

2017 SENATE HUMAN SERVICES

SB 2161

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2161
1/17/2017
Job Number 26959

- Subcommittee
 Conference Committee

Committee Clerk Signature

Erinney Brothers

Explanation or reason for introduction of bill/resolution:

A bill relating to domestic violence program records.

Minutes:

Attachment: 1

Chair J. Lee: Opened the hearing on SB 2161. All members were present.

Senator Bekkedahl, District 1: Introduced the bill and testified in Support of SB 2161 (See Attachment #1).

(2:20) **Chair J. Lee:** I see the intent is to make it a local shelter decision so a shelter would be able to choose to have an undisclosed location.

Senator Bekkedahl: That is correct; it remains a local decision.

(2:55) **Janelle Moos, Executive Director, CAWS ND:** This was brought to us by one of our largest ND shelters (in Minot). We are a membership coalition; we have 20 crisis centers and within those crises centers there are eight programs which operate eight stand-alone shelters. This bill is looking at the difference between confidentiality of the center's location versus client confidentiality. We are bound to confidentiality by federal and state statute. Having the shelter in a concealed facility would essentially protect the identity of the victim receiving those services but most communities already know where the shelter is. All of the research suggests there has been no increase in violence or harassment of the workers or any of the victims receiving services by having a known location of the shelter but it was the opposite. This opens the doors to say that domestic violence is a community problem and we apart of the solution to end it.

Vice Chair Larsen: I have been to the Minot shelter and it an excellent facility. How full is the shelter and what do victims receive when they arrive and how long can they stay?

Janelle Moos: I do not know the current population but in the last several years, all of our domestic shelters have been at capacity to the point where they have had to turn victims away. Minot is a 40 bed shelter and there are many shelters in the process of being built.

You can stay anywhere from 30 days to two years in a shelter and that often depends on where a victim is at in terms of their recovery.

Vice Chair Larsen: Do your shelters offer self-defense classes?

Janelle Moos: Our programs do not offer self-defense classes and we as an organization do not endorse self-defense classes. Obviously, everyone has the right to decide if that is the best way to keep them safe. Our stance is to provide victims with choices and they have a choice to leave the relationship. We rely heavily on the criminal justice system.

Vice Chair Larsen: Are there any domestic violence shelters for men?

Janelle Moos: We house everyone. It is not only a state and federal requirement with our funding, it is something our program has always done. Sometimes we will choose to house off-site; for example, sometimes we do not collocate domestic violence victims with human trafficking victims but they still receive the same services.

Senator Clemens: What is the main difference between a shelter and a safe home?

Janelle Moos: Before we had actual shelter facilities, we had community members who would offer a temporary place for someone to stay for one or two nights so that is the difference between the two.

Senator Anderson: One of our communities is 60 miles away from a shelter and they have signs in some of the windows of homes saying "safe home." According to this, that is a violation of the law because they are revealing the location of that place. Is that a problem? How would an individual who needed a safe home find out about them?

Janelle Moos: Law enforcement is usually how victims know where the shelter is. The majority of our centers do not use safe homes anymore—we use hotels or other systems we have in place.

Senator Anderson: I live in a community 60 miles away and I understand your services in a larger city, but the rural communities use the safe homes where your facilities might not be an option.

Janelle Moos: That is correct—but our shelters do offer transportation. In rural communities, most want to stay in their homes. If a victim chooses to stay in their house, we provide them with safety planning and other things that allow them to stay in their house.

Senator Piepkorn: Senator Anderson, are these homes safe homes? Are they operating individually or are they a part of a program?

Senator Anderson: I do not know.

Janelle Moos: This is the first I have heard of signs being placed in homes but there are other programs.

Chair J. Lee: Asked the committee to do some research in case there were things that could be implemented to help the rural communities.

Senator Heckaman: I think a home needs more than a sign to ensure it's a safe home—it would need to meet some kind of criteria or licensing.

Janelle Moos: We do not license safe homes, but we do have administrative rules that are tied to receiving state general funds through the health department so there are specific things crises centers have to align.

