

2009 HOUSE JUDICIARY

HB 1336

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1336

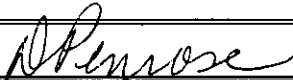
House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/3/09

Recorder Job Number: 8432, 8433

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1336.

Rep. Chris Griffin: Sponsor, support (attachment), explained the bill.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition, neutral. We will close the hearing. What are the committee's wishes?

Rep. Delmore: I move the amendments 90661.0101 TO HB 1336.

Rep. Wolf: Second.

Chairman DeKrey: Further discussion. Voice vote, motion carried.

Rep. Klemin: I received an email from a couple of judges who think that it should be the state's attorney that should provide the copy of the order to the victim, rather than the court. I further amend pg 1, line 14, instead of court replace with "state's attorney".

Rep. Kretschmar: Second.

Chairman DeKrey: Voice vote, motion carried. We now have the bill before us as amended.

Rep. Boehning: I move a Do Pass as amended.

Rep. Wolf: Second.

12 YES 0 NO 1 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Dahl

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to an arrest without a warrant; to repeal section 14-07.1-13 of the North Dakota Century Code, relating to an order prohibiting contact;"

Page 1, line 7, replace "involving a violation of" with "of violence or threat of violence, stalking, harassment, or a sex offense"

Page 1, line 8, remove "chapter 12.1-17 or 12.1-20"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 29-06-15 of the North Dakota Century Code is amended and reenacted as follows:

1. A law enforcement officer, without a warrant, may arrest a person:
 - a. For a public offense, committed or attempted in the officer's presence and for the purpose of this subdivision, a crime must be deemed committed or attempted in the officer's presence when what the officer observes through the officer's senses reasonably indicates to the officer that a crime was in fact committed or attempted in the officer's presence by the person arrested.
 - b. When the person arrested has committed a felony, although not in the officer's presence.
 - c. When a felony in fact has been committed, and the officer has reasonable cause to believe the person arrested to have committed it.
 - d. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.
 - e. For the public offenses, not classified as felonies and not committed in the officer's presence as provided for under section 29-06-15.1.
 - f. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.
 - g. For the offense of violating a protection order under section 14-07.1-06, an order prohibiting contact under section ~~14-07.1-13~~ 1 of this Act, or for an assault involving domestic violence under section 14-07.1-11.
 - h. On a charge, made upon reasonable cause, of being under the influence of volatile chemical vapors in violation of section 19-03.1-22.1.

SECTION 3. REPEAL. Section 14-07.1-13 of the North Dakota Century Code is repealed."

Renumber accordingly

V/R
2/3/09
1082

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

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2082

Renumber accordingly

Date: 2/3/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1336

HOUSE JUDICIARY COMMITTEE

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Legislative Council Amendment Number _____

Action Taken ☐ DP ☐ DNP ☒ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Boehning Seconded By Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 12 No 0

Absent 1

Floor Carrier: Rep. Dahl

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

REPORT OF STANDING COMMITTEE

HB 1336: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to an arrest without a warrant; to repeal section 14-07.1-13 of the North Dakota Century Code, relating to an order prohibiting contact;"

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SECTION 3. REPEAL. Section 14-07.1-13 of the North Dakota Century Code
is repealed."

Renumber accordingly

2009 SENATE JUDICIARY

HB 1336

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1336

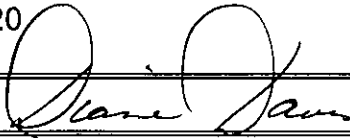
Senate Judiciary Committee

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Hearing Date: 2/25/09

Recorder Job Number: 9720

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to the issuance of an order prohibiting contact, relating to an arrest without a warrant.

Representative Chris Griffin –District 19 – Introduces the bill. Describes the 3 types of protection orders. This bill prohibits contact. Normally it was only able to be used in domestic violence. This bill would allow violence or threat of violence, stalking, harassment or sex offenses. The purpose of this bill, the courts are putting as a condition of bond, no contact. That is not put into the law enforcement system so they don't know if that individual actually has an order prohibiting contact or a no contact order. This would change it so the other violence offenses, and sex offenses would be the same as domestic violence offenses.

Senator Nething – Clarifies, by having the repealer we are bringing together the criminal and the civil.

Rep. Griffin – States, no, this would only cover criminal.

Senator Fiebiger – Mentions, the no contact as a condition of bond. He asks why this isn't getting into the system.

Rep. Griffin – He said by passing a bill like this, they are saving victims of crime in which there is no contact. This prevents them from having to go civil.

Senator Olafson – Asks if this will help keep these violations from happening

Rep. Griffin – Responds, probably not.

Close the hearing on 1336

Senator Fiebiger motions do pass

Senator Schneider seconds

Discussion follows by Senator Lyson and Senator Olafson on how helpful this will be to law enforcement.

Vote – 6-0

Senator Fiebiger will carry

Date: 2/25
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

HB 1336

Senate JUDICIARY Committee

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Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Fiebig Seconded By Sen. Schneider

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething - Chairman	X		Sen. Tom Fiebig	X	
Sen. Curtis Olafson - V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Sen. Fiebig

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

REPORT OF STANDING COMMITTEE

HB 1336, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1336 was placed on the Fourteenth order on the calendar.