

FISCAL NOTE
Requested by Legislative Council
02/01/2017

Amendment to: SB 2302

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill removes the sunset clause on the 24/7 sobriety offenders education program. Eminent domain information is on the Office of Attorney General web site. The office monitors and gathers program records and statistics regarding the status of the 24/7 sobriety program.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

N/A

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 02/01/2017

FISCAL NOTE
Requested by Legislative Council
01/20/2017

Bill/Resolution No.: SB 2302

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N/A

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N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 01/24/2017

2017 SENATE JUDICIARY

SB 2302

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2302
1/31/2017
27633

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the offender education program, online publication of eminent domain information, and twenty-four seven program records and statistics; relating to a drug use status and trends report.

Minutes: Testimony attached #

1,2

Chairman Armstrong called the committee to order on SB 2302. All committee members were present.

Senator Larson introduced and briefly testified in support of the bill. Senator Larson said there will be some amendments being offered shortly to this bill.

Troy Seibel, Chief Deputy of the Attorney General's Office, testified in support of the bill. Troy went over the different sections of the bill.

"We would propose 2 different amendments to add to this bill. You can see them on the handouts. (see attachment 1)

The proposed amendments were discussed. (see attachment 1)

Chairman Armstrong: "Have we had anyone participate in a John (offenders of prostitution) School yet?"

Troy Seibel: "No."

Chairman Armstrong: "When you say agencies or companies working on this program, I'm assuming you're talking about County Sheriffs, for the most part?"

Troy Seibel: "Yes. I believe so."

Chairman Armstrong: "Because we don't have any privatization of 24/7 yet, correct?"

Troy Seibel: "I don't believe so."

Christina Sambor, Director of FUSE (A Force to End Human Sexual Exploitation) and former Director of the North Dakota Human Trafficking Task Force, testified in support of the bill. (see attachment 2)

Chad Litton, Chairman of the Criminal Justice Program at the University of Mary, testified in support of the bill. No written testimony. He discussed how he was contacted by the Attorney General's Human Trafficking Commission and asked to create a curriculum for the John School.

"First, we did research to figure out what types of programs were already out there and which ones were successful and which ones weren't. We discovered that most of the models were built off of the First Offender Prostitution Program in San Francisco. We looked at that program and another in one Minnesota carefully, particularly because a program like this has a recidivism rate of less than 2%."

Chad Litton stated the 5 particular sessions of the John School program: Connection of Prostitution to Human Trafficking; Impact of Behavior Implications of the Purchasers, including legal implications, as well as health implications; Impacts of Behavior on the Community; Victim Impact, which is where they learn about how it affects the victims of prostitution, and last is Developing Healthy Relationships in the Communities.

"This kind of program is very similar to the First Offender Prostitution Program in San Francisco. Then we looked at who can work to help teach the offenders these sections. We have a website set up where they must contact us to sign up for the school."

Senator Larson: "Is there anybody signed up to attend the first class in February?"

Chad Litton: "Because the technology infrastructure isn't set up yet in any court system, nobody has actually been signed up for the class until that is in place. But we have contact from four offenders who are eligible to receive this program."

Chairman Armstrong closed the hearing on SB 2302.

No motions were made.

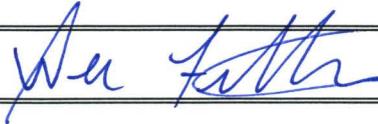
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2302 Committee Work
1/31/2017
27637

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the offender education program, online publication of eminent domain information, and twenty-four seven program records and statistics; relating to a drug use status and trends report.

Minutes:

Attachments #

1

Chairman Armstrong began the discussion on SB 2302. All committee members were present.

Chairman Armstrong briefly went over the proposed amendments. (see attachment 1)

Senator Myrdal motioned to Adopt the Amendments. **Senator Larson** seconded.

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

Senator Larson motioned to Do Pass as Amended. **Senator Myrdal** seconded.

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

Senator Larson carried the bill.

Chairman Armstrong ended the discussion on SB 2302.

