

2013 HOUSE JUDICIARY

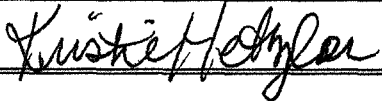
HB 1116

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1116
Job 17222
January 15, 2013

Conference Committee



Explanation or reason for introduction of bill/resolution:

Evaluation to determine a defendant's fitness to proceed.

Minutes:

Testimony 1

Chairman Koppelman: Opens HB 1116.

Alex Schweitzer, Director of Field Services for the Department of Human Services (DHS): I am here in support of HB 1116 (see testimony 1)

Rep Delmore: Hardships on families when there is no flexibility, we also need to be concerned with the individual getting the best evaluation. How do we explain the travel to Jamestown necessary during hardships?

Alex Schweitzer: If there is no security needed we could do the examination where the individual is located. We could also assist in transportation when it is necessary.

Rep Delmore: Is there a period of time that family could not see the individual?

Alex Schweitzer: Only if the court would so order, depending on the security risks

Rep Hogan: Least restrictive, appropriate setting? Unavailability, is that a systems issue?

Alex Schweitzer: It is somewhat of a systems issue, we only have a certain number of psychologists that are trained to do this type of evaluation for the courts.

Chairman Koppelman: Was this discussed in conjunction of the courts or is it a strictly human services issue?

Alex Schweitzer: Often the court will write an order for the Human Service Center, We will normally contact the Clerk of Court and advise we do not provide these services. It is confusing to have Human Services listed in the statute.

Chairman Koppelman: So the change you're making to this bill is pretty extreme, it goes from listing Human Service Center to completely excluding them, is there a middle ground. Just an overstrike and not the new language, would that solve that problem for you?

Alex Schweitzer: We could live with that.

Chairman Koppelman: Closes.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1116
Job 17261
January 15, 2013

Conference Committee

Kristie Helgren

Explanation or reason for introduction of bill/resolution:

Evaluation to determine a defendant's fitness to proceed.

Minutes:

Chairman Koppelman: Re-open HB 1116. We agreed that there should be an overstrike but no new language should be added.

Rep Delmore: I have concerns about this.

Chairman Koppelman: Rep Hogan would it alleviate your concerns if we just took out the underscored language on line 14, left the overstrike and passed it that way.

Rep Hogan: I would be alright with that.

Rep Delmore: Should we be doing some checking with our Human Service at home, there was limited testimony on this and I would like a little more time.

Chairman Koppelman: That's fine.

Rep Paur: We listened to the Human Service Center, Alex Schweitzer.

Rep Delmore: Sometimes we just don't want to only hear the Governor; we want to hear from the people in the office if it's a bill that affects other people. I just want to look into to it a bit more.

Rep Paur: Who would be asking in the Human Service Centers?

Chairman Koppelman: Rep Delmore is only requesting more time to check with other people back home. Who will the bill impact?

Rep Hogan: The people I may want to visit with are local jails, because they are often dealing with the situation. This might be a change in practice that affects others.

Chairman Koppelman: I am not opposed to looking into these issues, since we do have time.

Rep Hogan: Also, how will it affect local law enforcement?

Chairman Koppelman: This seems drastic, to take Human Service Centers out as the go to, and think it's going to shift the foundation a little too much.

Rep Larson: Would you like us to amend this and leave it at that before we go?

Chairman Koppelman: We could amend those underscored words on line 14 out, so talk to the intern about the amendment, that way when we resume on HB 1116 we will have it in front of us.

Chairman Koppelman: Closes.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1116
January 23, 2013
Job 17627

Conference Committee

Kristie Helms

Explanation or reason for introduction of bill/resolution:

Evaluation to determine a defendant's fitness to proceed.

Minutes:

Chairman Koppelman: Do we have the amendments yet?

Rep Hogan: I have an email on them.