Chair J. Lee: There used to be signs like that in windows for children in neighborhoods. If they were fearful, they could go to a safe area and I don't think we can do that anymore.

Janelle Moos: We will learn throughout the session with the work regarding human trafficking that there is movement within our own state because of the concerns with colocation. Youth Works has received a grant to develop host homes that goes back to that old model of domestic violence safe homes and licensing foster homes that are sheltering human trafficking victims. That seems to be the trend.

Chair J. Lee: Closed the hearing on SB 2161

Senator Piepkorn: Is there a typo on line 9?

Chair J. Lee: I think that is an overstrike. I'm surprised that it is required that these shelters be anonymous because the shelters I have seen are very visible on purpose.

Senator Heckaman: Moved Do Pass on SB 2161.

Vice Chair Larsen: Seconded the motion.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Piepkorn will carry the bill.

Date: 1/17 2017
 Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES**
 BILL/RESOLUTION NO. 2161

Senate Human Services 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 Sen. Heckaman Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	X		Senator Joan Heckaman	X	
Senator Oley Larsen (Vice-Chair)	X		Senator Merrill Piepkorn		
Senator Howard C. Anderson, Jr.	X			X	
Senator David A. Clemens	X				
Senator Curt Kreun	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Piepkorn

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

REPORT OF STANDING COMMITTEE

SB 2161: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS**
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the
Eleventh order on the calendar.

2017 HOUSE JUDICIARY

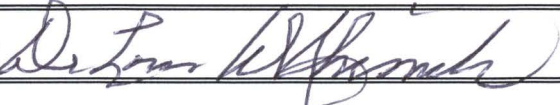
SB 2161

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2161
3/14/2017
29157

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to domestic violence program records.

Minutes:

1,2

Chairman K. Koppelman: Opened the hearing on SB 2161.

Senator Bekkedahl: Introduced the bill. (#1) Went over testimony. (1:00-3:00)

Representative Klemin: What was that last comment about shelters?

Senator Bekkedahl: In statute currently they are not able to give out their shelter location. This permits them to put that information out. It goes back to members employed by the shelter being able to let the community know where they are at in a public manner versus on an individual basis and keeping that confidential.

Representative Klemin: This is an open records state so we really have three categories of records; confidential; exempt which means it can be disclosed at the option of the entity; and that it is open. If this is being changed to an open option, I am not sure this bill does that.

Senator Bekkedahl: I am a dentist by trade so you can decide that. Reading line 6. It states all agencies and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing.

Chairman K. Koppelman: What Rep. Klemin in saying under law we may to reword it. If this bill passes as is; nothing is going to protect legally the address and telephone number etc. of a shelter, but it would be up to the shelter to decide if they want to promote that.

Senator Bekkedahl: If I worked at the shelter and I was at an event there and I would say where you could fine us.

Chairman K. Koppelman: if you wanted a legal protection for this information; then it would be an exempt record. I think I am hearing you say if shelters want to kept that close to their vest and not advertise it that is fine. If another one wants to really promote it that is fine too.

Senator Bekkedahl: It is my understanding if I worked at a shelter and I don't want to be promoting that in the community at a meeting; I could still do that.

Janelle Moos, CAWS of ND:(#2) Everyone knows where the shelters are now so that is why we are coming with this bill. (8:30-12:20)

Representative Klemin: If this is information that is subject to the open records law in ND then we cannot have a local option on this unless this bill says so. It would have to be a stated exception to the open records law. Assuming this is subject to the open records law. I am not sure this bill is doing what you want it to do?

Janelle Moos: I would like to set down and discuss this with you. There has been discussion with AG whether they are open records or not.

Chairman K. Koppelman: Is there any reason why any shelter in the state would want their information and location to be confidential?

Janelle Moos: The original intent of this law was to make sure if someone is opening up their house to victims of domestic violence that was and would remain confidential. We have really gone away from that. We don't use safe homes anymore in the state.

Chairman K. Koppelman: As the bill is written; if the bill would pass the way it stands; We are talking about legal protection under the law; if think you are referring to that you can decide to promote something as much or little as you want.

