

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2254

2001 SENATE JUDICIARY

SB 2254

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2254

Senate Judiciary Committee

Conference Committee

Hearing Date January 30th, 2001

Tape Number	Side A	Side B	Meter #
1	+		0-247
Committee Clerk Signature			

Minutes: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 12.1-20-06 AND 12.1-20-07 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO SEXUAL ABUSE OF WARDS AND SEXUAL ASSAULT; AND TO PROVIDE A PENALTY.

Senator Lyson, testifies in favor of SB 2254. This bill comes to us because four years ago when laws were changed concerning deptment of corrections and sexual abuse of wards. I agree with this bill when first talked to about it. Problem is when a jail staff gets involved with an inmate. Or when a guard had sex with 5 inmates, this was only a misdemeanor. I think it's horrible when authorities use their power for sexual abuse. This bill is absolutely necessary and must be passed.

Senator Watne, if you look at 2 and it states the ages. Remember our other bill regarding minors we passed? Does this bill correlate with those same parameters of age?

Senator Lyson, it does and I'm not so sure that it should.

Senator Watne, it doesn't look like it correlates.

Ken Sorenson, what bill?

Senator Watne, bill 2035. We changed it to make the crimes more severe.

Senator Lyson, I see what you're doing, and I'm not so sure I agree with it. When you're dealing with someone who's in charge of someone. It should be more severe of a punishment.

Senator Watne, an adult with a minor was a class A. A man 18-21 with a victim of 15-17 was a lesser charge. An adult with a minor under 15, or if adult is 22 and minor is 15-17 this is a class C.

Senator Lyson, I felt anyone who was in charge of a ward should get a class C felony.

Senator Traynor on line 11, page 2. Would amendments be appropriate so it would be compatible with SB 2035?

Senator Lyson, the penalties regarding wards should be more severe, I don't care how old the person is.

Senator Watne, can anyone be a guardian? What is the age?

Senator Lyson, I am a guardian of someone who is 48. Age is not the issue.

Senator Bercier, what about two consenting adults?

Senator Lyson, I don't think you can have two consenting adults in a jail. That was an argument at the penitentiary.

Ken Sorenson, Consent is not a defense. They are in charge of someone else.

Senator Dever, could this be construed to add a teacher at a school?

Ken Sorenson, that would be dealt with in another existing law.

Senator Traynor, your uping the penalty.

Senator Lyson, yes.

Senator Traynor closed the hearing on SB 2254.

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Senate Judiciary Committee
Bill/Resolution Number SB 2254
Hearing Date January 29th, 2001

Motion was made by Senator Trenbeath to Do Pass, Seconded by Senator Lyson. Vote indicated 7 yeas, 0 nays and 0 absent and not voting. Senator Lyson volunteered to carry the bill.

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 4:51 p.m.

Module No: SR-17-2048
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2254: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the
Eleventh order on the calendar.

2001 HOUSE JUDICIARY

SB 2254

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2254

House Judiciary Committee

Conference Committee

Hearing Date 03-06-01

Tape Number	Side A	Side B	Meter #
TAPE 1		x	2704 to 3239
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on SB 2254. Relating to sexual abuse of wards and sexual assault and to provide a penalty.

Senator Lyson: District 1, introduced the bill. If someone takes advantage of someone when you have power over them and takes advantage of them sexually, should not be a misdemeanor, but rather should be a felony.

Chairman DeKrey: Are there any questions, seeing none thank you for appearing before the committee. Anyone else wishing to appear with testimony either neutral or in opposition.

COMMITTEE ACTION

Rep Delmore moves a DO PASS motion, seconded by Rep Grande.

DISCUSSION

Chairman DeKrey: The clerk will call the roll on a DO PASS motion for SB 2254. The motion passes with 14 YES, 0 NO and 1 ABSENT. Rep Maragos is the carrier.

Date: 03-06-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2254

House JUDICIARY Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Grande

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Maragos

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2001 4:32 p.m.

Module No: HR-38-4961
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2254: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2254 was placed on the
Fourteenth order on the calendar.