

2017 HOUSE JUDICIARY

HCR 3003

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HCR 3003
1/17/2017
26991

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Requesting the Legislative Management to consider studying the impact of Marcy's Law on the statutorily provided rights of crime victims and those alleged to have committed crimes, and the criminal procedures relating to the rights of victims and criminal defendants.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on HCR 3003.

Opposition: None

Neutral: None

Recessed

Representative Klemin: Presenting the resolution. Went over the resolution and the comparison between federal and state laws on the rights of the acquiesced. (1:55-8:50)
Everyone got a copy of Marsy's Card (1)

Tony Weiler, Executive Director of the State Bar Association: Urges a do pass.

Opposition: None

Neutral: None

Hearing closed.

Do Pass Motion Made by Representative Maragos: Seconded by Rep. Magrum.

Discussion:

Representative Klemin: I think is this would go on the consent calendar.

Roll Call Vote: 14 Yes 0 No 1 Absent **Carrier: Representative Maragos**

Closed

Date: 1-17-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3003

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☒ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Maragos Seconded By Rep. Magrum

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson	✓	
Vice Chairman Karls	✓		Rep. Nelson	✓	
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum	✓				
Rep. Maragos	✓				
Rep. Paur	✓				
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment : Rep. Maragos

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

REPORT OF STANDING COMMITTEE

HCR 3003: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3003 was placed on the Tenth order on the calendar.

2017 SENATE JUDICIARY

HCR 3003

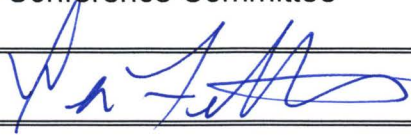
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HCR 3003
3/8/2017
28854

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

LM to consider studying the impact of Marsy's Law on the statutorily provided rights of crime victims and those alleged to have committed crimes, and the criminal procedures relating to the rights of victims and criminal defendants.

Minutes:

Attachments

1

Chairman Armstrong called the committee to order on HCR 3003. All committee members were present.

An attachment was handed out to the committee to view. (see attachment 1)

Lawrence Klemin, North Dakota State Representative District 47, introduced and testified in support of the bill. No written testimony.

"What this resolution does is requires a study of Marsy's Law and what the impact has been. Hopefully this study can show us the impact this has across the state on the victims, as well as the rights of those who are alleged to have committed the transgressions."

Lacee Anderson, Representing Marsy's Law for North Dakota, briefly testified in support of the bill.

"We stand in support of this resolution for the study."

Tony Weiler, Executive Director of the State Bar Association, briefly testified in support of the bill.

"We also support this study for the reasons that you have already heard."

Chairman Armstrong closed the hearing on HCR 3003.

Senator Nelson motioned for a Do Pass. **Senator Larson** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Senator Luick carried the bill.

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3003**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Nelson Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Luick

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

REPORT OF STANDING COMMITTEE

HCR 3003: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

HCR 3003

#1
3003
1-17-17

MARSY'S CARD

A summary of victim rights in North Dakota.

You have the right to be treated with fairness and respect, to be free from harassment and abuse, to be reasonably protected from the defendant (and any person acting on the defendant's behalf), the right to privacy, to have your safety and welfare (and that of your family) considered when decisions are made about bail or release, to a prompt and final conclusion of the case, to be informed of conviction, sentencing, and any post-judgment proceedings, and to consult an attorney about these rights.

You also have the following specific rights:

- To prevent disclosure of information or records that reasonably could be used to locate or harass you or your family, or which disclose confidential information about you, and to be notified of any request for such information.
- To receive reasonable notice of, and to be present at, all court proceedings.
- To refuse an interview or discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of defendant, and the right to set reasonable conditions if you do consent, all consistent with constitutional requirements.
- To be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding where your rights are implicated.
- To provide information regarding the impact of the defendant's conduct in any pre-sentence investigation, to have that information considered in sentencing or disposition recommendations, and to receive a copy of a pre-sentence report or plan of disposition, when available.
- To receive a copy of any non-confidential record relevant to the exercise of your rights.

- To the prompt return of your property when it is no longer needed as evidence.
- To restitution for all losses suffered as a result of the criminal or delinquent conduct.
- To be informed of the defendant's conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition, any release date, or the defendant's escape from custody or commitment.

TO ASSERT YOUR RIGHTS, **NOTIFY** THE LAW ENFORCEMENT OFFICER WHO GAVE YOU THIS CARD. You can assert your rights at any time. If you did not assert your rights to the responding officer, YOU **MUST** NOTIFY THE PROSECUTING ATTORNEY:

The prosecuting attorney is the:

☐ city attorney in this city;

☐ state's attorney in this county.

You will be required to provide contact information to the prosecuting attorney.

For more information or to register for automatic notification of court hearings, etc., go to

www.attorneygeneral.nd.gov (click "SIGN UP FOR VICTIM NOTIFICATIONS"), or

Contact the prosecuting attorney's office noted above.

2

ACR 3003
Rep. Klemm

3/8/17

http://bismarcktribune.com/news/local/crime-and-courts/crash-victim-s-sister-testifies-at-bond-hearing/article_d0350edd-f65c-5882-95b7-1e5b12410e3f.html

FEATURED

Crash victim's sister testifies at bond hearing

CAROLINE GRUESKIN Bismarck Tribune 20 hrs ago



Voldness

PROVIDED

A crash victim's sister asserted her Marsy's Law right to testify at a hearing Monday to forfeit the defendant's bond in an as-yet unusual occurrence bolstered by the new constitutional amendment.

Denielle Glas, whose brother Denver died in a motorcycle crash on Aug. 15, took the stand in favor of revoking the \$25,000 cash bond for driver Darci Voldness.

Voldness, 29, of Jamestown, is charged with manslaughter and methamphetamine ingestion in connection with the death. She is accused of using meth just hours before causing the fatal crash near Buckstop Junction. While out on bond, she allegedly slid her car into a ditch after a night of drinking.

South Central District Judge John Grinsteiner made a sort of compromise. He doubled the bond to \$50,000 cash but did not revoke the \$25,000 already posted.

Aaron Birst, executive director of the North Dakota State's Attorney's Association, said it was the first time he knew of a victim testifying at this kind of hearing since Marsy's Law passed in November.

"It's almost unheard of that a victim testifies at a bond revocation hearing," Birst said.

Marsy's Law, also known as Ballot Measure 3, amended the state constitution to expand crime victim's rights. Among those is a right to be heard at all hearings relating to a person's release and sentence.

Prior to the amendment, victims typically gave input to the prosecutor who would make an argument in court. The prosecutor's association opposed the ballot measure last year, arguing that it might clog the court system due to prosecutors needing to continually take victim input.

Voldness faced revocation of the five-figure bond due to an incident on Feb. 18 when she was out on bail. Stustman County Sheriff's Deputies found she had run her car off the road and into a ditch near Streeter. She admitted to her probation officer she had six to seven drinks at a bar that night, according to the incident report. She said the car slid on ice and into the ditch.

"She is continuing to participate in the same behavior that led to the manslaughter charge," Burleigh County Assistant State's Attorney Marina Bahr wrote in her request to the judge to revoke the bond.

At the hearing, Glas argued on behalf of her family that Voldness had gotten enough chances on the current bond and was putting more people like her 33-year-old brother — a father of three — at risk. She said she thought the state should get the money.

"I know it's addiction, and I know she wants to get help and I think she should get help," she said. "But I don't want it to be another Denver."

Glas said she wanted to see Voldness go to an inpatient treatment facility prior to trial, acknowledging that addiction may have driven both incidents.

Voldness' attorney Kent Morrow pointed out that the drug treatment Glas suggested is not available within the county jails where she would be held if she cannot post the higher bond. Morrow said Voldness has an addiction problem and made it nearly 150 days without major slip-ups before this incident. He noted her family attended the court hearing and put up the money for the first bond.

A four-day trial is scheduled in the case for Sep. 12.