

JOINT TECHNICAL CORRECTIONS

HB 1480

THIS WAS THE JOINT TECHNICAL CORRECTIONS COMMITTEE FOR
THE 2001 SPECIAL SESSION

BILL/RESOLUTION NO. HB 1480

☐ Conference Committee

Hearing Date November 27, 2001

Tape Number	Side A	Side B	Meter #
TAPE I	X		01 to 4412
Committee Clerk Signature <i>J. van E. Dura</i>			

Minutes:

CHAIRMAN BERG: Called the committee to order on HB 1480. Roll call taken with the following members present: Rep Berg, Rep DeKrey, Rep Delzer, Rep Ekstrom, Rep R. Kelsch, Rep Mahoney, Rep Mueller, Rep Price, Sen. Mutch, Sen. Grindberg, Sen. Krebsbach, Sen. Traynor, Sen. Trenbeath, Sen. Heltkamp, Sen. D. Mathern, Sen. C. Nelson. We will review the process. we are set up real similar to the Redistricting Joint Committee, so since this is a House bill, we will take testimony on the bill. This committee will take a vote on the bill. The bill will then go to the House Chamber for a vote and then will be passed over to the Senate. If the Senate wishes to reconvene this committee, we would reconvene and have another hearing or the Senate may waive that and just take it up on the floor of the Senate. We will begin with testimony in favor of HB 1480.

Wayne Stenehjem: Attorney General for the state of North Dakota and I appear in support of HB 1480 which has been introduced at the request of my office. I want to explain about what the

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Joint Technical Corrections Committee

Bill/Resolution Number HB 1480

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bill does and where the history of this came from. In North Dakota since 1991, we have taken the forefront on registration of certain sex offenders, in fact we were registering serious sex offenders before we were required by Federal Law. I think that represents a commitment to the state of North Dakota to protect our children and our families. What has happen in the mean time as we adopted these statutes, is that the Federal government has also made certain requirements under the Pam Lychner Act, the Jacob Wetterling Act, the Campus Violence Protection Act and some others, has made us adopt certain changes. Some of which are very good. But what happened in 1999, we had a bill that was introduced that was in response to Federal enactment, that requires that the conviction of two offenses to result in a life time requirement to register as a sex offender. That was a good thing, we thought, except we worried in some respects that the bill might have gone too far as introduced. We elected to require only two felonies. After you folks left when you adjourned in April, we were notified by the Justice Department that the statute that we passed in 1999 is not in compliance with the Pam Lychner Act. What North Dakota needed to do, in addition the requirement two felony convictions to require a life time registration we also need to include four separate misdemeanor offenses as registration requirements. The conviction of two of which would also result in a require for life time registration. You have on your sheet a listing (see attached). A graph that explains. The blue folder also explains (see attached). What this bill would do is comply with the Federal requirements. Now what will happen if we don't do that, the problem is, if we do not do that, we will lose 10% of the Edward Byrne grant money that is awarded to the state of North Dakota each year. We get approximately 2.2 million dollars per year, and failure to enact this statute would result in North Dakota a lose of \$220,000. That money is used to fight drug trafficking and domestic violence in the state of North Dakota. I have

the list of the money that was awarded (see attached) this year. There are funds from that grant that are awarded to each and every community. I do not come in here lightly seeking introduction of a bill in the legislature, it is only after we learned that the Federal government was not going to grant us and further delays and October was the end of the line for us. To do this we had a phone meeting with the Department of Justice last week, asking us to please let us wait on this measure until next session when you meet, and they said no. You either pass this bill or you lose that funding. I would like to introduce from my office Jonathon Byers, who is the individual who is in charge of prosecuting through an assistance prosecutors, sex abuse crimes in North Dakota and also is the person who oversees this area within our office. So if there are technical questions, he will be here to answer those.

Chairman Berg: Any questions? What is the essence of the Pam Lychner Act? As there a case the evolved into that act?

Wayne Stenehjem: (Attorney General) You will see that with the Jacob Wetterling Act, the Pam Lychner, those who were individuals who were victims of sex offenses or loses and people on their behalf went in and urged the Congress to pass laws in response the bills or laws were named after those victims.

Senator Mutch: Could you restate the name of the source of this fund where the 2 and one quater or 2 and one half milllion, is that a foundation?

Wayne Stenehjem: The Edward Byrne grant program, if a Federal program that appropriates money by the Congress to the states for use in dealing with drug trafficking and domestic violence cases. In North Dakota we have a committee that meets and they review applications

from across the state, that money goes to local and state law enforcement agencies to help fight drug trafficking and domestic violence.

Senator Grindberg: Are there any other states that face the same level that we are here?

Wayne Stenehjem: (Attorney General) I don't know, Jon do you know? There are 12 other states.

Senator Grindberg: So the Department of Justice has put down a mandate, it is the Federal government say you do it or lose funding. If there are 12 other states, there has got to be a little latitude here. Are they all in the same, they aren't all in session. Do they face the same dead line.

Wayne Stenehjem: They didn't know that you were going to be in session, nor did they care, when they told us a few months ago that the deadline was October. No one knew that you would be here and we would have this avenue available to us. If you hadn't been here, I guess we would just have lost that funding.

Senator Grindberg: Is there a congressional delegation, concern over how Justice is being summarized?