January 31, 2017

CM
1/31/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2302

Page 1, line 1, after "sections" insert "12-60-05 and"

Page 1, line 1, after the first comma insert "subsection 1 of section 29-06-05.2, and sections"

Page 1, line 1, remove the second comma

Page 1, line 2, after "to" insert "appointment of ad hoc special agents,"

Page 1, line 2, after "program" insert ", authority for federal law enforcement officers to make arrests"

Page 1, line 3, remove the third "and"

Page 1, line 5, after "report" insert "; and to provide a penalty"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 12-60-05 of the North Dakota Century Code is amended and reenacted as follows:

12-60-05. Attorney general - Duties - Appointment of personnel.

The attorney general shall act as superintendent of the bureau and shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents, and such other employees as the attorney general deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor. The attorney general may appoint ad hoc special agents. Ad hoc special agents are law enforcement officers from other jurisdictions appointed for a specific law enforcement purpose and do not become full-time or part-time employees of the attorney general.

Page 1, line 11, after "12.1-29-06" insert "or chapter 12.1-41"

Page 1, after line 15, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Federal agent" means an employee of the federal bureau of investigation; the federal drug enforcement administration; the bureau of alcohol, tobacco, firearms and explosives; the homeland security investigations unit of the department of homeland security; or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer."

Renumber accordingly

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2302**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.8161.01001

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 Senator Myrdal 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 _____

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

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2302**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.8161.01001

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 Senator Larson Seconded By Senator Myrdal

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 Larson

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

REPORT OF STANDING COMMITTEE

SB 2302: **Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "12-60-05 and"

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Renumber accordingly

2017 HOUSE JUDICIARY

SB 2302

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2302
2/20/2017
28520

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to appointment of ad hoc special agents, the offender education program, authority for federal law enforcement officers to make arrests, on line publication of eminent domain information, and 24/7 program records and statistics; relating to a drug use status and trends report; and to provide a penalty.

Minutes:

1, 2,3,4

Chairman K. Koppelman: Opened the hearing on SB 2302.

Senator D. Larson: (#1) Read testimony. Just a cleanup bill for the Attorney General's office. I am in full support of the amendment that is going to be proposed.

Troy Seibold, Chief Deputy Attorney General: In support of this bill. I would like to offer an amendment to add an emergency clause to this bill. (#2)

Representative Klemin: On Section 3 is the amendment of the definition of federal agent to include these other agencies. What is the purpose of this definition relates to?

Troy Seibold: Section 3 gives the federal agents arrest authority for state law crimes. They would have arrest authority for federal crimes, but if the crime they are observing is a state law crime they would not have authority to arrest under state law.

Representative Hanson: Dealing with the last section; the repeal. It was mentioned in prior testimony that is a duplicate report from another agency. Can you tell us more about who handles that right now?

Troy Seibold: Currently the report is generated by both by our office and the State Ecodome Ecological Work Group (CEOW) is producing this. We are asking our office be removed from code.

Representative Jones: What is making the Attorney General's do this?

Troy Seibold: It is stemming out of DAPL. We are also getting federal law enforcement and they can be deputized by the county; but this is now covering several counties. This gives them the authority to operate anywhere in the state too.

Representative Jones: What kind of controls do we have. Is this a temporary thing? How does the Attorney General's office view this?

Troy Seibold: This is going to be narrow and focused and it is limited in its duration. These folks are here and on the ground now. We are going to keep an eye on these folks and they are going to be operating under the supervision of our agents in BCI.

Chairman K. Koppelman: (10:01) Background on jurisdiction to jurisdiction. A few years ago we passed a bill to allow people from other jurisdictions to be deputized within a county as was indicated and also people from other states. Those that live near a border have people coming in and this helps those people have authority.

Representative Paur: Why would you need the federal agent when you have in Section 1 the ability to appoint ad hoc agents?

Troy Seibold: We could. Under existing law there are federal agencies that have arrest authority under state law. This is adding in three additional agencies that are helping out with DAPL and it would give them arrest authority under state law.

Representative Magrum: Would you object to having a sunset clause on it so it has to be renewed every two years?

Troy Seibold: We would prefer not to. South Dakota Attorney General can deputize our BCI agents and has done that for years. When we go down there and help out we have been given that authority. If that is something we have to deal with we will.

