

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1061

2005 HOUSE JUDICIARY

HB 1061

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1061

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/25/05

Tape Number	Side A	Side B	Meter #
1	xx		0-end
1		xx	0-23.8
2	xx		4.8-6.6

Committee Clerk Signature



Minutes: 14 members present.

**Chairman DeKrey:** We will open the hearing on HB 1061.

**Representative Koppelman:** I am one of the sponsors of HB 1057, HB 1061, and HB 1313, I support the bill (see written testimony).

**Representative Delmore:** I support these bills.

**Representative Onstad:** On HB 1057, you reference the Executive Director, is that of Corrections ...

**Representative Koppelman:** I believe that is correct.

**Chairman DeKrey:** I believe it is head of State Hospital.

**Duane Houdek, AG's office:** Support HB 1057, 1061 and 1313 (see written testimony).

**Representative Kretschmar:** Would it be retroactive, for someone in the community now.

**Duane Houdek:** Yes, it could apply to anyone that is assessed now as a risk and for whom the states attorney in the counties see as a risk.

**Representative Kretschmar:** Did the task force, at any time, discuss any aspect of trying to prevent someone who's not an offender from doing it the first time.

**Duane Houdek:** We talked about extensively about the treatment that is available, what we'd do with people who come in from other states who may have never been part of our corrections system. As you know the corrections in the criminal system is the key way we find people and it is the biggest gate through which these assessments are made. This law would permit us to do it in any instance, in which a states attorney feels it would be necessary to pursue civil commitment. It could be someone who has not had a crime.

**Representative Kretschmar:** Someone who has committed a crime and been convicted comes under this bill. Someone with no conviction, but just out there, could be as dangerous as a criminal.

**Duane Houdek:** If we have a way of finding, through whatever source, that there has been an act committed, then this assessment could be made and such a commitment could be done.

**Representative Onstad:** On this assessment test, on the scoring, is 8 the basis where they require monitoring at that point.

**Duane Houdek:** You are exactly right. Eight is a critical point in the scoring of this particular test. We had the opportunity to talk to the doctor who developed this MnSOST test, a Dr. Efferson, and he showed us that between 7 and 8, over a period of 3-6 years, that's the point at which it becomes more likely than not, that the person will commit another act. Eight is also the point at which under our registration laws, we deem it necessary to have community wide notification. It is the point at which you change from moderate risk to a higher risk, and so 8 is a critical point and that's why it was chosen.

**Representative Delmore:** How many people do you foresee being on the outpatient side of this. One of the reasons I was very happy to be on these bills was because of what happened in my community in Grand Forks. How can we make sure that we can reassure the public that with an outpatient type of program, rather than incarceration, that the community is safe. Will we be able to monitor them so that we know where they are.

**Duane Houdek:** Yes. Thank you for your participation in this process. Yes, we can offer that assurance. We have to keep in mind, that those individuals who are scoring between 8 and 13 now, are not subject, we have not been referring them for civil commitment. So if they have a probationary part of their sentence, we would have that supervision. But if they were coming in from another state, or if they would have completed their criminal sentence, now what we have is registration and public notification. This would be an added layer of safeguards, including the monitoring you're talking about; the supervision by trained case managers and the court order requiring them to stay out of certain areas of the city; to stay away from schools, stay away from places where another offense might occur. So, although it is hard to predict exactly how many will end up in that status, we'll know that only after we run the tests and have the people assessed for that risk. I think we can say with assurance that we have the wherewithal to supervise, monitor and treat all those who fit that description. The GPS monitoring you mentioned, the sex offender specialist that we have added already out in the field, give us the opportunity and the ability to monitor this population.

**Representative Delmore:** What have we done, either with this committee, or with the Governor's office, with our border states. I look at MN as having fallen down with some of the things they probably should have had in place. Whether that would make the end result different,

nobody knows. I'm just wondering if we are working with SD, MT and MN to also make sure they're up to snuff with where they should be.