Wayne Stenehjem: I have to tell you the Justice Department is only being stubborn because that is what the Congress passed in their legislation. They are not making a mistake on this. They don't have any latitude, they are enforcing and interrupting the statute as passed by the Congress and they are doing it accurately. So if there is a problem, it is not that the Justice Department is being unwieldy they are enforcing the law that the Congress passed. The Congress could make a change, but I don't see that happening before next year.

Senator C. Nelson: When the bill came up in 1999 we had a long discussion on corruption and facilitation of a minors and sexual assault.

Wayne Stenehjem: We did, but the problem, but there are some changes that the Congress is suggesting that I think are a great idea. I think that anyone that is convicted twice (who is an adult) who is trying to lure a minor through the Internet for sexual purposes, deserves to be a life time registrant. The problem that we have is this, under our law, technically it is possible if you have an 18 year old guy and his 17 year old girlfriend who engage in sexual intercourse, it is a criminal offense. If they are convicted twice, those individuals would have to register for life as sex offenders. We had a problem with that. Certainly many felt it should be some time of criminal offense, we weren't certain that it was a good idea to require a life time registration. So what we did, we provided for the first time offense, a judge would have the discretion to not require registration. That seems to be all right. The practical reality and I think that Rep Mahoney will tell us this, is that States Attorneys don't prosecute these crimes. They know they will have trouble getting a conviction or they know that the results might be a registration requirement so they either don't charge them or they plea bargain or reduce the charges down to a disorderly conduct or some other offense that is not register able. Senator Nelson has correctly outlined what concern we had, but I think that the problem we have is with North Dakota law that needs to be tweaked a little bit so we don't have the kind of result that we are talking about. My office is more than willing to meet with anyone that wants to sit down and talk about ways that we can fix that one problem in the next session. In the mean time I don't think that it is too likely that we will see any body convicted not once but twice of an offense that States Attorneys will enforce anyway.

Senator Heitkamp: There was no way for your office to see this storm coming before so that these funds were put at risk. The problem being is that they didn't care whether we were going to

have a special session or not. It is somewhat fortunate that we are, so we don't lose these funds.

But did we drop the ball here.

Wayne Stenehjem: They caught on to it. In 1999 we passed that law and we knew that there was a possibility that we were going to have some trouble. It wasn't until this April 2001 that the Justice Department looked at our statute and decided that we were out of compliance. You were gone by then. They granted us a waiver until October, but they told us that was it.

Senator Heltkamp: This April?

Wayne Stenehjem: It was after you left.

Rep Mueller: Two issues, you talked about the 2.2 being involved. How much of the 2.2 goes into the effort of drug trafficking and the seconded question is I am not so sure that I am getting the tie together of drug trafficking and sexual predator offenders. Could you explain.

Wayne Stenehjem: I don't know how much of a tie in there is between the two. I can just tell you that the Federal government says enact this statute this way or lose the funding. I don't know why they tie it in. (see attached)

Senator Traynor: I noticed in the bill that you have modified the definition of domicile is that about the federal?

Jonathon Byers: (member of the Attorney General's staff) We are attempting in this bill to comply with a couple of different Federal mandates. Number one with the Pam Lychner Act also by next fall there is a Fiscal Year Appropriations Act that we have to comply with and the Campus Sex Crime Safety Act. That definition comes out of one of those two Acts. So we decided to fix both of those problems with this bill.

Senator Traynor: If the Legislature does not pass this, what happens to the money?

Wayne Stenehjem: I know the money doesn't come to North Dakota and I imagine that it doesn't go to anybody. I felt I should come and talk to you after reading the article that was in the Fargo Forum about the police man who out of their own pockets, are paying for vests, guns and their own ammunition. I think that is not a good situation, we need in North Dakota we need to keep our families and our streets safe. We need to utilize all of our resources that we can find and we cannot afford to lose this money.

Senator Traynor: Would this bill improve the safety in our neighborhoods?

Wayne Stenehjem: Yes, I think it would. I think the registration requirement is a very good thing. We have set up a web site for some of these serious sex offenders, so that people would know who is in their neighborhoods. In addition to that, the lose of this money is something that will hamper our ability to protect our families and keep our streets safe.

Chairman Berg: You are not promoting your web site producer?

Wayne Stenehjem: www.sexoffender.com

Senator Mutch: The money, do you have some formula as how you allocate that out?

Wayne Stenehjem: We have a committee composed of a number of individuals that is sub divided into three groups and they allocate those funds based on applications that are received. It is a hearing process.

Rep Delzer: Your Byrne money, how steady has that been over the past few blennium's?

Wayne Stenehjem: I don't know how long ago the Byrne grant money was set up, it has been very steady and looks to be that way in the foreseeable future.

Rep Delzer: You don't think the September 11th will have any change on the Byrne money coming out of the Federal.

Wayne Stenehjem: I haven't had any indication of that.

Rep Delzer: How many people would this change immediately effect, do you know?

Wayne Stenehjem: I could tell you the number of people who are now registered for a sexual assault charge for example, who would have to register if they were convicted of another offense? But I don't know if there is anybody whose two sexual assault charges, who as a result of this change will now have to register. We have sexual assault convictions who are under 22 are 6. Those folks run the risk, if they are convicted again, of having to register for life time. But they already have to register for 10 years, so they are on the list.

Rep Delzer: Is there any way that the offender can be a minor?