Janelle Moos: It is these local shelters locations that are being built across the state that are primarily state and federally funded and they have a lot of local contributions. The reason we didn't strike out safe home; they don't have the additional protections an actual facility has.

Chairman K. Koppelman: The reason you want this information out there; if someone needs help they will know where it is?

Janelle Moos: Yes, if folks know shelters are available in their community the more likely the rates are going to go up. Then they can escape the violence if they need to.

Opposition: None

Neutral: None

Hearing closed

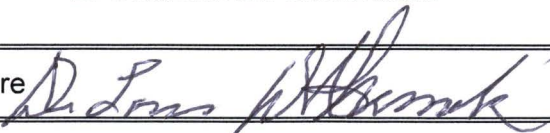
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2161
3/14/2017
29197

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

1

Chairman K. Koppelman: Opened the meeting on SB 2161.

Do Pass Motion Made by Rep. Maragos; Seconded Rep. Vetter

Discussion:

Representative Klemin: If this bill becomes law, if this is subject to the open records law there is no local option to say I can't tell you where the local shelter is. There are some that want to keep it confidential?

Chairman K. Koppelman: You made that clear in the questioning during the hearing. It means it removes the protection from the statute and it is like any other entity.

Representative Klemin: If they are asked they can't say no.

Chairman K. Koppelman: They could say no but they could.

Representative Maragos: (mike not on)

Do Pass Motion Made by Rep. Maragos; Seconded Rep. Vetter- Withdrawn

Chairman K. Koppelman: Why do we want to make it a closed record. From the hearing on the bill there is none of these shelters that want to make them secret. I don't think it needs to be kept in law as an exempt record. Maybe the original bill language is just fine?

Representative Klemin: I heard differently. There are some that do not want to keep is confidential like Grand Forks. If this is confidential they can't make it public even if they want to without this amendment.

Janelle Moos: (#1) After the hearing and what was addressed whether or not we are subject to open records. Most of our shelter do receive public funds. The reason Representative Klemm and were going to work on an amendment regarding that if a program chose locally to kept their location confidential; the language that was crossed out in the original bill wouldn't allow them to do that.

Representative Nelson: If I am working how do I know which one is a shelter or an Emergency Safe House? If I am a member of the public and I saw emergency safe housing I would still think of the shelter in my mind.

Janelle Moos: It could be a lot of different things that are called shelter? Emergency Safe House might be some bodies actual residence or it could be a hotel. They won't have the security measures and there is no way you can keep the address of a hotel private.

Representative Nelson: Let's say a woman is abused and receives emergency services and goes to a shelter; you reveal the address of the shelter; she sues you because you released confidential information of where her emergency address was.

Janelle Moos: What is not part of this bill are additional sections. If you go into Chapter 14; there are additional sections so there is a number 2 that outlines if you feel like it in the best interest of the program; there are reasons why you would disclose certain things.

Representative Nelson: The Women's shelter in Minot that it wasn't confidential where that was located because I am thinking that is Emergency Safe Housing. I don't believe the public is going to know. I think we should possibly know for sure instead of just crossing out a word and leaving these other terms in place.

Chairman K. Koppelman: What this governs is not a member of the public knowing where something is. It is rather the release of the information by the entity. If you are saying it is confidential as current law does; if you are part of a safe house or an emergency safe housing that is designated and you are an employee there you would know the difference, I assume and that is who this statute binds.

Janelle Moos: I don't believe they are defined under Chapter 14. This amendment was to try to address the concerns regarding public records or whether or not a program chose to keep their location secret.

Representative Nelson: When you were talking about a shelter; you said higher security. Maybe it would be better to say a place with this security is exempt compared to just crossing out the word shelter. I would not know if that was done if we don't define it better.

Janelle Moos: We don't advertise the location of emergency safe housing. This section of the statute is intended for the staff, volunteers and boards of director that are part of the centers. It was designed to notice the public about the difference between an emergency shelter or a safe home. This amendment is just an option.