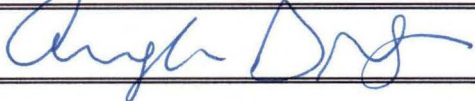
Chairman Koppelman: Hold HB 1116 until amendments are clear.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1116
February 5, 2013
Job 18320

Conference Committee



Explanation or reason for introduction of bill/resolution:

Evaluation to determine a defendant's fitness to proceed.

Minutes:

Chairman Koppelman summarized the bill and the amendment.

Voice Vote:

Rep Delmore moved for the amendment.

Rep Kretschmar seconded.

Voice vote carried.

Chairman read the amendment.

Rep Delmore moved for Do Pass as Amended.

Rep Hogan seconded.

Roll Call Vote:

Yes: 11

No: 3

Absent: 0

Carried by Rep Paur.

Chairman adjourned the committee.

February 5, 2013

VK
2/5/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1116

Page 1, line 14, remove ". but not a human service center"

Page 1, line 15, after the period insert "A human service center may not be considered a suitable facility and may not be considered suitable personnel under this section unless the court is aware that an inquiry has been made prior to the court ordering the evaluation to ensure that appropriate resources exist at the human service center being ordered to conduct the evaluation."

Renumber accordingly

Date: 2-5-3
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1116**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider _____

Motion Made By Rep. Delmore Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote - Carried

Date: 2-5-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1116**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Hogan

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan		/
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson		/			
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman		/			

Total (Yes) 11 No 3

Absent 0

Floor Assignment Rep. Paur

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

REPORT OF STANDING COMMITTEE

HB 1116: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 14, remove ", but not a human service center"

Page 1, line 15, after the period insert "A human service center may not be considered a suitable facility and may not be considered suitable personnel under this section unless the court is aware that an inquiry has been made prior to the court ordering the evaluation to ensure that appropriate resources exist at the human service center being ordered to conduct the evaluation."

Renumber accordingly

2013 SENATE JUDICIARY

HB 1116

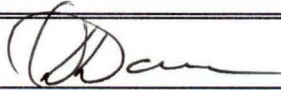
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1116
3/18/2013
Job #20052

Conference Committee

Committee Clerk Signature



Minutes:

Attached testimony and vote

Relating to an evaluation to determine a defendant's fitness to proceed

Senator David Hogue - Chairman

Alex C. Schweitzer - Director of Field Services for the Department of Human Services - See written testimony. (1) Senator Grabinger asks Mr. Schweitzer why some of these services cannot be handled by Human Services rather than transferring these people to the states hospital. Mr. Schweitzer explains that the examinations require years of experience and training and that experience is at the State Hospital. Senator Sitte asks him if it makes more sense to have four regions of the State that would have a trained individual that could do this. Mr. Schweitzer replies he would not recommend it because of the people they are dealing with. The State Hospital has the security and safety to deal with the individual they are evaluating but also any vulnerable patients that may be in the general area. He said often times these individuals they are dealing with have committed capital crimes and are dangerous. Senator Lyson said he would like to see some money put into this because of the amount of manpower it takes to transport these people and it costs the counties that are far from the State Hospital. Mr. Schweitzer explains how they added another evaluator because of the expansion of services. Senator Armstrong asks if they could travel to the outlying areas. Mr. Schweitzer replies they could and in special cases they would, if they were in a jail setting.

Opposition - none

Neutral - none

Close the hearing on 1116

Discussion

Senator Nelson asks if they ever use planes to transport. Senator Lyson explains how the security is on the individuals being transported. Senator Hogue says this is going to disproportionately burden the counties that are farthest from Jamestown. Senator Grabinger thinks flying the expert to the jails would work best. Senator Armstrong explains how it actually works in law enforcement. His concern is bogging down the court system and says this is very time consuming. He said this deals with fitness to proceed. The committee calls on Mr. Schweitzer to come up again for questions. He states there is no question that they are seeing a lot more referrals from the west with what is going on there.

