

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

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Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 HOUSE JUDICIARY

HB 1111

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Valista Rickford

Date

10/2/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1111

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
1	xx		3.6-6.2
1	xx		19.5-20.6
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 11 members present, 2 members absent (Rep. Bernstein and Rep. Eckre)

Chairman DeKrey: We will open the hearing on HB 1111.

Bob Bennett, Assistant AG: (see attached testimony)

Chairman DeKrey: Thank you. Any further testimony in support of HB 1111. Any testimony in opposition to HB 1111. We will close the hearing.

(Was reopened later in the same session).

Chairman DeKrey: What are the committee's wishes in regard to HB 1111.

Rep. Delmore: Move a Do Pass on HB 1111.

Rep. Maragos: Seconded.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Maragos

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Yolanda Rickford
Operator's Signature

10/2/03
Date

Date: 2/3/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1111

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass

Motion Made By

Rep. Delmore

Seconded By

Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	AB	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment

Rep. Maragos

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

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Yolanda Rickford

Date

10/2/03

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 11:01 a.m.

Module No: HR-20-1509
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1111: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1111 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-20-1509

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Operator's Signature

10/2/03
Date

2003 SENATE JUDICIARY

HB 1111

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Operator's Signature

Valosta Rickford

Date

10/2/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1111

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/04/03

Tape Number	Side A	Side B	Meter #
2	X		54.0 - End
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and not all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony Support of HB 1111

Robert Bennett - Assistant Attorney General (meter 54) Read Testimony - Attachment #1 This is a house cleaning bill.

in opposition of HB 1111

None

Motion Made to DO PASS HB 1111 Sen. Lyson and seconded by Sen. Trenbeath

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Senator Stanley W. Lyson, Vice Chairman

Senator John T. Traynor, Chairman closed the hearing

Yolanda Rickford
Operator's Signature

10/2/03
Date

Date: March 4, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1111

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Sen. Lyson Seconded By Sen. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment Sen. Lyson

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

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Operator's Signature

Valista Rickford

Date

10/2/03

REPORT OF STANDING COMMITTEE (410)
March 4, 2003 12:09 p.m.

Module No: SR-38-3838
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1111: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1111 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-38-3838

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Yalosta Rickford
Operator's Signature

10/2/03
Date

2003 TESTIMONY

HB 1111

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Valista Rickford
Operator's Signature

10/2/03
Date

**TESTIMONY OF
ROBERT BENNETT
ASSISTANT ATTORNEY GENERAL**

**CONCERNING HOUSE BILL NO. 1111
BEFORE THE HOUSE JUDICIARY COMMITTEE**

As a result of action by the Legislative Assembly during the 2001 session, the criminal statutes relating to drug paraphernalia were moved from title 12.1 of the North Dakota Century Code to a new chapter in title 19; chapter 19-03.4.

Other statutory provisions were not amended to reflect this action and House Bill No. 1111 addresses those omissions.

Section 1 of the Bill amends subsection 3 of section 12-60-16.4 of the North Dakota Century Code to include misdemeanor drug paraphernalia offenses within the criminal history record reporting requirements. All felony offenses and most misdemeanor offenses are reported to the Bureau of Criminal Investigation as a part of the criminal history record system. Prior to last session, all misdemeanor drug paraphernalia offenses were reported to the Bureau since those offenses were title 12.1 crimes. North Dakota Century Code sections 19-03.4-03, 19-03.4-04, and 19-03.4-06 impose class A misdemeanor penalties for their violation under certain circumstances. House Bill No. 1111 will include those crimes as reportable offenses to the Bureau.

Section 2 of the Bill amends the drug forfeiture provisions of subdivision g of subsection 1 of section 19-03.1-36 of the North Dakota Century Code to reflect the move of drug paraphernalia offenses from title 12.1 to chapter 19-03.4.

Section 3 of the Bill is a technical correction to subdivision e of subsection 5 of

section 19-03.1-36 of the North Dakota Century Code. Past legislative sessions amended section 19-03.1-23 relating to penalties for violation of our controlled substances law. Prior to these changes, subsection 3 of section 19-03.1-23 established the penalties for the simple possession of a controlled substance. These past amendments to this section resulted in a renumbering of section 19-03.1-23 so that the simple possession penalties are now found in subsection 6 of section 19-03.1-23. House Bill No. 1111 corrects this reference to subsection 3 and replaces it with the current subsection 6.

HH #1

TESTIMONY OF
ROBERT BENNETT
ASSISTANT ATTORNEY GENERAL

CONCERNING HOUSE BILL NO. 1111
BEFORE THE SENATE JUDICIARY COMMITTEE

As a result of action by the Legislative Assembly during the 2001 session, the criminal statutes relating to drug paraphernalia were moved from title 12.1 of the North Dakota Century Code to a new chapter in title 19; chapter 19-03.4. Other statutory provisions were not amended to reflect this action and House Bill No. 1111 addresses those omissions.

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Section 3 of the Bill is a technical correction to subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code. Past legislative sessions amended section 19-03.1-23 relating to penalties for violation of our controlled substances law. Prior to these changes, subsection 3 of section 19-03.1-23 established the penalties for the simple possession of a controlled substance. These past amendments to this section resulted in a renumbering of section 19-03.1-23 so that the simple possession penalties are now found in subsection 6 of section 19-03.1-23. House Bill No. 1111 corrects this reference to subsection 3 and replaces it with the current subsection 6.