Jonathon Byers: (Attorney General's office) One of the steps that the Legislature did take that was not required by Federal law, was to require registration by juvenile offenders. That happened in 1999. Typically the offenses that apply to a juvenile are the more serious ones, like gross sexual imposition. Because the sexual assault and the corruption of a minor focus in on adult offenders.

Rep Delzer: We are adding simple assault as one does do this are we not?

Jonathon Byers: Yes, there are non sexual crimes that require registration, simple assault is not being added, assault itself is. By redefining what the definition of an offender against children is, we specifically chose the subsection the refers only to felony assault, which is assault against a victim that is less than 12 years old. You would have to have one of those and something else to qualify for life time registration.

Rep Delzer: What about parental neglect or abuse does that fall under that?

Jonathon Byers: Another crime that is listed in the offense against a child is the criminal child abuse statute. That one is limited to only apply to the sub division in criminal child abuse that is physical abuse rather than a neglect situation and only if they have two offenses.

Senator Mutch: What is the source of this Edward Brynes grant money.

Wayne Stenehjem: It is a congressional appropriation, federal money.

Rep Mahoney: We built in that judicial discretion, because we were concerned about, we want to register those who should be registered, but we don't want to register those who shouldn't. I am wondering if you could address if this bill is going to change anything with regard to whether the judge is going to have discretion and where they won't.

Wayne Stenehjem: The judicial discretion will continue to exist for a first offense. We cannot do it for a second offense. And for a second offense they will go back, that first offense still counts even though it wasn't required to be registered. Second offense you will have to go back and count them both.

Rep Mahoney: The judicial discretion of this remains pretty much the same.

Wayne Stenehjem: That's right, for the first offense.

Senator Traynor: Will this effect any person presently in prison in North Dakota, will they have to register.

Wayne Stenehjem: I don't know. We could find that out and get back to you.

Chairman Berg: The question is, is there anyone currently that is not having to register, but because of this change, would require to register, without committing another offense.

Jonathon Byers: There are 11 offenders that right now that right now are not life time offenders.

Eight of these have a misdemeanor and a felony conviction, those are probably fellows that

should have life time registration anyway. Three of them were people who had two misdemeanor convictions, who right now do not have life time registration, but will have because of the passage of this bill.

Chairman Berg: Just so I am clear, there are eleven people currently that are not life time registered, that would need to register.

Wayne Stenehjem: They are registered already, for ten years.

Chairman Berg: So all eleven of these have to currently register, the difference is there would not be the ten year limit. They would have to register for life. So there is no one not currently registered that would have to register with the passage of this?

Jonathon Byers: No.

Rep Delzer: Is there any place in here that you go beyond what the feds are asking for?

Wayne Stenehjem: I don't think so. We tried not too.

Jonathon Byers: We did a couple of things in the bill draft to lessen the impact what the federal government is requiring us to do. You may notice that on one of the last pages of the bill that references someone having to register for life time, we inserted in there that the second offense has to occur after August 1st of 1999. The reason for that was, if we have an offender that has a conviction in 1980 and that same offender has a conviction in 1993, both of those being misdemeanor offenses, fairness is we are not going to tell them now, eight years after their last conviction that they are now life time offenders.

Chairman Berg: That was the effective date of the legislation?

Jonathon Byers: That was the effective date of the Pam Lychner Act. We had to match that effective date.

Rep Delzer: When you look at your chart, four misdemeanors that you had because of the Lychner required and then you have one that you are adding as a result of the 2001 amendment. I was wondering why the differences of what you are saying.

Jonathon Byers: What you see there of the addition indecent exposure, is prior to this two convictions would not make you a life time registrant. 2001 legislature changed the very nature of what indecent exposure is. It now requires that it is a crime that be done for sexual gratification and made that a register able offense, where it hadn't been before.

Rep Delzer: This was something that was done during the session, it is not something you are doing now?

Jonathon Byers: Yes, but this bill will have the effect of making someone who has two indecent exposures, have to have life time registration, where they did not under the current version of the law.

Rep Delzer: Is that required by the Lychner Act?

Jonathon Byers: The Lychner Act requires that we target that offense, if it is a crime that involves a minor victim.

Rep Delzer: I don't like to ask this, did we change the law in 2001 so that, I have heard in the past, that a man could get picked up for indecent exposure for going to the bathroom on the side of the highway.

Wayne Stenehjem: That is one of the reasons that you took a serious look at changing that statute last session. Goes on to further explain.

Rep Delzer: That is taken care of.

Wayne Stenehjem: Right.

Chairman Berg: Any further questions for Attorney Stenehjem or his staff, thank you? I would like to make a comment, whoever put this graph together to get a grasp of what changes you are making or why did a good job.

Jonathon Byers: Two things that were brought up that I could make some clarification on, Pam Lychner was an adult victim who was a real estate agent in Texas. A sex offender had set up a meeting with her at a residence to view the residence and when she got there had locked the doors and began to rape her. She luckily had a lunch appointment with her husband and he came to the house that she was showing and interrupted this before she was killed so that crime had happened. She was actually one of the victims of the people that went down in an air line crash that went down off the east coast that went down into the water. So it was that they named this act after Pam. A closer answer to one of Senator Heitkamp's concerns, the Attorney General did point out that the Department of Justice is really only strictly applying the statute that Congress has passed. What we have run into in the Department of Justice is that they are very slow in either approving our enactment's as to being in compliance with the federal mandates or telling us what we are in violation of. After the Legislature passed legislation in 1999, we did notify them of that in June of 1999. Here is what our Legislature has done, here is why we believe that they did it, here is the very offenders that are exempted that should be covered by federal law. It wasn't until June of 2001 that they indicated that they had a problem with that. Yes, they are doing what is right, they just do it in a very slow manner.

