2009 SENATE JUDICIARY

SB 2418

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2418

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/4/09

Recorder Job Number: 8636 forward to 11:14

Committee Clerk Signature Diane Davis

Minutes: **Senator Nething, Chairman**

Relating to contributing alcohol to an individual under twenty-one years of age, and to provide a penalty.

Senator Lindaas – Introduces the bill – See written testimony.

Duane Peterson – See written testimony – He relates a story of his son getting alcohol poisoning while attending a house party where the parents were home.

Close the hearing on 2418

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2418

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/11/09

Recorder Job Number: 9153

Committee Clerk Signature

Minutes: **Senator Nething, Chairman**

Committee work

Discussion, committee doesn't like the word negligent, they also feel the language is too broad. They are satisfied that our laws currently cover a lot of this. They feel if it is not broken don't fix it.

Senator Olafson – motions for do not pass

Senator Schneider – seconds

Vote – 6-0

Senator Lyson will carry

Date: 1/11/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES 2418
BILL/RESOLUTION NO.

Senate **JUDICIARY** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ **Do Pass** ☒ **Do Not Pass** ☐ **Amended**

Motion Made By Sen Olafson Seconded By Sen Schneider

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		**Sen. Tom Fiebiger**	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. Lyson

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

REPORT OF STANDING COMMITTEE

SB 2418: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2418 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2418

Attachment 1
2418

Mr. Chairman and Committeemen, for the record, my name is Elroy Lindaas and I serve in the North Dakota Senate, representing District 20. My home is at Mayville and district 20 is comprised of Traill County and parts of Steele, Cass and Barnes County.

I am here today to carry, as prime sponsor to SB 2418. The new language to the Law would add criminal penalty to anyone who knowingly delivers alcohol to minors and encourages or causes minors to participate in such activity within a family dwelling. The penalty would call for a class A misdemeanor.

Another provision would call for a class B misdemeanor if someone through negligence contributes to an individual possessing or consuming alcohol. Negligence would consist of leaving alcohol in unlocked storage or generally leaving it unattended and available.

Both of these situations are currently addressed in civil law making such circumstances open to civil litigation. This bill would impose misdemeanor penalties for this type of situation.

Since I am not an attorney any questions to me would be of a philosophical nature. I would welcome a discussion on this important issue.

Attachment 2
SB 2418

SB 2418

Chairman Nething and committee members, my name is: Duane Peterson, 15 1st St SE, Gwinner, North Dakota. We almost lost our son to alcohol poisoning at a parent sponsored party. This is in relation to the earlier testimony I gave for bill SB 2439. In March of 2007, our oldest son, Logan, 18 at the time, went to a birthday party for one of his friends. This party was held at a rural home, several teenagers were in attendance along with the parents who owned the house. The party was held down stairs in the basement with the parents upstairs.

As a result of the party, Logan was taken home by friends of his because he was too intoxicated. As referred earlier, Logan was taken to a local hospital for treatment. When hospital staff cut off his clothes they found a large amount of snow in the crotch of his pants. It was learned later that kids placed the snow in his pants to revive him. As he lied on the stretcher naked, police were contacted because kids from the party wrote on his body with permanent black marker. They wrote their names, obscenities, and lewd remarks. Law enforcement took pictures as hospital staff kept him alive.

We also learned that before friends brought Logan home, they took him to another friend's house because she was a certified nurses assistant in a nursing home, and qualified in basic medical care. She listened to his heart and checked his vitals and insisted that he be taken home to his parents. At the time she was a junior in high school.

It took a junior in high school to decide that Logan needed medical care. We are forever grateful for what she had done, because without her, Logan would not be with us today. It was obvious that the parents at this party were irresponsible and did not see what was happening in their own home.

I went to visit them after the incident and voiced my disgust with what happened. Their words were, "we didn't know they had that much booze down there". Words alone cannot describe my anger and disappointment about what happened that night. But after all of that, parties continue, parents still hold them and kids still attend, and drink.

This bill I support, and also every other bill after this that can save lives.

I would like to thank you for the opportunity to meet with you and I'll answer any questions you may have. Thank you.