx		34.8-37.4
1	xx		39.4-41.6

Committee Clerk Signature



Minutes: 12 members present, 2 members absent (Rep. Charging & Zaiser).

Chairman DeKrey: We will open the hearing on HB 1288.

Representative Klemin: Explained the bill, is a sponsor. This just goes to the exoneration aspect.

Hope Olson, Crime Laboratory Division: (see written testimony).

Chairman DeKrey: Thank you. Further testimony in support of HB 1288. Testimony in opposition to HB 1288. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to HB 1288.

Representative Delmore: I move a Do Pass.

Representative Maragos: Seconded.

12 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Maragos

FISCAL NOTE
Requested by Legislative Council
01/12/2005

Bill/Resolution No.: HB 1288

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 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.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

This bill will allow the Crime Lab to continue to be eligible for the federal Justice for All Act, from which we currently receive federal funds.

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.*

N/A

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.*

N/A

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.*

N/A

Name: Kathy Roll
Phone Number: 328-3622

Agency: Office of Attorney General
Date Prepared: 01/21/2005

Date: 4/26/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1288

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	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	A	
Representative Charging	A				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes)

12

No

0

Absent

2

Floor Assignment

Rep. Maragos

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2005 12:39 p.m.

Module No: HR-17-1090
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1288: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1288 was placed on the
Eleventh order on the calendar.

2005 SENATE JUDICIARY

HB 1288

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1288

Senate Judiciary Committee

Conference Committee

Hearing Date March 2, 2005

Tape Number	Side A	Side B	Meter #
1		X	1190 -1660

Committee Clerk Signature

Mona L. Salby

Minutes: Relating to DNA Testing under the Uniform Post-Conviction Procedure Act.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Hope Olson, Crime Lab Director - (meter 1226) Introduced the Bill and Gave her Testimony -

Att. #1

Sen. Nelson questioned how much money hope was looking for in this bill. Hope reviewed the money for this would all be collected through several grants to an excess of \$200,000.

Testimony in Opposition of the Bill

None

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Senator Triplett made the motion to do pass and **Sen. Nelson** seconded the motion. All members were in favor and the motion passes.

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Senate Judiciary Committee

Bill/Resolution Number HB 1288

Hearing Date March 2, 2005

Carrier: **Senator Triplett**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Date: 3/2/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1288

Senate Judiciary

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By Senator *Triplet* Seconded By Senator *Nelson*

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplet	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator *Triplet*

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

REPORT OF STANDING COMMITTEE (410)
March 3, 2005 8:30 a.m.

Module No: SR-39-4028
Carrier: Triplett
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1288: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1288 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1288

Testimony on HB1288
Presented by: Hope Olson
Office of Attorney General
January 26, 2005

HB 1288 will allow the Office of Attorney General – Crime Laboratory Division to be eligible for Federal grant programs. Under the Justice for All Act of 2004, effective October 30, 2004, the law included Post-conviction DNA testing provisions for persons incarcerated or under a death sentence as a result of a conviction of a Federal offense. This recent Federal legislation effects North Dakota's eligibility for Federal grant funding programs relating to DNA training, DNA research and development, DNA identification of missing persons, and post-conviction DNA testing. North Dakota must demonstrate that we have a process comparable to that of the new Federal Law, and, if the results of the DNA test exclude the applicant, the process (the law) permits the applicant to apply for post-conviction relief.

The changes proposed to North Dakota's Century Code ~~31-13~~ will allow the Crime Laboratory Division to be eligible for upcoming Federal grant programs by allowing the post-conviction DNA testing.

29-32.1

AH # 1

**Testimony on HB1288
Presented by: Hope Olson
Office of Attorney General
March 2, 2005**

HB 1288 will allow the Office of Attorney General – Crime Laboratory Division to be eligible for Federal grant programs. Under the Justice for All Act of 2004, effective October 30, 2004, the law included Post-conviction DNA testing provisions for persons incarcerated or under a death sentence as a result of a conviction of a Federal offense. This recent Federal legislation effects North Dakota's eligibility for Federal grant funding programs relating to DNA training, DNA research and development, DNA identification of missing persons, and post-conviction DNA testing. North Dakota must demonstrate that we have a process comparable to that of the new Federal Law, and, if the results of the DNA test exclude the applicant, the process (the law) permits the applicant to apply for post-conviction relief.

The changes proposed to North Dakota's Century Code will allow the Crime Laboratory Division to be eligible for upcoming Federal grant programs by allowing the post-conviction DNA testing.