Senator Lyson explains that some of the people they are dealing with are veterans so they are transporting many other places. His gives an example of how violent some of these people are. Senator Hogue asks Mr. Schweitzer if he has any data on sending the evaluator out instead of the individual going to the State Hospital. Mr. Schweitzer gives cost examples.

Senator Armstrong moves a do pass

Senator Lyson seconded

Vote - 7 yes, 0 no

Motion passes

Senator Sitte will carry

Date: 3/18/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1114**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By J. Armstrong Seconded By S. Lyson

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S. Sitte

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

REPORT OF STANDING COMMITTEE

HB 1116, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1116 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1116

Testimony

**Testimony
House Bill 1116 – Department of Human Services
House Judiciary
Representative Koppelman, Chairman
January 15, 2013**

Chairman Koppelman, members of the House Judiciary Committee, I am Alex C. Schweitzer, Director of Field Services for the Department of Human Services (DHS). I am here today to testify in support of House Bill 1116.

House Bill 1116 would remove DHS regional human service centers (HSCs) from the statute as providers of court-ordered fitness to proceed examinations.

Currently, a court may order the detention of a defendant for the purpose of an examination by a psychiatrist or a license clinical psychologist. This detention must be in the least restrictive appropriate setting, including the State Hospital at Jamestown, the Developmental Center at Grafton, or other suitable facility for a reasonable period of time, not to exceed 30 days, in order to allow for the fitness to proceed examination.

The DHS is asking for the removal of the regional HSCs from the statute, as the current practice is for these examinations to be completed at the State Hospital or the Developmental Center. The State Hospital with four licensed clinical psychologists and the Developmental Center with one licensed clinical psychologist have the most expertise, resources and time to perform these examinations. In addition, the institutions have the greater capacity to address the concerns of safety and security that are often required for these individuals.

This same expertise, resources, time, and security do not currently exist at the regional HSCs.

Thank you. I would be happy to answer any questions.

2-5-13

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13.8096.01001
Title.

Prepared by the Legislative Council staff for
Representative K. Koppelman
February 4, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1116

Page 1, line 14, remove ", but not a human service center"

Page 1, line 15, after the period insert "A human service center may not be considered a suitable facility and may not be considered suitable personnel under this section unless the court is aware that an inquiry has been made prior to the court ordering the evaluation to ensure that appropriate resources exist at the human service center being ordered to conduct the evaluation."

Renumber accordingly

Testimony
Engrossed House Bill 1116 – Department of Human Services
Senate Judiciary
Senator Hogue, Chairman
March 18, 2013

Senator Hogue, members of the Senate Judiciary Committee, I am Alex C. Schweitzer, Director of Field Services for the Department of Human Services (Department). I am here today to testify in support of Engrossed House Bill 1116, which was introduced at the request of the Department.

Engrossed House Bill 1116 would remove the Department’s regional human service centers (HSCs) from the statute as required providers of court-ordered fitness to proceed examinations.

Currently, a court may order the detention of a defendant for the purpose of an examination by a psychiatrist or a license clinical psychologist. This detention must be in the least restrictive appropriate setting, including the State Hospital at Jamestown, the Developmental Center at Grafton, or other suitable facility for a reasonable period of time, not to exceed 30 days, to allow for the fitness-to-proceed examination to be conducted.

The Department is asking for the removal of the regional HSCs from the statute, as the current practice is for these examinations to be completed at the State Hospital or the Developmental Center. The State Hospital, with four licensed clinical psychologists, and the Developmental Center with one licensed clinical psychologist, has the most expertise, resources, and time to perform these examinations. In addition, the institutions have the greater

capacity to address the concerns of safety and security that are often required for these individuals.

HSCs currently do not have the resources needed to complete these examinations.

House Bill 1116 was amended by the House of Representatives to permit an evaluation at the regional HSCs, as long as an inquiry has been made to the regional HSC to ensure they have appropriate resources to complete the evaluation.

Thank you. I would be happy to answer any questions.