Chairman Berg: Is there any other questions for the Attorney General's Office, is there anyone else wishing to offer testimony on behalf of this bill? Is there anyone wishing to offer opposition

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Joint Technical Corrections Committee

Bill/Resolution Number HB 1480

Hearing Date 11/27/01

testimony? Is there anyone here to offer neutral testimony? We will close the hearing on HB 1480.

COMMITTEE ACTION

Chairman Berg: What are the wishes of the committee?

Rep R. Kelsch: I move a **DO PASS** on HB 1480.

Rep Mahoney: Second.

Chairman Berg: Is there any further discussion? A short discussion was held. The clerk will call the roll. **HB 1480 passed with a vote of 15 yes, 1 no and 0 absent** and not voting. Floor assignment was given to Rep DeKrey.

FISCAL NOTE
Requested by Legislative Council
11/26/2001

Bill/Resolution No.: HB 1480

Amendment to:

1A. 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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	(\$440,000)	\$0	(\$440,000)
Expenditures	\$0	\$0	\$0	(\$440,000)	\$0	(\$440,000)
Appropriations	\$0	\$0	\$0	\$0	\$0	(\$440,000)

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0							

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The federal Pam Lychner Act requires states to have lifetime registration for repeat sex offenders, whether the offenses were felonies or misdemeanors. North Dakota law targets repeat felony offenders, but needs to target all offenders convicted of felonies or misdemeanors. The penalty for noncompliance with the Act is a loss of 10% of federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program grants, which is a loss in federal funds of approximately \$440,000 per biennium.

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.*

If it is determined that the state is out of compliance with the Act, the penalty is the loss of 10% of federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program grants, which is a loss in federal fund revenues of approximately \$440,000 per biennium. Although an impact to cities and counties is likely, the amount of the impact is unknown at this time.

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.*

If it is determined that the state is out of compliance with the Act, the penalty is the loss of approximately \$440,000 in federal grants. The North Dakota Drug and Violent Crime Policy Board will need to reduce grant awards by 10% of the normal federal grant as a result of noncompliance. It is unknown at this time

what state and local programs the Board will reduce and the impact of the reductions.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

If it is determined that the state is out of compliance with the Act, the loss of 10% of grant funds will result in a reduction in state and local law enforcement grants equal to approximately \$440,000 for the biennium. The Board will need to determine which of the 28 purpose areas to reduce. The 28 purpose areas include:

- Demand-reduction education programs in which law enforcement officers participate.
- Multijurisdictional task force programs to integrate federal, state, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations.
- Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs in rural jurisdictions.
- Programs to improve the operational effectiveness of courts by expanding prosecutorial, defender, and judicial resources and implementing court delay-reduction programs.
- Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
- Programs to identify and meet the treatment needs of adult and juvenile drug- and alcohol- dependent offenders.
- Programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse.
- Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.
- Law enforcement and prevention programs for gangs and youth who are involved or at risk of involvement in gangs.
- Programs to develop or improve forensic laboratory capability to analyze DNA for identification purposes.
- Programs to develop and implement antiterrorism training and procure equipment for local law enforcement authorities.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-3622	Date Prepared:	11/27/2001

Date: 11/27/01

Roll Call Vote #: /

Technical Corrections
 2001 SPECIAL SESSION JOINT ~~CORRECTIONS AND REVISIONS~~ COMMITTEE

ROLL CALL VOTES
 BILL/RESOLUTION NO. HB-1480

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep B. Kelsch Seconded By Rep Mahoney

Representatives	Yes	No	Senators	Yes	No
CHR BERG	✓		CHR MUTCH		✓
REP DEKREY	✓		SENATOR GRINDBERG	✓	
REP DELZER	✓		SENATOR KREBSBACH	✓	
REP EKSTROM	✓		SENATOR TRAYNOR	✓	
REP R. KELSCH	✓		SENATOR TRENBEATH	✓	
REP MAHONEY	✓		SENATOR HEITKAMP	✓	
REP MUELLER	✓		SENATOR D. MATHERN	✓	
REP PRICE	✓		SENATOR C. NELSON	✓	

Total (Yes) 15 No 1

Absent 0

Floor Assignment Click here to type Floor Assignment Rep Dekrey

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

REPORT OF STANDING COMMITTEE (410)
November 27, 2001 12:06 p.m.

Module No: HS-02-0058
Carrier: DeKrey
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1480: Joint Technical Corrections Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1480 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE (410)
November 27, 2001 4:20 p.m.

Module No: SS-02-0069
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1480: Joint Technical Corrections Committee (Sen. Mutch, Chairman) recommends
DO PASS (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1480 was placed on
the Fourteenth order on the calendar.