Representative Klemin: I am looking at subsection 2, referring back to section 3 on the definition of federal agent. We have subsection 1 in the bill, but we don't have subsection 2 there so I looked it up in the code. This section goes on to say once we define who a federal agent is; they have the same authority as a peace officer in this state when making an arrest for a non-federal crime. There are several conditions and one of which is federal agent is rendering assistance to a peace officer in an emergency or at the request of the peace officer. Is that the situation we are talking about here? Why don't we have US Marshalls on here are they covered somewhere else.

Representative Maragos: On the monitoring status on the 24-7 reporting. Have agencies or companies been withholding this?

Troy Seibold: They are slow in getting that information to us. The Attorney General has a statutory obligation to issue the report. We have run into agencies that been slow getting that information.

Representative Maragos: How does the Attorney General propose to nudge them along?

Troy Seibold: We are hoping it would be qualified and there is a statutory obligation for your agency to provide us with this information in a timely fashion.

Representative Vetter: What is that report?

Troy Seibold: That is the report I mentioned earlier that goes to CEOW.

Representative Jones: When Rep. Klemin read that about the federal agents will then he the same authority to arrest on state laws. That sounds pretty broad and it sounds like they are going to be able to come in and arrest under any state law with the same authority as the state. Is it going to be limited authority and how is that spelled out in the bill?

Troy Seibold: If you look at the full statute those federal agents have to be part of either a task force. There are limitations of when these federal agents would have arrest authority under state law. There are limitations in the statutes.

Representative Klemin: I had mentioned one circumstance under which the federal agent You just mention another one; working on a task force. A federal agent has reasonable grounds to believe a felony offense was committed. There are only those three provision in here as to when a federal agent can arrest for a non-federal crime.

Representative Nelson: In Section 1 we have special agents that appear to be employees and we have the ad hoc special agents, which appear to be not employees. What do we see these ad hoc special agents being used for?

Troy Seibold: We are looking at now as an ad hoc special agent we are receiving from our sister states that we would be deputizing them for DAPL. Additional situations may arise in the future where we would consider that help if it is something that is available to the state. So how pays for them?

Representative Nelson: Then we see the special agents are only up to the limit of legislative appropriations, but we don't see any similar language for the ad hoc special agents.

Troy Seibold: They are being paid from the jurisdiction they are coming from.

Representative Nelson: So we are not borrowing money to pay for those agents who are here to help us? So when we say in the law they are not employees; do we have a special exemption from that law so that you can tell the guy has to be there by 5:30AM Tuesday morning and do this and that, but he is not an employee?

Troy Seibold: I am not aware of a special exemption. I will defer that question to Dallas on how that works.

Representative Magrum: If federal agents go down on federal land where the folks are camped out. Can they arrest them there? How does that work?

Troy Seibold: It depends. If there is a federal crime being committed; if it is a state only crime they would not have that authority unless they are an agency that is listed in the statute. So if it is a state only crime they would not have that authority. They can come in and make those arrests for federal crimes, but not for state only crimes.

Chairman K. Koppelman: Section 1 deals with the ad hoc special agents that the Attorney General deputizes. Then Section 3 deals with the other federal agents. In Section 3 it only speaks of federal crimes?

Troy Seibold: That Section of code gives them authority to make arrests for state crimes in limited circumstances that Rep. Klemin discussed earlier.

Chairman K. Koppelman: Why weren't these included before?

Troy Seibold: Department of Homeland Security didn't exist and a couple of these were just overlooked. These folks are here and asking for us to provide that authority if this body deems it appropriate.

Chairman K. Koppelman: What about that repeal area again. Are all these components in that other agencies report?

Troy Seibold: Yes

Dallas Carlson, Director of the Bureau of Criminal: We have had South Dakota come up often so we are doing this not only for DAPL. We took this from South Dakota laws. I don't think the sunset clause would work with this. This would also take care of drug task forces all over the state. They may cover anywhere from two to seven counties. They might be Burleigh County so he has to go across the river to get deputized in Morton County so he can work both counties. We could use this to make ad hoc special agents of all these so they would have clear cut jurisdiction across the area where they work. Discussed various instances that had happened.

Representative Klemin: Going back to Section 1 on do not become full time or part time employees; is that for workman's compensation purposes that that says that here?

