

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

3008

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Loiseta Richardson  
Operator's Signature

10/16/03  
Date

2003 HOUSE JUDICIARY  
HCR 3008

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*La Costa*  
Operator's Signature *Richard* 10/16/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3008

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-08-03

| Tape Number                                | Side A | Side B | Meter # |
|--------------------------------------------|--------|--------|---------|
| 1                                          |        | xx     | 1-4     |
|                                            |        |        |         |
|                                            |        |        |         |
| Committee Clerk Signature <i>A. Lemose</i> |        |        |         |

Minutes: 12 members present, 1 member absent (Rep. Bernstein).

**Chairman DeKrey:** The chair recognized Rep. Grosz.

**Rep. Grosz:** (see testimony)

**Rep. Delmore:** Rep. Grosz, I think we already have some statute on this, do we not?

**Rep. Grosz:** I believe so, I think what the intent of it is, is that looking at the expansion of these, possibly looking at expanding widespread use.

**Chairman DeKrey:** Does anyone wish to testify in favor of the resolution.

**John Olson, NDPOA:** I am here in support of the resolution. There is more potential for this.

**Rep. Delmore:** John, can you tell us how extensively this is used now, because I believe we even chose a device to be used for this in one of the past sessions.

**J. Olson:** I don't know.

**Chairman DeKrey:** Does anyone else wish to testify for HCR 3008, anyone in opposition?

**Rep. Klemin:** Move Do Pass the motion.

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House Judiciary Committee

Bill/Resolution Number HCR 3008

Hearing Date 1-8-03

Rep. Kingsbury: Second the motion.

Chairman DeKrey: Roll call vote.

Yes - 12

No - 0

Absent - 1

PASSED

CARRIER:

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La Costa Richard  
Operator's Signature

10/16/03  
Date

Date: 1-8-03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3008

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Klemin Seconded By Rep. Kingsbury

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

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Delmore

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

**REPORT OF STANDING COMMITTEE (410)**  
January 8, 2003 11:22 a.m.

Module No: HR-02-0356  
Carrier: Delmore  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HCR 3008: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3008 was placed on the  
Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-02-0356

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Richard Costa  
Operator Signature

10/16/03  
Date

2003 SENATE JUDICIARY  
HCR 3008

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*Yolanda Rickford*  
Operator's signature

10/6/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3008

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/24/03

| Tape Number                                       | Side A | Side B | Meter #    |
|---------------------------------------------------|--------|--------|------------|
| 1                                                 | X      |        | 30.8 - 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 all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

**Testimony in Support of HCR 3008**

Rep Mike Grosz - District #42, Introduce Bill (meter 31) Read Testimony - Attachment #1

Sen. Lyson discussed that he was part of a test study and had one on his ankle-he discussed the effectiveness of this.

Sen. Lyson asked how much this study would cost? No cost.

Sen. Dever if this is already being done, why do we need to be in code to expand it? They are looking to see if it would actually be a cost advantage and free up prison space. Discussion of having done this in a study already? Yes- HCR 3037 this is currently in the house. This is a piggy back to it. The committee requested to look at HCR 3037 - Attachment #2. Discussion of additional incentives/funding being needed down the line. Sen. Lyson stated that this is not a



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Senate Judiciary Committee

Bill/Resolution Number HCR 3008

Hearing Date 03/24/03

cheep process. The study is to see if this process would actually be cost effective or as expensive as prison time. This process could only be used on "non violent" criminals.

**Testimony in Opposition of HCR 3008**

None

**Motion Made to DO PASS HCR 3008 by Sen. Trenbeath and seconded by Sen. Dever**

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

**Motion Passed**

**Floor Assignment: Sen. Trenbeath**

Date: March 25, 2003

Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HCR 3008**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Sen. Trenbeath Seconded By Sen. Dever

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

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

Absent TWO (2)

Floor Assignment Senator Thomas L. Trenbeath

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

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Yolanda Richardson  
Operator's Signature

10/6/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 24, 2003 12:26 p.m.

