

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1235

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Operator's Signature

Date

2003 HOUSE JUDICIARY

HB 1235

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Doreen Hall
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1235

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-4-03

Tape Number	Side A	Side B	Meter #
1	x		0-6
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 11 members present, 2 members absent (Rep. Boehning, Rep. Wrangham).

Chairman DeKrey: We will open the hearing on HB 1235.

Rep. Klemin: Introduced the bill (see attached testimony).

Chairman DeKrey: Thank you.

Ken Sorenson, Assistant A.G.: Support. HB 1235 does not address all felonies, only violent felonies.

Rep. Delmore: How can someone's DNA get into the database by mistake.

Mr. Sorenson: You may have an offense that doesn't warrant a DNA test, but a law enforcement officer ran a DNA test.

Rep. Delmore: If it is in the DNA database by mistake, can it still be used later to solve a crime.

Mr. Sorenson: Yes.

Chairman DeKrey: Thank you. Any testimony in support? Any testimony in opposition? We will close the hearing. What are the committee's wishes.

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10/2/03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1235
Hearing Date 2-4-03

Rep. Maragos: Move a Do Pass

Rep. Delmore: Seconded.

11 YES 0 NO 2 ABSENT DO PASS

CARRIER: Rep. Delmore

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Deanna Ballantyne
Operator's Signature

10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
01/13/2003

Bill/Resolution No.: HB 1235

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill will not change the required practices of the DOCR regarding the collection of blood or other body fluids for the purpose of DNA identification. As a result there is no fiscal impact when compared to funding levels and appropriations anticipated under current law.

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.*

This bill will not change the required practices of the DOCR regarding the collection of blood or other body fluids for the purpose of DNA identification. As a result there is no fiscal impact when compared to funding levels and appropriations anticipated under current law.

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.*

This bill will not change the required practices of the DOCR regarding the collection of blood or other body fluids for the purpose of DNA identification. As a result there is no fiscal impact when compared to funding levels and appropriations anticipated under current law.

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.*

This bill will not change the required practices of the DOCR regarding the collection of blood or other body fluids for the purpose of DNA identification. As a result there is no fiscal impact when compared to funding levels and appropriations anticipated under current law.

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Operator's Signature

Date

current law.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/17/2003

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Doreen Hall
Operator's Signature

1/2/03
Date

Date: 2/4/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1235

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Delmore

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

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Delmore

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

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Deanna Hall
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 12:02 p.m.

Module No: HR-21-1596
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1235: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1235 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-21-1596

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Dennis Holbrook
Operator's Signature

10/2/03
Date

2003 SENATE JUDICIARY

HB 1235

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Doreen Hall
Operator's Signature

10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1235

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/18/03

Tape Number	Side A	Side B	Meter #
1	X		5.7 - 14.0
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 in Support of HB 1235

Rep Lawrence Klemin- House Rep for district 4th (meter 5.7) Introduced the bill. Read

Testimony - Attachment #1

Senator John T. Traynor, Chairman asked if this bill had a fiscal impact. This bill did in the onset and the funds were covered from a federal grant. We still will be covered until 2004 with another grant coming from a federal mandate by President Bush.

Sen. Dever asked if there has been anyone contesting this legislation? Yes and the bill in its new state should clarify these issues. (meter 8.2) In both cases the Supreme Court upheld our legislation.

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Dan H. H. H. H.
Operator's Signature

10/2/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1235
Hearing Date 03/18/03

Sen. Traynor questioned why the sunset clause? The startup (meter 9.2) costs and the backlog of information that had to be done was very expensive and we were still waiting for the federal grant moneys to be appropriated.

Jonathan Byers - Attorney Generals Office (meter 10.2) We are in support of this bill. Discussed the two challenges to the bill (meter 10.2) one was a non sex crime and the other the criminal was in custody when the bill was past and he thought he would be exempt.