Dallas Carlson: My understanding is they would be covered that way for a shooting or an injury. Right now they have nothing if we bring an agent in from South Dakota.

Representative Klemin: If this is the same language as South Dakota then you go to South Dakota are you covered by their workers comp or ours?

Dallas Carlson: I we leave the state for training; the first 30 days are covered with the home state and after that you would have to purchase it through where they are at.

Chairman K. Koppelman: WSI must have provisions. Lots of people travel with their work.

Representative Nelson: Back to the different federal agencies. One that is not being included is the BIA. Can you share your thought on that?

Dallas Carlson: We have BIA officers assigned to our Bismarck and Minot task forces. When we go out and do the searches on the reservations very few enforcement actions off the reservation, but they are assigned to our task forces. When we go into counties and deeded land is reservation or not? The task forces work that out and I do not have the details.

Representative Nelson: I was thinking of the breaking of state laws by non-tribal members in tribal territory. They don't have arrest ability as far as I know even if they see the state law being broken by a person in that situation and often they are the only law enforcement around. I did not know if the Attorney General's office is working on that or you didn't feel this was the proper time or what?

Dallas Carlson: These two agencies came to us and reminded us that they aren't included in the statute. We did not ask BIA.

Chairman K. Koppelman: If you are on the reservation do you have the same authority as you would elsewhere?

Dallas Carlson: You do not. It depends on the reservation treaty.

Representative Jones: How long has this been available in South Dakota? Have you had any complaints about ND going in or any abuse?

Dallas Carlson: As far as I can remember. When we go into South Dakota we just go and we are running free. We typically have an agent with us. This would take care of that jurisdiction issue. If someone came to ND from SD; we will be in contact with them all the way.

Representative Jones: You have had no complaints?

Dallas Carlson: Are you talking federal or state?

Representative Jones: I am talking both.

Dallas Carlson: I have never heard of any negative comments on either side of that.

Chairman K. Koppelman: Do you have the same authority to enforce federal law?

Dallas Carlson: Typically that would be drug cases.

Chairman K. Koppelman: Do you have the same authority to enforce federal law? Do you make a federal arrest in those cases? How does that work?

Dallas Carlson: Typically, that would be drug cases. For 25 years we have had task forces working with FBI and DEA. We have them house in our office right now.

Representative Jones: I you have a prolongs situation going on in ND who handles that?

Dallas Carlson: The lead agency of that jurisdiction is in charge.

Chairman K. Koppelman: Do they call the shots?

Dallas Carlson: Yes they do.

Christina Sambor, Director of FUSE: (#3) (39:10-43:30) Went over testimony. Also passed out Chad Litton handout (#4) Not here.

Representative Nelson: How was the recidivism rate figured?

Christina Sambor: It was for the first offender prostitution program that was established in San Francisco. There was a federal report that was done and looking at the effectiveness of that program and that is where that recidivism rate came from. Those are not percentage of ND; they were calculated for a similar program in another state.

Representative Nelson: How was it figured? How does it work?

Christina Sambor: It is based on those who are getting arrested. I would go and follow up on that study. I could get that information for you. I can send that study out to you like we did on the Senate side so you can look at it.

Representative Nelson: What percentage of sex traffickers were arrested?

Christina Sambor: Very few. There is the traffic person and is typically a woman. The prosecuted person was the offender; not the victim. Policy across the country is shifting in the direction in understanding that that person is really commodified in that situation. When we are arresting them we are not looking into this issue. We had no base line on human trafficking and how frequently it was happening and who was being arrest until just 2016. The funding we got from the state legislature; from the federal government and private foundations allowed us to set up FUSE, but ND human trafficking task force which is a partnership between CAWS, BCI, US Attorney's office and that has been our formal investigative and drug service agency. That has been now functioning for a full year now.

Chairman K. Koppelman: You talked about an average recidivism rate of 1.88% and Rep. Nelson asked about that. Is that for people who have gone through the program one time or is it an ongoing serious of things?

Christina Sambor: I think it is a first offender program. I could look closer at that study. There are different groups of demands. There are people who are purchasing occasionally and really don't have a lot of depth of understanding about the broader consequences of their behavior and there are people who purchase regularly and don't care about the consequences of their behavior.