TESTIMONY

HB 1480

2002 Ed Byrne Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Funded	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
Fiscal Year 2001 - Local Agencies									
Local and State Enforcement Committee									
NARCOTICS INVESTIGATIONS (2)									
19-2-8	SEMCA - Richland County SO	96	\$95,044	\$98,748	\$38,402	\$137,150	\$91,548	\$35,602	\$127,150
11-2-6	Grand Forks Task Force	108	\$140,738	\$146,774	\$57,079	\$203,853	\$135,974	\$52,879	\$188,853
10-2-5	Ward County Task Force	108	\$108,047	\$111,235	\$43,258	\$154,493	\$104,395	\$40,598	\$144,993
28-2-11	Stutsman County Task Force	144	\$114,441	\$128,239	\$49,871	\$178,110	\$127,159	\$49,451	\$176,610
6-2-3	North Central Native American Task Force - Tur	96	\$87,368	\$97,328	\$3,010	\$100,338	\$89,568	\$2,770	\$92,338
34-2-13	Cass County State's Attorney's Office	48	\$38,088	\$45,697	\$17,771	\$63,468	Awarded funds to Cass County Task Force - Cass County SO		
20-2-9	Cass County SO	108	\$30,240	\$30,240	\$11,760	\$42,000	\$39,720	\$38,780	\$138,500
18-2-7	Northwest Narcotics Task Force - Williams Cou	132	\$102,949	\$103,977	\$40,436	\$144,413	\$102,717	\$39,946	\$142,663
8-2-4	West Fargo PD	96	\$31,867	\$32,371	\$12,589	\$44,960	Awarded funds to Cass County Task Force - Cass County SO		
25-2-10	South Sakakawea Narcotic Task Force - Mercer	144	\$128,333	\$153,645	\$59,751	\$213,396	\$137,949	\$53,647	\$191,596
5-2-2	Metro Area Narcotics Task Force - Mandan PD	108	\$92,702	\$97,646	\$37,974	\$135,620	\$88,286	\$34,334	\$122,620
Subtotal Narcotics Investigations			\$966,616	\$1,045,900	\$371,530	\$1,417,406	\$877,317	\$348,006	\$1,325,323
OPERATIONAL EFFECTIVENESS (7A)									
36-7-3	Valley City PD - Casino	New		\$15,088	\$5,868	\$20,956	Denied Application		
Subtotal Operational Effectiveness				\$15,088	\$5,868	\$20,956			
Total Local Enforcement			\$966,616	\$1,060,988	\$377,397	\$1,438,755	\$877,317	\$348,006	\$1,325,323

2002 Ed Byrne Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Funded	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
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Criminal Justice Committee

DEMAND REDUCTION EDUCATION PROGRAMS (1)

4-1-1	West Fargo PD	36	\$5,621	\$6,705	\$2,607	\$9,312	\$6,705	\$2,607	\$9,312
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CRIME PREVENTION (4)

46-4-2	Grand Forks Police Department	24	\$1,858	\$2,051	\$797	\$2,848	\$2,051	\$797	\$2,848
9-4-1	Service Youth Bureau - Stark County	36	\$17,522	\$17,522	\$6,814	\$24,336	\$17,522	\$6,814	\$24,336

OPERATIONAL EFFECTIVENESS (7/A)

31-7-2	POST Board	120	\$25,056	\$26,640	\$10,360	\$37,000	\$20,808	\$8,092	\$28,900
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SUPERVISION AND SENTENCING STRATEGIES (11)

35-11-6	Northwest Youth Assessment Center - Williams Co	48	\$48,903	\$80,442	\$31,283	\$111,725	\$54,000	\$21,000	\$75,000
50-11-7	Fort Berthold District Court - Three Affiliated Trib	36	\$35,890	\$63,486	\$1,963	\$65,449	\$29,100	\$900	\$30,000

2002 Ed Byrne Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Period	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
CRIMINAL JUSTICE INFORMATION SYSTEMS (15B)									
37-15-3	Montreal County State's Attorney's Office			\$2,408	\$936	\$3,344			
14-15-1	Bowman County SO	New		\$3,240	\$1,280	\$4,500	\$2,520	\$980	\$3,500
17-15-2	Plumas County SO	New		\$12,236	\$4,758	\$16,994	\$2,952	\$1,142	\$4,100
Remaining Criminal Justice Information Systems									
				\$17,884	\$6,968	\$24,852	\$5,472	\$2,128	\$7,600
ALTERNATIVES TO DETENTION (20)									
23-20-1	Wells County SO	12	\$5,098	\$6,476	\$2,518	\$8,994	\$5,600	\$2,178	\$7,778
32-20-2	Rehab Services	12	\$15,552	\$14,389	\$5,596	\$19,985	\$14,389	\$5,596	\$19,985
Remaining Alternatives to Detention									
				\$20,936	\$8,114	\$29,050	\$19,989	\$7,774	\$27,763
Remaining Criminal Justice Information Systems									
				\$20,936	\$8,114	\$29,050	\$19,989	\$7,774	\$27,763

Remaining balance \$14,354 - \$10,528 transferred to Local Enforcement Committee and 3,826 carried over to 2003 award process