Additional discussion of fiscal impact. Discussion of the data bank and if it has yet solved a crime. Discussion of the process being a "cotton swab" or an oral swab taken from the inside of the mouth and this can be used to match; blood, seamen, saliva on the end of a cigarette but... more DNA discussion (meter 13.9)

Testimony in Opposition of HB 1235

None

Testimony Neutral to HB 1235

None

Motion Made to DO PASS HB 1235 Sen. Dever and seconded by Senator Thomas L.

Trenbeath

Roll Call Vote: 4 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Sen. Dever

Senator John T. Traynor, Chairman closed the hearing

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Deanna G. Ball
Operator's Signature

10/2/03
Date

Date: March 18, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1235

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Sen. Dever 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	A	A	Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FOUR (4) No ZERO (0)

Absent TWO (2)

Floor Assignment Sen. Dever

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

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Deanna Hall
Operator's Signature Date 10/2/03

REPORT OF STANDING COMMITTEE (410)
March 18, 2003 10:43 a.m.

Module No: SR-48-5008
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1235: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1235 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-48-5008

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Dan H. H. H.
Operator's Signature

10/2/03
Date

2003 TESTIMONY

HB 1235

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Deanna Holladay
Operator's Signature

10/2/03
Date

**HOUSE BILL 1235
TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE JUDICIARY COMMITTEE
FEBRUARY 4, 2003**

Mr. Chairman and members of the House Judiciary Committee. I am Lawrence R. Klemm, Representative from District 47 in Bismarck. I am here today to testify in support of House Bill 1235.

In the 2001 Legislative Session, I sponsored a bill to significantly expand the requirements for DNA testing to include persons convicted of most major felonies. The law had previously applied only to sex offenders. The law that was passed in the 2001 Session included a sunset clause and the law now expires on July 31, 2004. One purpose of House Bill 1235 is to remove the sunset clause so that the law will not automatically expire.

Another purpose of House Bill 1235 is to expand the DNA testing requirements to include persons convicted of all felonies. The bill also makes clarifications in the law to confirm the original intent that the DNA testing would be required of persons already in prison for conviction of felonies, not just those newly convicted.

Finally, the bill makes it clear that convictions will not be reversed simply because DNA samples may have been placed in the data base by mistake. This does not mean that convictions can't be reversed for other reasons, but eliminates a technicality.

The DNA data base is used as part of a national program to identify offenders of unsolved crimes. It can also be used to exonerate persons previously convicted of crimes they did not commit as evidence becomes available.

Mr. Chairman and members of the Committee, I urge you to give a "do pass" recommendation to House Bill 1235.

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Dan Hall
Operator's Signature

10/2/03
Date



Representative Lawrence R. Klemm
District 47
1709 Montego Drive
Bismarck, ND 58501

NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary
Government and
Veterans Affairs

HOUSE BILL 1235 TESTIMONY OF REP. LAWRENCE R. KLEMM SENATE JUDICIARY COMMITTEE MARCH 18, 2003

Mr. Chairman and members of the Senate Judiciary Committee. I am Lawrence R. Klemm, Representative from District 47 in Bismarck. I am here today to testify in support of House Bill 1235.

In the 2001 Legislative Session, I sponsored a bill to significantly expand the requirements for DNA testing to include persons convicted of most major felonies. The law had previously applied only to sex offenders. The law that was passed in the 2001 Session included a sunset clause and the law now expires on July 31, 2004. One purpose of House Bill 1235 is to remove the sunset clause so that the law will not automatically expire.

Another purpose of House Bill 1235 is to make a clarification in the law to confirm the original intent that the DNA testing would be required of persons already in prison for conviction of felonies, not just those newly convicted. This is the reason for changing the word "and" to "or" in Section 1 on page 1, line 17. Another clarification is in Section 2 to confirm that the DNA data base applies to all applicable criminal offenses, not just to sex related crimes.

Finally, the bill makes it clear that convictions will not be reversed simply because DNA samples may have been placed in the data base by mistake. This does not mean that convictions can't be reversed for other reasons, but eliminates a technicality.

The DNA data base is used as part of a national program to identify offenders of unsolved crimes. It can also be used to exonerate persons previously convicted of crimes they did not commit as evidence becomes available.

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