Module No: SR-52-5527  
Carrier: Trenbeath  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HCR 3008: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS  
(4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3008 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-52-5527

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Jo Costa Rickford  
Operator's Signature

10/16/03  
Date

2003 TESTIMONY

HCR 3008

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*Y. Costa*  
Operator's signature *Richard* 10/6/03

Att #1

**House Concurrent Resolution No. 3008**

Thank you Chairman Traynor and members of the Senate Judiciary committee. My name is Rep. Mike Grosz from District 42.

House concurrent resolution number 3008 is a study resolution requesting the Legislative Council to study the use of electronic home detention for nonviolent offenders. I submitted this bill at the request of one of my constituents, Sargent Thomas Brockling of the University Police Department.

I would like to use his words in explaining the purpose of this bill. Sargent Thomas Brockling wrote, "I would really appreciate it if someone could review this section of the law to see if more could be done in the use of electronic incarceration for non-violent convicted offenders. I am aware that a precise definition would have to be put in the law in regards to what exactly would be considered a non-violent offender but I think the state may be able to save some money if they could adopt a more extensive program for electronic incarceration for non-violent/non-dangerous offenders. There are some people here in Grand Forks already that are being monitored electronically by the Grand Forks Correctional Center so you may want to check with them for their input if this program could be expanded? Not only could it save the state money but it also could provide more room in the state prison for violent offenders whom are a danger to society."

Thank you for your consideration, and I would be happy to answer any questions.

Same testimony  
presented to  
House committee.

Att #2

33068.0100

Fifty-eighth  
Legislative Assembly  
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3037

Introduced by

Representatives Grande, Belter, Wald

Senators Lyson, Stenehjem, Trenbeath

1 A concurrent resolution directing the Legislative Council to study the state's criminal justice  
2 process from arrest to release, including the cost-effectiveness and efficiency of incarcerating  
3 large numbers of inmates in a large facility, the use of electronic monitoring as an alternative to  
4 incarceration, and the effectiveness of sentencing laws, incarceration, and treatment.

5 **WHEREAS**, a seamless transition through the criminal justice process from arrest to  
6 release should be the goal of the state's courts and correctional system; and

7 **WHEREAS**, the average daily inmate population in North Dakota prisons nearly doubled  
8 from 1993 to 2001, rising from 567 in 1993 to 1,099 in 2001 and is projected to increase to an  
9 average daily population of 1,257 inmates in 2007 and 1,417 inmates in 2012, an annual  
10 increase of 33 inmates or 2.7 percent per year through 2012; and

11 **WHEREAS**, the state's female inmate population is projected to increase to an average  
12 population of 163 in 2007 and 208 inmates in 2012, an annual increase of 8 inmates or  
13 5.3 percent per year through 2012; and

14 **WHEREAS**, during the 2001-03 interim, the Legislative Council's Interim Corrections  
15 Committee studied the facilities and operations of the Department of Corrections and  
16 Rehabilitation and continued study should be made of the use of available correctional facilities;  
17 and

18 **WHEREAS**, the privatization of the state's correctional facilities has been reported to be  
19 a cost-effective and efficient method of housing a state's inmate population; and

20 **WHEREAS**, a study should be made of the property tax impact of constructing private  
21 correctional facilities rather than additional public correctional facilities; and

22 **WHEREAS**, concerns exist with the escalation of methamphetamine and other  
23 controlled substance use and the adequacy of the state's sentencing laws to deal with this  
24 problem; and

Fifty-eighth  
Legislative Assembly

1       **WHEREAS**, treatment and other programs that provide alternatives to incarceration  
2 may reduce the number of inmates and reduce recidivism;

3       **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**  
4 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

5       That the Legislative Council study the state's criminal justice process from arrest to  
6 release, including the cost-effectiveness and efficiency of incarcerating large numbers of  
7 inmates in a large facility, the use of electronic monitoring as an alternative to incarceration, and  
8 the effectiveness of sentencing laws, incarceration, and treatment; and

9       **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and  
10 recommendations, together with any legislation required to implement the recommendations, to  
11 the Fifty-ninth Legislative Assembly.