**Duane Houdek:** I know the Governor has spoken with Governor Polenti about this issue. We have changed our practices so that if a person would be subject to referral in ND for civil commitment, we notify any state that the person goes to that that is the fact, and that they may want to petition for civil commitment in their state, if they have such a law. Not all states do. We also apply our civil commitment laws to anyone who works in our state, even though they may live in a border state. We apply these laws to anyone, where we constitutionally can, who has sufficient contact with ND. We are hoping that people will leave. We want to be known as the state that sex offenders don't want to have anything to do with. We want to be known as the state where there are strict laws, where there is an ultimate level of protection.

**Representative Koppelman:** Are the other states reciprocating in that effort, are they also assessing people that come into their state in a like manner to which you are described.

**Duane Houdek:** I have seen more recently, that Gov. Polenti has convened a task force, similar to Gov. Hoeven and they are looking at those very same issues. I think Mr. Emmer would be able to tell you that we are getting a higher level of cooperation than we used to.

**Representative Koppelman:** We have to strike a balance between protecting freedom and liberties of people who have committed no offense of any kind and at the same time, dealing appropriately with those who have. Is it typical that sex offenders tend to violate on increasingly levels. Their first offense may not be as serious, but it kinds of ratchet up. We're dealing with folks that may be at risk, or a risk factor but have never offended, are they as likely to go out and do something as violent in their first act.

**Duane Houdek:** One thing I can see with certainty, is that you're right about asking Dr. Etherington, instead of me.

**Representative Delmore:** There is evidence that the recidivism rate alone is very, very high with sexual predators, and that's one of the reasons they put this in there.

**Chairman DeKrey:** Thank you. Thank you for working with the Task Force. Further testimony in support of HB 1061.

**Warren Emmer, Director, Dept. Of Corrections And Rehab:** Support (see written testimony). The way the system is set up now, is the sex offender will announce where they are going to live, and then law enforcement doesn't hear from them again. This requires that the individual would be checking in much more frequently. I think that's helpful. Rep. Delmore and Koppelman also spoke about sex offenders under correctional supervision crossing state lines. The new interstate compact that came law of September 1, 2004 is a much more stringent interstate compact, than we had for example when that tragedy occurred in Grand Forks. I think that mechanism is going to be much more helpful. It's not perfect. Our sister state, MN, has come into compliance in ways we've never seen before. We have some influence on the national level, as I am the chair of the National Compliance Committee for the Interstate Compact. I think that we can do a better job and we will be doing a better job.

**Representative Maragos:** What is the composition of the Risk Management Treatment Team.

**Warren Emmer:** That's going to be the treatment clinicians, and the case manager. But it's all the people who are officially involved with that case, would be part of the Risk Management Team.

**Dr. Etherington:** It would be a trained clinician, a case manager, the sex offender specialist, and then all those others that are deemed appropriate; most often a family member, or multiple family members, community members, members of the church, it is really a community project.

**Warren Emmer:** We started that same system for the high risk parole applicants in Fargo, Bismarck, and soon to be Williston, called the re-entry project. It's very similar to what the doctor described.

**Representative Meyer:** Last fall there was a special on TV, they showed where the sex offender gave the police department a bogus address, and when they went there they weren't there. Which of these three bills would address that issue.

**Warren Emmer:** I think actually all three of them would to some extent. If in fact a person is on a community civil commitment, it would be the case manager or sex offender specialist. That may be an interchangeable term, depending on how things work out. That would be ensuring that the people are living where they should be. HB 1061, dealing with registration, is also part of it, because that's the part where law enforcement gets more actively involved. If we developed this kiosk system, that address will be established monthly. As a result of the Governor's Task Force, we are looking at these addresses, and they are physically going out and making it a point to check each of them; particularly the high risk people. On HB 1313, that's the sentencing bill, the mandatory piece that requires supervision on the back end, would also then kick in the work of the sex offender specialist and also working with the law enforcement community as well. Out of tragedy, sometimes a lot of good things can come. First of all, the Governor taking the initiative to put this group of people together in a task force was helpful, but it clearly also allowed my staff and other local law enforcement folks to work together in a way



we haven't ever done before. It was through those discussions in fact, that the kiosk system idea came into play.