2002 Edna Byrne Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Funded	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
Community Services Committee									
WCTM AND WITNESS ASSISTANCE (14)									
24-14-1	Southwest Victim/Witness Program (Stark Coun	24	\$9,000	\$20,275	\$7,885	\$28,160	\$10,500	\$4,083	\$14,583
Subtotal Victim/Witness Assistance			\$9,000	\$20,275	\$7,885	\$28,160	\$10,500	\$4,083	\$14,583
DOMESTIC VIOLENCE (18)									
12-18-4	Abuse Resource Network (Lisbon)	96	\$9,390	\$10,000	\$3,889	\$13,889	\$9,390	\$3,652	\$13,042
41-18-10	Abused Adult Resources Center (Bismarck)	144	\$25,000	\$28,459	\$11,067	\$39,526	\$25,000	\$9,722	\$34,722
7-18-3	Abused Persons Outreach Center (Valley City)	96	\$15,000	\$28,116	\$10,934	\$39,050	\$15,000	\$5,833	\$20,833
40-18-9	Community Violence Intervention Center (Grand	144	\$25,000	\$35,000	\$13,611	\$48,611	\$25,000	\$9,722	\$34,722
48-18-16	Domestic Violence & Rape Crisis Center (Dickin	84	\$12,594	\$12,594	\$4,898	\$17,492	\$12,594	\$4,898	\$17,492
1-18-1	Domestic Violence Crisis Center (Minot)	120	\$15,886	\$19,143	\$7,445	\$26,588	\$15,886	\$6,178	\$22,064
43-18-12	Family Crisis Center (Bottineau)	120	\$10,000	\$15,000	\$5,833	\$20,833	\$10,000	\$3,889	\$13,889
47-18-15	Family Crisis Shelter (Williston)	120	\$7,200	\$8,640	\$3,360	\$12,000	\$7,200	\$2,800	\$10,000
15-18-5	Kodish House (Dickey Co.)	144	\$8,363	\$8,363	\$3,252	\$11,615	\$8,363	\$3,252	\$11,615
16-18-6	McLean County Family Resource Center	60	\$5,688	\$8,757	\$3,405	\$12,162	\$5,688	\$2,212	\$7,900
46-18-11	Maroon County Women's Action Resource Cent	84	\$9,556	\$14,135	\$5,497	\$19,632	\$10,809	\$4,203	\$15,012
21-18-7	Rape and Abuse Crisis Center (Fargo)	108	\$20,290	\$17,682	\$6,877	\$24,559	\$17,682	\$5,877	\$24,559
42-18-11	S.A.F.E. Shelter (Jamestown)	120	\$9,981	\$10,281	\$3,998	\$14,279	\$9,981	\$3,882	\$13,863
3-18-2	Safe Alternatives for Abused Families (Devils La	108	\$7,200	\$7,200	\$2,800	\$10,000	\$7,200	\$2,800	\$10,000
22-18-8	Three Rivers Crisis Center (Richland Co.)	96	\$15,756	\$15,756	\$6,127	\$21,883	\$15,756	\$6,127	\$21,883
44-18-13	Tri-County Crisis Intervention (Grafton)	84	\$12,672	\$22,274	\$8,662	\$30,936	\$12,672	\$4,928	\$17,600
Subtotal Domestic Violence			\$208,575	\$281,400	\$101,658	\$393,056	\$208,575	\$80,975	\$289,550
Total Community Services Committee			\$217,575	\$281,675	\$109,540	\$393,215	\$218,075	\$84,058	\$302,133
TOTAL LOCAL IMPLEMENTING AGENCIES			\$134,581	\$1,578,250	\$558,201	\$2,234,458	\$1,351,684	\$483,177	\$1,834,861

2002 Edgewood Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Funded	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
Fiscal Year 2001 - State Agencies									
Local and State Enforcement Committee									
MARCOTICS INVESTIGATIONS (7)									
30-2-12	Crim Lab - Forensic Science Division	156	\$133,153	\$158,660	\$61,702	\$220,362	\$115,461	\$44,901	\$160,362
2-2-1	Bureau of Criminal Investigation	156	\$312,797	\$331,733	\$129,007	\$460,740	\$327,701	\$127,439	\$455,140
Subtotal Marcotics Investigations			\$445,950	\$490,393	\$190,709	\$636,102	\$443,161	\$172,341	\$615,502
OPERATIONAL EFFECTIVENESS (7A)									
20-7-1	DOCR - Central Office	36	\$11,160	\$12,240	\$4,760	\$17,000	\$12,240	\$4,760	\$17,000
Subtotal Operational Effectiveness			\$11,160	\$12,240	\$4,760	\$17,000	\$12,240	\$4,760	\$17,000
SUPERVISION & SENTENCING STRATEGIES (11)									
27-11-1	DOCR - Field Services - Last Chance	24	\$82,050	\$90,806	\$35,313	\$126,119	\$82,080	\$31,920	\$114,000
28-11-2	DOCR - Field Services - Tompkins Rehab Corrections U	36	\$192,960	\$192,960	\$75,040	\$268,000	\$186,955	\$72,705	\$259,660
30-11-3	DOCR - Field Services - Sex Offender Manage	New		\$10,814	\$4,206	\$15,020	Denied Application		
30-11-4	DOCR - Prisons - James River Correctional Center	New		\$59,754	\$23,238	\$82,992	\$26,637	\$10,359	\$36,996
40-11-5	DOCR - Prisons - Overtime (Training)	New		\$17,977	\$6,991	\$24,968	\$8,988	\$3,496	\$12,484
Subtotal Supervision & Sentencing Strategies			\$275,010	\$372,311	\$144,786	\$517,099	\$304,661	\$118,479	\$423,140