Representative Klemin: I have looked at the definition of closed record and I am thinking that is probably not the way to say it here. This amendment says the location of the shelter is a closed record as defined in the open record law. Location is a closed record as defined. Closed record means all or a part of an exempt record that a public entity has not opened to the public so that means it is still closed. I think we should say the location of the shelter is an exempt record as defined and we need to get the right definition. So 44-04-17.1 (5) is exempt meeting or record means all or part of a record or meeting is not required by law to be open to the public nor is confidential, but may be open in the discretion of the public entity.

Chairman K. Koppelman: Does it say confidential the way current records are defined?

Representative Klemin: When you get to subsection 2 it says the information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed and then it goes on?

Closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2161
3/15/2017
29284

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to domestic violence program records.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on SB 2161.

Representative Klemin: (#1) Hog house. (1:21-5:00) Went through the proposed amendment.

Motion Made to Move the Klemin amendment 17.0708.01001 by Representative Roers Jones: Seconded by Representative Paur:

Discussion:

Voice vote carried.

Do Pass As Amended Motion Made by Representative Maragos: Seconded by Representative Roers Jones:

Discussion:

Roll Call Vote 15 Yes 0 No 0 Absent Carrier: Representative Paur

Representative Klemin: Both Senator Bekkedahl and Janelle Moos concurred with this amendment.

Closed.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2161

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-07.1-18 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-18. Domestic violence or sexual assault program records - Confidentiality - Exceptions - Penalty.

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;
 - b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or

3/15/17 DB

2 of 2

- d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.
4. Any person who violates this section is guilty of an infraction."

Renumber accordingly

Date: 3-15-17
Roll Call Vote 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2161

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0708.01001

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. Roers Jones Seconded By Rep. Paur

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					

0 Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

*Voice Vote
Carried*

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2161**

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0708.01001

- 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. Roers Jones

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	✓				

⁰ Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Paur

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

REPORT OF STANDING COMMITTEE

SB 2161: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-07.1-18 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-18. Domestic violence or sexual assault program records - Confidentiality - Exceptions - Penalty.

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;
 - b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or
 - d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.

4. Any person who violates this section is guilty of an infraction."

Renumber accordingly

2017 CONFERENCE COMMITTEE

SB 2161

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2161
4/7/2017
Job Number 29997

Subcommittee
 Conference Committee

Committee Clerk Signature

Mame Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to domestic violence program records.

Minutes:

1 attachment

Chairman Anderson: Brought the conference committee hearing on SB 2161 to order, all members were present: Senator Anderson, Senator Clemens, Senator Piepkorn; Representative Klemin, Representative Magrum, and Representative Hanson.

Representative Klemin: We tried to accommodate the prime sponsor's request that some of the shelters wanted to have a local option on whether their information, address etc., was confidential or not. We were informed that some of the shelters wanted to take the confidential clause out so that they could publish their location, there were others that didn't want to do that. The solution was to make that information an exempt record, which means they could disclose it or not at their discretion. I handed out the definition of exempt record (**Please see attachment #1**).

Chairman Anderson: If you look at the end of the sentence, may be open at the discretion of the public entity. Some of these aren't public entities, they're private operations, how does apply to all of them?

Representative Klemin: That's as close as we could come, these shelters receive public funds, so they are subject to the open records law, according to the Attorney General. If they receive public funds, then regardless of whether they are public or private, they would still be subject to this provision, otherwise the confidentiality provision from the open records law has to apply to all of them. We're trying to accommodate their request so that they can do it or not at their discretion. That was the solution available under the open records law, to make it an exempt record.

Chairman Anderson: Many of the reference you inserted here on page 2, in one place it says an abused child is one thing and then it says a neglected child is another and then there's deprived child. When you get to those sections in 27 that apply to the court releasing the information, why was it necessary to address the court's ability to release this or not?

Representative Klemin: We're not doing anything on that, this bill amended sub section 1 of 14.07-18, what you're referring to is part of the existing law in subsection 2 in that same statute. All of that is already there, we're not changing anything about that, the only thing we're doing is adding a new subsection 3 that relates to shelters.

Chairman Anderson: I understand that; why do we need to address that in this bill if it was already in the law?