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1061.

**Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator for the ND**

**Council on Abused Women's Services/Coalition against Sexual Assault in ND:** We support all three bills, HB 1057, 1061 and 1313 (see written testimony).

**Representative Koppelman:** I certainly appreciate your amendments. Just to clarify, you do understand that the intent of the legislation is not to allow more sex offenders into the community, but rather to make sure that those who go back to the community, receive the kind of supervision that they need or that society thinks they need.

**Jessica McSparron-Bien:** Yes, we understand that.

**Chairman DeKrey:** Thank you.

**Ken Sorenson, AG's office:** (explained the amendment that the AG's office wanted).

**Representative Delmore:** Will this change the fiscal impact of the bill, with the amendment.

**Ken Sorenson:** No, I don't believe the amendment changes anything, just ties it in. Basically, my math is that the cost of the kit, the analysis report is averaging about \$50.00/sample. I think that is what the fiscal note reflects. Right now we have approximately 339 offenders that are registered that are not subject to our DNA database at the present time. That includes federal offenders that are registered, juvenile offenders that are registered, and offenders who are in from other states, under the Compact, that we don't have a sample. The way the amendment is drafted, we would hopefully avoid duplication because in the event that they have been required to submit a sample in another jurisdiction, we don't want to start duplicating that.

**Representative Delmore:** So we're looking at 339 people that would fall under this testing, to the best of what numbers you have now.

**Ken Sorenson:** That's what I would call the backlog. Then our crime lab estimates that it would be approx. 70 people after that each year.

**Chairman DeKrey:** Thank you. Further testimony in support of HB 1061. Testimony in opposition to HB 1061. We will close the hearing on HB 1061.

(Reopened in the same session)

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1061.

**Representative Delmore:** I move the Attorney General's amendments.

**Representative Meyer:** Second.

**Chairman DeKrey:** Motion carried.

**Representative Boehning:** I move a Do Pass as amended.

**Representative Kingsbury:** Second.

**14 YES 0 NO 0 ABSENT DO PASS AS AMENDED CARRIER: Rep. Galvin**

# FISCAL NOTE

Requested by Legislative Council  
01/27/2005

Amendment to: HB 1061

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$25,320	\$0	\$3,525	\$0
Appropriations	\$0	\$0	\$25,320	\$0	\$3,525	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill requires individuals required to register for sexual offenses that have not previously provided a DNA sample under NDCC Section 31-13-03, to provide a DNA sample. The cost required for collection and analysis of additional DNA samples is not currently budgeted in the Office of Attorney General's budget. The bill will require an estimated additional 942 individuals to be sampled for the biennium. An initial catch-up of the additional individuals (adjudicated juveniles, individuals registered but not required to provide a sample, federal offenders, and out-of-state offenders) required to provide a DNA sample will cause an immediate impact on the workload, but the projected workload of approximately 70 people will be manageable on an annual basis.

A full-time temporary administrative assistant will be needed for one month to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the collection process. Once the samples are collected, the administrative assistant will organize, verify integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

**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.*

The sentencing court has the authority to assess the cost of the procedure against the person being tested. The department of corrections and rehabilitation has the authority to collect the cost of the procedure from the person being tested and transfer the amount collected to the attorney general for deposit in the general fund (NDCC Section 31-13-03).

These costs have never been enforced due to the difficulty of collecting fees from offenders.

**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.*

The \$25,320 general fund fiscal impact includes a full-time temporary administrative assistant for one month to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the collection

process. Once the samples are collected, the administrative assistant will organize, verify sample integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

The change in the fiscal note is due to inadvertently excluding the affected persons not currently on the register.

**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.*

The resources needed to carry out the mandates of this legislation were not included in the executive budget. The Office of Attorney General's appropriation will need increased general fund monies to adequately perform the mandate of this bill.

