2023 HOUSE JUDICIARY

HB 1059

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1059
1/4/2023

Disclosure of pending decisions

Chairman Klemin opened the hearing on HB 1059 at 2:15 PM.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. VanWinkle, Rep. Vetter, Rep. Schneider, Absent: Rep. S. Olson

Discussion Topics:

- Pressure on media
- Informing the pubic
- Personnel issue vs. a crime

Sara Behrens: Staff attorney, State Court Administers Office, Testimony 12354.
Jack McDonald, ND News Association and Broadcasting Association, oral testimony

Rep. Vetter moved to amend the bill, Amendment 23.8023.01001, Testimony 12514, seconded by Rep. Satrom.

Roll call vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	AB
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion Carries 11-1-1.

Rep Roers Jones moved a Do Not Pass as Amended on HB 1059, seconded by Rep VanWinkle seconded.

Roll call vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	AB
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	N
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Motion carried 10-2-1. Representative Bahl will carry the bill.

Chairman Klemin closed the meeting at 2:50 PM.

Delores Shimek, Committee Clerk

Adopted by the House Judiciary Committee

1/4

January 4, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1059

Page 1, line 7, replace "a court" with "either the supreme court or a district court"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1059: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1059 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "a court" with "either the supreme court or a district court"

Renumber accordingly

TESTIMONY

HB 1059

House Bill 1059
House Judiciary Committee
Testimony Presented by Sara Behrens
January 4, 2022

Good afternoon Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1059. Last year, the U.S. Supreme Court's Dobbs decision overruling Roe v. Wade was leaked ahead of the issuance of the opinion. The leak resulted in threats to the justices' safety. A man carrying a gun, knife, and zip ties was arrested near Justice Brett Kavanaugh's house.

Following the Dobbs' leak, the North Dakota Supreme Court considered the penalty for such a leak at the state supreme court level or the district court level. A draft opinion is just that, a draft. The judge or justices may not have finalized their opinions and the draft is subject to change. The deliberations of a judge or justices are not public and should not be public. The leak of a draft opinion at either court level can lead to major consequences for judge safety, confidence in the judicial system, and economic viability of a business subject to the opinion.

HB 1059 adds a new section to chapter 27-01 making it a class A misdemeanor to intentionally disclose a pending decision. This will hopefully provide some deterrent to anyone considering disclosing a draft opinion and accountability if it does occur. Thank you for your consideration and we urge a do pass.

23.8023.01001
Title.02000

Adopted by the House Judiciary Committee

January 4, 2023

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Renumber accordingly