2002 Edgewood Juvenile Memorial Grant Award Worksheet

Grant Number	Implementing Agency	Months Funded	Previous Federal Award	Federal Requested	Match	Total	Federal Awarded	Match	Total
DRUG TESTING (154)									
13-15a-1	DOCR - State Penitentiary	36	\$3,600	\$3,600	\$1,400	\$5,000	\$3,600	\$1,400	\$5,000
ALTERNATIVES TO DETENTION (20)									
33-20-3	Supreme Court - Juvenile Drug Courts	12	\$64,206	\$64,834	\$25,213	\$90,047	\$63,783	\$20,916	\$74,699
GRAND TOTAL									
			\$2,143,818	\$2,521,636	\$923,072	\$3,444,708	\$2,169,130	\$801,072	\$2,970,202

Remaining balance \$23,132 carried over to 2003 award process

Why we have to amend our offender registration law.

Federal law, specifically the Pam Lychner Act, requires states to have lifetime registration for repeat offenders. North Dakota law targets repeat felony offenders, but needs to target all offenders, felony or misdemeanor.

What crimes does this affect?

Crimes Against Children		Counts towards lifetime registration now	Will count toward lifetime registration if bill passes	Why?
12.1-16	All Homicides	Y	Y	
12.1-17-01.1 If victim < 12	Assault	Y	Y	
12.1-17-02	Agg. Assault	Y	Y	
12.1-17-03	Reckless Endangerment	Y	N	Deleted as registration offense
12.1-17-04	Terrorizing	Y	Y	
12.1-17-07.1	Stalking	Y	Y	
12.1-18-01	Kidnapping	Y	Y	
12.1-18-02	Felonious Restraint	Y	Y	
12.1-18-05	Removal of Child from State	Y	Y	
12.1-29	Prostitution	Y	Y	
14-09-22 subdivision a of subsection 1, subsect. 2	Criminal Child Abuse	Y	Y	
Sexual offenses				
12.1-20-03	Gross Sexual Imposition	Y	Y	
12.1-20-03.1	Sexual Imposition	Y	Y	
12.1-20-04	Continuous Sexual Abuse	Y	Y	
12.1-20-05	Corruption or Solicitation of a Minor (felony)	Y	Y	

12.1-20-08	Corruption or Solicitation of Minor (misd)	N	Y	Lychner required
12.1-20-08.1	Luring Minors by Computer (felony)	Y	Y	
12.1-20-08.1	Luring Minors by Computer (misd)	N	Y	Lychner required
12.1-20-08	Sexual Abuse of Ward	Y	Y	
12.1-20-07	Sexual Assault (felony)	Y	Y	
12.1-20-07	Sexual Assault (A misdemeanor)	N	Y	Lychner required
12.1-20-07	Sexual Assault (B misdemeanor)	N	N	Deleted as registration offense
12.1-20-11	Incest	Y	Y	
12.1-20-12.1	Indecent Exposure (felony)	Y	Y	
12.1-20-12.1	Indecent Exposure (misd)	N	Y	Result of 2001 amendments
12.1-20-12.2	Surreptitious Intrusion (felony)	Y	Y	
12.1-20-12.2	Surreptitious Intrusion (misd)	N	Y	Lychner required
12.1-27.2	Sexual Performance by Children	Y	Y	

How we tried to soften the impact of the federal requirements in this bill draft:

1. Elimination of reckless endangerment and "offensive" sexual contact as offenses that require registration.
2. Requirement that one of the misdemeanor offenses occur after August 1st, 1999. A very limited retroactive period avoids the pre-1997 period when many more sexual assault and corruption of a minor convictions were categorized as misdemeanors. Also will allow state's attorney's the chance to contemplate the effect of charging a "statutory rape" crime if the teenager already has a conviction on record.

Explanation of bill draft

North Dakota law has required registration for sexual offenders and offenders against children since 1991. Beginning in 1994 with the passage of the Jacob Wetterling Act, Congress began a seemingly never-ending process of imposing requirements on state offender registration programs. Megan's Law amendment, The Pam Lychner Act, the CJSA amendments, and the Campus Sex Crimes Prevention Act soon followed the Wetterling Act in creating a fairly specific model that states are required to follow, or face the loss of 10% of the state's yearly Edward Byrne law enforcement grants.

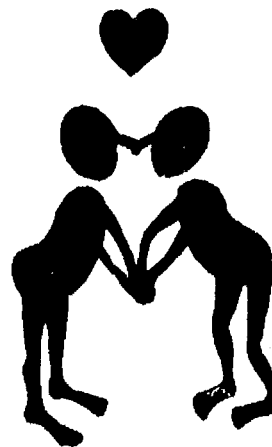
The Department of Justice has determined that one portion of North Dakota's offender registration law (N.D.C.C. section 12.1-32-15) is not technically compliant with the Pam Lychner Sexual Offender Tracking and Identification Act. The item that has been deemed non-compliant is the requirement of lifetime registration for two *felony* registration offenses. (subsection 8 of the statute) The Lychner Act requires lifetime registration for two offenses, regardless of whether they are felony or misdemeanor. Also, upon a conviction for such an offense, the Lychner Act requires a look-back to all criminal history to determine whether it is a second offense, not just to the period that the State began its registration requirements. (August 1, 1985 in North Dakota)

This bill draft corrects that problem in the following manner:

1. Page one of the bill draft defines the term "crime against a child" more narrowly than current law. Misdemeanor offenses have been eliminated from the definition, which has no substantive effect, because only felony crimes against children required registration pursuant to subsection 2(d). Reckless endangerment has been eliminated as a registration offense.
2. Page two, line 9 of the bill draft eliminates class B misdemeanor sexual assault as a registration offense. This is a crime involving "offensive" sexual contact against adults. The Jacob Wetterling Act does not require that states include this as a registration offense.