**Name:** Hope Olson/Kathy Roll  
**Phone Number:** 328-6359 328-3622

**Agency:** Office of Attorney General  
**Date Prepared:** 01/31/2005

# FISCAL NOTE

Requested by Legislative Council  
12/17/2004

Bill/Resolution No.: HB 1061

**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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$14,064	\$0	\$3,525	\$0
<b>Appropriations</b>	\$0	\$0	\$14,064	\$0	\$3,525	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill requires individuals required to register for sexual offenses that have not previously provided a DNA sample under NDCC Section 31-13-03, to provide a DNA sample. The cost required for collection and analysis of additional DNA samples is not currently budgeted in the Office of Attorney General's budget. The bill will require an estimated additional 500 individuals to be sampled for the biennium. An initial catch-up of the additional individuals (adjudicated juveniles, federal offenders, and out-of-state offenders) required to provide a DNA sample will cause an immediate impact on the workload, but the projected workload of approximately 70 people will be manageable on an annual basis.

A full-time temporary administrative assistant will be needed for one month to coordinate mailing additional buccal swab collection kits to law enforcement agencies to expedite the collection process. Once the samples are collected, the administrative assistant will organize, verify integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

**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.*

The sentencing court has the authority to assess the cost of the procedure against the person being tested. The department of corrections and rehabilitation has the authority to collect the cost of the procedure from the person being tested and transfer the amount collected to the attorney general for deposit in the general fund (NDCC Section 31-13-03).

These costs have never been enforced due to the difficulty of collecting fees from offenders.

**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.*

The \$14,064 fiscal impact includes a full-time temporary administrative assistant for one month to coordinate mailing

additional buccal swab collection kits to law enforcement agencies to expedite the collection process. Once the samples are collected, the administrative assistant will organize, verify sample integrity, and prepare buccal samples for DNA testing. Reagents and consumables (supplies) are needed to adequately perform DNA testing in accordance with the FBI's Quality Assurance Standards.

- 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.*

The resources needed to carry out the mandates of this legislation were not included in the executive budget. The Office of Attorney General's appropriation will need increased general fund monies to adequately perform the mandate of this bill.

**Name:** Hope Olson/Kathy Roll  
**Phone Number:** 328-6359/328-3622

**Agency:** Office of Attorney General  
**Date Prepared:** 01/20/2005

## Proposed Amendment to House Bill 1061

Page 1, line 8, replace "sample" with "An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall also submit a sample of blood and other body fluids for inclusion in a centralized data base of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-31-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection."

Page 1, remove lines 9, 10, and 11

Page 1, line 13, remove "DNA sample,"

Page 1, line 14, after "general" insert "and shall submit the sample of the individual's blood and body fluids to the state crime laboratory."

Page 1, line 15, overstrike "within" and insert immediately thereafter "at least"

Page 1, line 15, after "days" insert "prior to the change"

Page 1, line 24, after "employment." insert "The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general."

Renumber accordingly

VR  
1/25/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1061 JUD 1/26/05

Page 1, line 8, replace "For those individuals who have not provided a DNA sample" with "An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall also submit a sample of blood and other body fluids for inclusion in a centralized data base of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection."

Page 1, remove lines 9 through 11

Page 1, line 13, remove "DNA sample."

Page 1, line 14, after "general" insert "and shall submit the sample of the individual's blood and body fluids to the state crime laboratory"

Page 1, line 15, overstrike "within" and insert immediately thereafter "at least" and after "days" insert "before the change"

Page 1, line 24, after the period insert "The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general."

Renumber accordingly



Date: 1/25/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1061

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended & Referred to Approp.

Motion Made By Rep. Boehning Seconded By Rep. Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	/		Representative Delmore	/	
Representative Maragos	/		Representative Meyer	/	
Representative Bernstein	/		Representative Onstad	/	
Representative Boehning	/		Representative Zaiser	/	
Representative Charging	/				
Representative Galvin	/				
Representative Kingsbury	/				
Representative Klemin	/				
Representative Koppelman	/				
Representative Kretschmar	/				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Galvin

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

**REPORT OF STANDING COMMITTEE**

**HB 1061: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "For those individuals who have not provided a DNA sample" with "An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall also submit a sample of blood and other body fluids for inclusion in a centralized data base of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection."