Chairman K. Koppelman: This is an issue that we have seen change through the years. This whole effort has sped that up. The whole trafficking came to light due to the boom.

Opposition: None

Neutral: None

Hearing closed.

Chairman K. Koppelman: This bill needs to be moved so if there is anything you feel you want to delve into we can consider tweaking that on another bill later. We do have this amendment recommended by Mr. Seibold.

Motion made to move the amendment by Rep. Karls; Seconded by Rep. Maragos

Discussion:

Voice vote carried.

Do Pass as Amended Motion Made by Rep. Maragos; Seconded by Rep. Roers Jones

Discussion:

Representative Magrum: I can't support this bill unless we have a sunset clause.

Chairman K. Koppelman: Any bill can be looked at if you make a note.

Representative Jones: If we do this without sunset; if we come back two years from now and heard abuse; how hard is it for us to revisit it?

Chairman K. Koppelman: Both would require a bill so I think it is the same process.

Representative Jones: The argument with no putting a sunset on it is that these people feel like they got some stability in the law.

Chairman K. Koppelman: If we put a sunset on it.

Roll Call Vote: 12 Yes 3 No 0 Absent Carrier: Rep. Karls

Closed.

2/20/17 DO

17.8161.02001
Title.03000

Adopted by the Judiciary Committee

February 20, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2302

Page 1, line 6, remove the second "and"

Page 1, line 7, after "penalty" insert "; and to declare an emergency"

Page 3, after line 17, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2302**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: **Seibold Amend. Attachment #2** *17.816i.02001*

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. Karls Seconded By Rep. Maragos

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) _____ No _____

Absent _____

Floor Assignment _____

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

Voice vote carried.

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2302**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: **17.8161.02001**

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	X		Rep. Hanson	X	
Vice Chairman Karls	X		Rep. Nelson	X	
Rep. Blum	X				
Rep. Johnston		X			
Rep. Jones	X				
Rep. Klemin	X				
Rep. Magrum		X			
Rep. Maragos	X				
Rep. Paur	X				
Rep. Roers-Jones	X				
Rep. Satrom	X				
Rep. Simons		X			
Rep. Vetter	X				

Total (Yes) 12 No 3

Absent 0

Floor Assignment Rep. Karls

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

REPORT OF STANDING COMMITTEE

SB 2302, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the second "and"

Page 1, line 7, after "penalty" insert "; and to declare an emergency"

Page 3, after line 17, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2017 TESTIMONY

SB 2302

1

1/31/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2302

Page 1, line 1, after "sections" insert "12-60-05,"

Page 1, line 1, after "12.1-29-07," insert "subsection 1 of section 29-06-05.2, sections"

Page 1, line, after 2 "to" insert "appointment of ad hoc special agents,"

Page 1, line 2, after "program," insert "authority for federal law enforcement officers to make arrests"

Page 1, after line 6 insert:

"SECTION 1. AMENDMENT. Section 12-60-05 of the North Dakota Century Code is amended and reenacted as follows:

12-60-05. Attorney general - Duties - Appointment of personnel. The attorney general shall act as superintendent of the bureau and shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents and such other employees as the attorney general deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor. The Attorney General may appoint ad hoc special agents. Ad hoc special agents are law enforcement officers from other jurisdictions appointed for a specific law enforcement purpose and do not become full-time or part-time employees of the attorney general"

Page 1, line 11, after "12.1-29-06" insert "or 12.1-41-05"

Page 1, after line 15, insert;

"SECTION 3. AMENDMENT. Subsection 1 of section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Federal agent" means an employee of the federal bureau of investigation, the federal drug enforcement administration, the bureau of alcohol, tobacco, firearms, and explosives, homeland security investigations, or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer."