Representative Klemin: If we're going to amend a subsection we have to put the whole section in, which is why subsection 2 is there. We can't just put in a new subsection 3, now the bill has all of the existing law and the recommended law, all this is the way it's been drafted.

Committee discussion about the way the bill was drafted. (5:50-7:20)

Senator Clemens: On subsection 3, the part you added in, it refers to 44.04-17.1, what does that refer to?

Representative Klemin: The definition I handed out to you. That's the definition of exempt record.

Janelle Moos, Executive Director, CAWS ND: We testified in the House, we felt like this was a cleaner way to outline what our intention was, some shelters want open houses, some want to keep location confidential; this gives them the flexibility to do that. When this bill was drafted, we crossed out the word shelter, they didn't include subsection 2, it didn't make sense to add a new subsection without including this. This is a good fix, it allows flexibility, Rep. Klemin is correct, we're non-profit organizations, but we receive public funds, so we are subject to the open records.

Representative Hanson: I would echo Rep. Klemin, this clarifies, section 2 provides context to how this fits in.

Senator Piepkorn: I move we accede to House amendments.

Representative Klemin: Second.

A roll call vote was taken.

Motion passes 6-0-0.

Chairman Anderson and Representative Klemin will carry.

Chairman Anderson: Closed the hearing.

Date: 4/7
Roll Call Vote #: 1

**2017 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2161 as (re) engrossed

Senate Human Services Conference Committee

- Action Taken **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows

 Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Piepkorn Seconded by: Rep. Klemin

Senators	4/7		Yes	No	Representatives	4/7		Yes	No
Senator Anderson	X		X		Rep. Klemin	X		X	
Senator Clemens	X		X		Rep. Magrum	X		X	
Senator Piepkorn	X		X		Rep. Hanson	X		X	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Anderson House Carrier Rep. Klemin

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted
Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2161: Your conference committee (Sens. Anderson, Clemens, Piepkorn and Reps. Klemin, Magrum, Hanson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 830 and place SB 2161 on the Seventh order.

SB 2161 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

SB 2161

SB 2161
Attache #1
1/17

Senate Human Services Committee
January 17, 2017
Honorable Senator Judy Lee, Chair
SB 2161 Testimony by Senator Brad Bekkedahl

Madam Chair Lee and Committee,

Senate Bill 2161 is a request from the North Dakota Council on Abused Women's Services (NDCAWS), to amend language in NDCC 14-07.1-18, relating to domestic violence program records. Specifically, you will see on line 8 of the bill, the removal of the word "shelter" from the current language. All of the other areas dealing with confidentiality remain in the bill.

North Dakota is one of only 9 states that still have the location of the shelter confidential in statute. Some shelter programs feel publishing the shelter may increase the fear of staff that an abuser will attempt to seek entry to the facility. We now live in a society where it is beneficial for the community to know shelters exist, and where they are located, for the abused to find them. Community activism is a positive in identifying and helping reduce abuse in our communities. Williston recently held a widely publicized ground breaking for their new facility, in hopes that the community knows where to find them in their new location. Fear was always based upon the history of facilities in the past having minimal security measures. Today's facilities have substantial security measures, including cameras and strong relationships with law enforcement. It is important for individual shelters to weigh all factors when deciding whether or not to publish their address for access. Removing the current statutory prohibition allows those that feel the accessibility issue outweighs other concerns for the benefit of the community, to now allow their shelter address to be listed. It is still a local shelter decision.

The Executive Director of CAWS North Dakota, Janelle Moos is also here to give further testimony to this revision request. I appreciate the Committee's interest and attention to this bill and ask for your support with a Do Pass recommendation. I am happy to stand for any questions.