3. Page two, line 16 and 17 clarifies the definition of "temporary domicile" to make it consistent with federal requirements.
4. Pages 3 and 4 eliminate the word "felony" in front of "crime against a child," since the definition now contains no misdemeanor offenses.
5. Page 4, line 17 clarifies that the retroactive registration requirements apply to individuals who are temporarily domiciled here as well as residing here.
6. Page 5 changes the lifetime registration requirements to comply with the Lychner Act.
 - The focus is now on any guilty plea to a sexual offense or crime against a child regardless of whether it occurred after August 1, 1985;
 - Misdemeanor offenses are now counted for lifetime registration purposes;
 - Offenses from another state or the federal government are counted;
 - To lessen the impact of lifetime registration for misdemeanor offenses, one of the misdemeanor offenses has to occur after August 1, 1999. This is compatible with the Lychner Act.
7. On page 6, aggravated offenses from another state or the federal government require lifetime registration, the same as if the offense had occurred in North Dakota.

**What
Teenagers
need to know
about**



**Sex
Offenses**

**North Dakota Office of
Attorney General**

**Wayne Stenehjem
Attorney General**

If you are eighteen, you are considered to be an adult - even if you are still in High School. Anyone younger than 18 is a "minor."

In North Dakota, a person can be charged with a serious crime if he or she engages in a sexual act or sexual contact with a minor. The seriousness of the crime and the penalties are even greater if the minor is under 15 years of age.

Even if you are a minor, if you have consensual sexual contact with someone under the age of 15, you can be charged with gross sexual imposition in juvenile court. If your case then is transferred to adult court, you will be treated as an adult sex offender and will be subject to the same penalties as an adult.



The law does not make an exception for you because you are in love.

Did you know?

"Second base" can get you arrested! Although it may seem harmless to you, you can be charged with a sex offense!

If you fool around with someone you know has been given a "date rape" drug, you can be in just as much trouble as the person who gave it to the unsuspecting victim.

Having sex with someone who is too drunk to know what is happening to them is a Class A Felony, even if the person got drunk voluntarily.

Even if your boyfriend or girlfriend wants to have sex with you, your friend's parents can still have you arrested if they find out? A shotgun wedding may be the least of your worries.

If you slap or pinch someone's breast or butt as a joke in school, it may not be a joke to that person. If the person you pinch finds it offensive, the legal system won't take it as a joke, either.

LEGAL TERMS YOU SHOULD KNOW

THE CRIMES

SEXUAL ACT	Anal sex, oral sex or intercourse
SEXUAL CONTACT	Any touching, even through clothing, of sexual or other intimate body parts of a person, for the purpose of arousing or satisfying sexual or aggressive desires.
GROSS SEXUAL IMPOSITION	An adult who engages in sexual acts or sexual contact with a minor under age 15.
CORRUPTION OF MINORS	An adult who engages in a sexual act with a 15-17 year old minor.
SEXUAL ASSAULT	Fondling of a 15-17 year old, or sexual contact with a person whose ability to consent is impaired.
LURING MINORS BY COMPUTER	Using a computer to talk about or arrange sexual encounters, sex acts or sexual contact with, a minor.
FORNICATION	A minor engaging in a consensual sex act.
INDECENT EXPOSURE	Exposing yourself, or masturbating in public for the purpose or arousing another person or satisfying your own sexual desires.
SURREPTITIOUS INTRUSION ("PEEPING")	Seeking to satisfy a sexual desire by window peeping, or intruding on another person's privacy in their home, hotel room, tanning booth, etc. Intruding on privacy includes things like recording, photographing, broadcasting and videotaping.

THE PENALTIES

	If you are adjudicated for a sexual offense as a juvenile, you can be removed from the custody of your parents and sent to a juvenile facility. But, if you get transferred to adult court, these penalties apply!
FELONY	If you are convicted of a felony, you may be sentenced to a term of imprisonment of up to 20 years, be fined up to \$10,000, or both. A felony conviction will remain on your record forever, and has to be disclosed on most job applications.
MISDEMEANOR	If you are convicted of a misdemeanor offense, you may receive a sentence of up to one year, a fine of up to \$2,000, or both.

Is it Worth It?

Decisions you make about sex will affect the rest of your life. The wrong decision can have devastating consequences - for you, your partner, and your family.

If you are convicted of sex offenses, even as a juvenile, you may be required to register as a sex offender. You may be required to submit a DNA sample, which will be placed in a law enforcement database for the rest of your life. You may be required to take an HIV test. You will have to notify the police every time you move.



**How will you explain it to your grandparents?
Or your next boyfriend or girlfriend?**

Along with the criminal charges you may face, there is always the risk of pregnancy or contracting a sexually transmitted disease, including HIV, even with protection.

For additional copies of this brochure,
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