Renumber accordingly

SB 2302

Senate Judiciary Committee

Testimony of Christina Sambor, Director of FUSE and former Director of the North Dakota Human Trafficking Task Force in support

January 31, 2017

Mr. Chairman and Members of the Committee:

I come before you today to offer testimony in support of section 1 of SB 2302, which would remove the sunset clause from NDCC § 12.1-29-07. As part of a multi-faceted approach to curbing sex trafficking in North Dakota, FUSE and partner agencies, including the Attorney General’s Office and Human Trafficking Commission, began formulating plans to create a prostitution offender program, or “John’s School” as it is colloquially known. In the summer of 2016, CAWS North Dakota began working with the University of Mary to develop a curriculum for such a program. UMary took a leadership role in driving forward the development of the program because of its participation in the Attorney General’s Human Trafficking Commission.

Dr. Chad Litton is leading the effort and can provide the committee with the specifics on the current progress of the program. In support of the work that CAWS and UMary are doing in this regard, I offer the following:

FUSE has been contacted on several occasions by attorneys looking for options for in state education for prostitution offenders. I have informed them of the pending course that will be available beginning in early 2017. In addition, the North Dakota Human Trafficking Task Force is moving into its second year of work, and is focusing in this second year on equipping local police departments to do more proactive work. Based on this focus and the intensive training that will come along with it, there is plenty of reason to believe we will continue to have offenders in the

criminal justice pipeline in ND, and that the existence of the Offender Education Program will be supported by proactive law enforcement efforts. Additionally, you will find in your email inboxes studies that have evaluated the “John’s School” model and found it to be successful in reducing recidivism rates. While offender education is certainly not the only tool we are deploying in the fight against human trafficking, I think it is a valuable addition to our efforts. The data that could be collected from having a robust and proactive approach to the demand side of human trafficking has the potential to help law enforcement and service providers better understand the market in North Dakota. It also provides a platform to provide broader community education events, and to help gain valuable insight into the motivations and attitudes of buyers of commercial sex.

I would also recommend that the committee make the following amendment to the current draft of the bill: include NDCC § 12.1-41-05 as an additional offense for which the offender education program may be ordered. Section 12.1-41-05 criminalizes “Patronizing a victim of sexual servitude.” It subjects a buyer of commercial sex who knows that the prostituted person is a victim of sexual servitude to a B felony if they are an adult, or an A felony if they are a minor. This section of code is essentially an aggravated solicitation offense, and therefore may also be an appropriate basis for enrollment in the offender education program.

We must ensure that we focus not only on just on the “supply” side of commercial sexual exploitation in North Dakota, but also on the “demand” side. Continuing to support the effort to launch an offender education program is an important step in that direction. I thank the Committee for its time and attention and would urge a “do pass” recommendation on section 1 of SB 2302.

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1/31/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2302

Page 1, line 1, after "sections" insert "12-60-05,"

Page 1, line 1, after "12.1-29-07," insert "subsection 1 of section 29-06-05.2, sections"

Page 1, line, after 2 "to" insert "appointment of ad hoc special agents,"

Page 1, line 2, after "program," insert "authority for federal law enforcement officers to make arrests"

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Page 1, line 11, after "12.1-29-06" insert "or 12.1-41-05"

Page 1, after line 15, insert;

"SECTION 3. AMENDMENT. Subsection 1 of section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Federal agent" means an employee of the federal bureau of investigation, the federal drug enforcement administration, the bureau of alcohol, tobacco, firearms, and explosives, homeland security investigations, or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer."

Renumber accordingly

#1
582302
2-20-17

Mr. Chairman and members of the committee, for the record my name is Diane Larson and I am a Senator from District 30 in Bismarck. SB 2302 is a clean-up bill for the Attorney General's office.

Section 1 gives the Attorney General authority to appoint as ad hoc special agents law enforcement officers from other jurisdictions to assist our North Dakota law enforcement.

Section 2 removes the sunset clause on the offender education program.

Section 3 includes ATF and Homeland Security as "Federal agents" who are authorized to arrest in North Dakota.

Section 4 removes the requirement for the Attorney General's office to publish a pamphlet to inform about eminent domain laws. They haven't published these pamphlets for years and the information is available on line on their website.

In section 5 the Attorney General's office keeps records of the 24-7 program, and this addition specifies that the reports shall be provided to their office within 30 days of requesting those records.

Section 6 is a repeal of section 19-03.1-44 which is a duplicative report already provided by another agency.

There are others here who can go into better detail with this bill, and we recommend a do pass in this bill.