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3-14-17

March 14, 2017

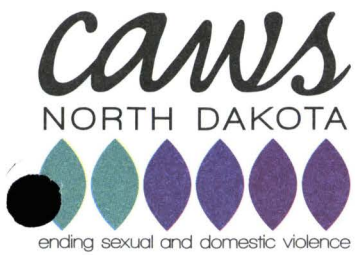
House Judiciary Committee
Honorable Representative Kim Koppelman, Chairman
SB 2161 Testimony by Senator Brad Bekkedahl

Chairman Koppelman and Committee,

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Testimony on SB 2161
House Judiciary Committee
March 14, 2017

Chairman Koppleman and Members of the Committee:

My name is Janelle Moos and I am the Executive Director of the CAWS North Dakota. Our Coalition is a membership based organization that consists of 20 domestic violence and rape crisis centers that provide services to victims of domestic violence, sexual assault, and stalking in all 53 counties and the reservations in North Dakota. I'm speaking this morning on their behalf in support of SB 2161.

Domestic violence shelters actively promote the safety and healing of victims who turn to them for help. The Family Violence Prevention and Services Act or FVPSA and the Violence Against Women Act or VAWA require that any shelter or domestic violence program in order to maintain its federal funding are barred from disclosing to anyone any information about a victim receiving services. These federal statutes act as integral protections for victims of violence crime that wish to keep their location and records confidential from abusers, family, community members, and state or local law enforcement. But it's important to distinguish between the confidentiality of the location of the shelter and client confidentiality.

As Senator Bekkehdal outlined in his comments, SB 2161 updates the subsection 1 of section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records by removing the reference to "shelter" in subdivision a. The history related to a shelter being in a concealed location many cite safety for the victims leaving abusive relationships as the main advantage while others note that this practice is an illusion. In an article published in Feminism and Psychology, Carol Post, the former director of the Delaware Coalition Against Domestic Violence noted "I think that the advantage is that it makes it more difficult for perpetrators to find the victim, although we know what if they really want to they can and will find them. It's the joke that the shelter is the best known secret in around."

Although most shelters in the US are confidential, almost 9% have chosen to publish their addresses. The dominant argument for the published location was that it invites community support and protection of the residents and staff. While the safety is a critical concern, there is no evidence that more public sites pose greater risks for shelter residents or workers. Violence

is uncommon at shelters and threats to staff are rare. Strong relationships with neighbors and law enforcement aid in dealing with this issue. Shelters are often confidential in theory but not in practice and in most communities shelters have been in a stable location for years. Concealing the shelter location is particularly difficult in rural areas.

In closing, the expansion of shelters into more public roles represent an area of important gains. Community support is primary to endorsing the practice of making shelters as public as possible. Shelters have been moved from politically marginalized organizations to institutions with strong ties to state and federal funding sources. When shelter locations are published and public, we know that the issue of domestic violence needs to be dealt with. We need to quit hiding behind closed doors and windows. We need the community to not embrace the shelters but that domestic violence is no longer a private issue and in order to stop the violence from continuing we need to work together, therefore I urge a DO PASS on SB 2161.

Thank you.

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Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2161

Introduced by

Senators Bekkedahl, Kannianen, Oehlke

Representatives Lefor, Sukut, Zubke

1 A BILL for an Act to amend and reenact subsection 1 of section 14-07.1-18 of the North Dakota
2 Century Code, relating to domestic violence program records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 14-07.1-18 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. All agents, employees, and volunteers participating in a domestic violence or sexual
7 assault program shall maintain the confidentiality of the:
 - 8 a. Address, telephone number, and other identifying information of a ~~shelter~~, safe
9 home, and place of emergency safe housing;
 - 10 b. Name, address, telephone number, personally identifying information, and case
11 file or history of any client receiving services from a domestic violence or sexual
12 assault program; and
 - 13 c. Name, address, telephone number, and other identifying information of an agent,
14 employee, or volunteer providing services under a domestic violence or sexual
15 assault program.

make a new #3 The location of the shelter is a closed record
as defined in 44-04-17.1(2)(5).

3: → 4.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2161

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-07.1-18 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-18. Domestic violence or sexual assault program records - Confidentiality - Exceptions - Penalty.

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a shelter, safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;
 - b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or

- d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.
4. Any person who violates this section is guilty of an infraction."

Renumber accordingly

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44-04-17.1. Definitions.

Text

As used in this section through section 44-04-32:

5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity.