2023 SENATE JUDICIARY

SB 2232

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2232
1/25/2023

A bill relating to exempting crime scene images of minors; relating to law violations and open record and open meeting laws.

11:00 AM Chairman Larson opened the meeting.

Present are Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Braunberger and Paulson.

Discussion Topics:

- Investigative images
- Confidentiality
- Exceptions
- Executive sessions

11:00 AM Senator Luick introduced the bill.

11:02 AM, Mary Kae Kelsch, Attorney General's Office, testified in favor of the bill #16502, 16754.

11:25 AM Jack McDonald, North Dakota Newspaper Association, provided oral testimony in favor of the bill.

11:28 AM Chairman Larson closed the public hearing.

11:28 AM Senator Luick moved to adopt proposed amendments to the bill LC 23.0832.01001, #16754.

Seconded by Senator Myrdal.

Roll call vote.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed. 7-0-0

11:30 AM Senator Luick moved to Do Pass the bill as Amended.
Seconded by Senator Myrdal.

Roll call vote.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed 7-0-0.

11:31 AM Senator Luick will carry the bill.

This bill does not affect Workforce Development.

11:32 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

Adopted by the Senate Judiciary Committee

January 25, 2023

1/1
1-25-2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2232

Page 1, line 12, overstrike "liquor, gambling, cigarette, snuff,"

Page 1, line 12, overstrike "or"

Page 1, line 13, overstrike "habit-forming drug"

Page 1, line 19, replace "a description" with "descriptions"

Page 1, line 19, remove the second "a"

Page 1, line 19, replace "image" with "images"

Page 1, line 19, replace "includes" with "include"

Page 1, line 20, replace "is an" with "or parts of a record containing such descriptions are"

Page 1, line 20, remove "record"

Page 2, line 6, replace "A statement" with "All statements"

Page 2, line 8, replace "is" with "are"

Page 2, line 8, replace "statement relates" with "statements relate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

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2023 HOUSE JUDICIARY

SB 2232

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2232
3/14/2023

Relating to exempting crime scene images of minors; and Relating to law violations and open record and open meeting law

10:35 AM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, and Rep. Vetter. Absent: Rep. Cory and Rep. VanWinkle

Discussion Topics:

- Open meetings and records laws.
- Frequency of opinion requests.

Mary Kae Kelsch, Director of the Division of General Counsel, Attorney General's office. Testimony # 24502

The hearing closed at 10:45 AM

Rep. Schneider moved a Do Pass;
Seconded by Rep. Rios

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

Roll call vote: 8 Yes 3 No 2 Absent Motion carried.
Carrier: Rep. Schneider

The meeting closed at 10:48 AM

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2232, as engrossed: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2232 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2232

SENATE JUDICIARY
1/25/2023

TESTIMONY OF MARY KAE KELSCH
OFFICE OF ATTORNEY GENERAL
SENATE BILL NO. 2232

Madam Chair, members of the Committee.

I am Mary Kae Kelsch, Director of the Division of General Counsel, and I appear on behalf of the Attorney General.

Chief Deputy Claire Ness contacted Senator Larson and the bill sponsors about amendments we are offering due to drafting changes Legislative Council accidently made to our original bill draft.

Section One: Chapter 44-04 is not only the home of open records and meetings, but also of some other laws related to public entities. We propose to remove outdated language regarding states' attorney and law enforcement duties to investigate specific crimes found in N.D.C.C. § 44-04-06 "Peace officer to report law violations."

Section Two: N.D.C.C. § 44-04-18.7 is the section of the open records and meetings law that addresses records held by law enforcement. Currently, the law protects crime scene images of a victim of a homicide or sex crime or any image of a minor victim of any crime. What this bill will do is expand this protection to include descriptions of images. Law enforcement officers often will include descriptions of the evidence they find in their reports. We want to protect those descriptions.

Section Three: Governing bodies are able to go into an executive session to discuss exempt or confidential information. One valid reason to hold an executive session is for consultation with the governing body's legal counsel. This bill will clarify that the discussion between the members of the governing body, as long as it is related to the topic of the attorney consultation, is properly in the executive session.

Section Four: The open meetings law sets out the requirements for posting notice of public meetings held by a governing body. The requirements have changed over time as technology has changed. Currently, the law makes it optional to post a meeting notice on a website. This bill would require that public entity post meeting notices on its website if it has one.

Section Five: Any person may request an opinion from the Attorney General's office regarding whether the open records and meetings law was violated. If the request meets the statutory time requirements, an opinion is written and issued. The law does not allow any discretion by the Attorney General for issuing the opinions. We have situations where repeated requests for opinions rises to the level of disrupting the functions of the office. This is not done lightly which is why we have language setting clear parameters on when we could decline a request.

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HOUSE JUDICIARY
3/14/2023

TESTIMONY OF MARY KAE KELSCH
OFFICE OF ATTORNEY GENERAL
SENATE BILL NO. 2232

Chairman Klemin, members of the Committee.

I am Mary Kae Kelsch, Director of the Division of General Counsel, and I appear on behalf of the Attorney General.

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