Sibold

#2
2302
2-20-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2302

Page 1, line 6, remove "and"

Page 1, line 7, after "penalty" insert "; and to declare an emergency"

Page 3, after line 17, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

#3
2302
2-20-17

SB 2302

House Judiciary Committee

Testimony of Christina Sambor, Director of FUSE and former Director of the North Dakota Human Trafficking Task Force in support
February 20, 2017

Mr. Chairman and Members of the Committee:

I come before you today to offer testimony in support of section 1 of SB 2302, which would remove the sunset clause from NDCC § 12.1-29-07. As part of a multi-faceted approach to curbing sex trafficking in North Dakota, FUSE and partner agencies, including the Attorney General's Office and Human Trafficking Commission, began formulating plans to create a prostitution offender program, or "John's School" as it is colloquially known. In the summer of 2016, CAWS North Dakota began working with the University of Mary to develop a curriculum for such a program. UMary took a leadership role in driving forward the development of the program because of its participation in the Attorney General's Human Trafficking Commission.

FUSE has been contacted on several occasions by attorneys looking for options for in state education for prostitution offenders. I have informed them of the pending course that will be available beginning in early 2017. In addition, the North Dakota Human Trafficking Task Force is moving into its second year of work, and is focusing in this second year on equipping local police departments to do more proactive work. Based on this focus and the intensive training that will come along with it, there is plenty of reason to believe we will continue to have offenders in the criminal justice pipeline in ND, and that the existence of the Offender Education Program will be supported by proactive law enforcement efforts. Additionally, you will find in your email inboxes studies that have evaluated the "John's School" model and found it to be successful in reducing recidivism rates. While offender education is certainly not the only tool we are deploying in the fight against human trafficking, I think it is a valuable addition to our efforts. The data that could be collected from having a robust and proactive approach to the demand side of human trafficking has the potential to help law enforcement and service providers better understand the market in North Dakota. It also provides a platform to provide broader community education events, and to help gain valuable insight into the motivations and attitudes of buyers of commercial sex.

We must ensure that we focus not only on just on the "supply" side of commercial sexual exploitation in North Dakota, but also on the "demand" side. Continuing to support the effort to launch an offender education program is an important step in that direction. I thank the Committee for its time and attention and would urge a "do pass" recommendation on section 1 of SB 2302.

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#4
2302
2-20-17

SB 2302

House Judiciary Committee

Testimony of Professor Chad E. Litton, PhD, Director, University of Mary Criminal Justice Program in support

February 20, 2017

Mr. Chairman and Members of the Committee:

I am here today to offer testimony in support of section 1 of SB 2302, which would remove the sunset clause from NDCC § 12.1-29-07. In the summer of 2016, in conjunction with NDCAWS and the Attorney General's Human Trafficking Commission the University of Mary's Criminal Justice Program began working to develop the curriculum for the Demand Reduction Program or as it is more commonly known as "john's school." After completing research on successful programs in other states, the University of Mary settled on the basic framework of the First Offender Prostitution Program in San Francisco and the Breaking Free Program in the Twin Cities. These programs, and other similar programs, have an average recidivism rate of 1.88%.

The basic outline of the Demand Reduction Program consists of a one day, offender financed, educational program with five sessions. They are: The connection of prostitution and human trafficking, The impacts of purchasing behavior on the purchaser, The impacts of purchaser behavior on the community, The impacts of purchaser behavior on the victim, and Developing healthy relationships and communities. These five sessions focus on the risks and impacts of purchasing prostitution that the purchaser may not have been aware of at the time of the offense. The concept behind this type of intermediate sentencing option is that certain offenders will not reoffend once they more fully understand the impact of their behavior on themselves and others. The extremely low recidivism rate (1.88% for programs similar to the Demand Reduction Program) proves this point.

In conjunction with the Attorney General's Office, CAWS, FUSE, Youthworks, the BCI, the North Dakota Department of Health, mental health professionals, and other experts both from North Dakota and from other states, the North Dakota Demand Reduction Program should be ready for its first class in mid-February.

On behalf of all of those who have worked to develop this curriculum to make this sentencing option a reality, I thank you all for your time this morning and urge a "do pass" recommendation on section 1 of SB 2302.

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