Page 1, remove lines 9 through 11

Page 1, line 13, remove "DNA sample,"

Page 1, line 14, after "general" insert "and shall submit the sample of the individual's blood and body fluids to the state crime laboratory"

Page 1, line 15, overstrike "within" and insert immediately thereafter "at least" and after "days" insert "before the change"

Page 1, line 24, after the period insert "The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general."

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1061

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1061

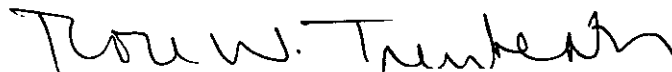
House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date Wednesday, February 2, 2005

Tape Number	Side A	Side B	Meter #
1	X		17.1-21.1
1	X		44-52

Committee Clerk Signature



Minutes:

**Chairman Carlisle** opened discussion on HB 1061 which has been referred to Government Operations from Judiciary where it passed 14-0. The latest fiscal note is 1/27/05 and it requires \$25,320.

**Rep. Thoreson** asked if someone from policy committee should be present as they do in Full Committee. **Chairman Carlisle** suggested they call **Rep. Koppelman**. **Rep. Williams** suggested the language on the fiscal note is pretty clear. **Rep. Timm** pointed out it's not a sample issue, it's a salary issue for one month. He noted it was a little high for one month.

**Chairman Carlisle** suggested that the discussion be put on hold until later in the morning when the Committee talks with representatives from the Attorney General's Office.

Discussion on HB 1061 closed.

(Meter #21.1)

**Chairman Carlisle** resumed discussion on HB 1061. **Ms. Kathy Roll, Director of Finance & Administration Division** and **Ms. Sandi Tabor, Attorney General Administration, Chief Deputy Attorney General** were present to assist the Committee.

**Deputy Tabor** <sup>said</sup> described HB 1061 came from the Governor's Task Force on Sex Offenders.

Senator Koppelman is the prime sponsor, but almost every legislator who was involved in the Task Force signed on. As an introductory comment, she referred the Committee to a list: "Impact of Bills Being Considered Affecting the 2005-07 Biennium Budget" which the Attorney General's Office prepared (See Handout #1). Specific to HB 1061, **Deputy Tabor** said there will be another fiscal note by DOCR which regards computer system kiosks. The Dept. does not want this in their budget. That's in the Senate right now. She estimates that amount is \$60,000.

**Rep. Timm** asked for clarification on the fiscal note request. This is a temporary position to get the kits sent out and log the samples back in. **Rep. Kempenich** asked who takes the samples.

**Dir. Roll** said Law Enforcement has been trained to do this.

**Rep. Timm** pointed out an error in the list: the \$27,488 should be \$25,320. Committee members noted the change.

**Rep. Kempenich** noted that this involves 942 people.

**Ms. Paulson** asked if this change had to do with outsourcing the work. **Deputy Tabor** said this was because Hope forgot a group. **Ms. Paulson** asked if this work will be done in the State's Crime Lab or done outside. **Deputy Tabor** said it will be done by our Crime Lab.

**Rep. Timm** moved Do Pass on HB 1061; **Rep. Kempenich** seconded. Hearing no discussion, **Chairman Carlisle** called for Roll Call Vote #7. Motion passed 6-0.

Page 3

Government Operations Division

Bill/Resolution Number HB 1061

Hearing Date Wednesday, February 2, 2005

**Deputy Tabor** asked that if the Full Committee agrees with the Committee's Do Pass, then how would this money get added into the budget. She noted there's no appropriation on this bill.

**Chairman Carlisle** asked **Mr. Allen Knudson, Legislative Council**, what should be done. He recommended that the Committee amend the money into the Attorney General's budget bill HB 1003.

**Chairman Carlisle** closed discussion on HB 1061 in order to open discussion on HB 1003 in order to amend the budget to include the appropriation.

(Meter #52)


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1061  
Registration of Sexual Offenders

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 8, 2005

Tape Number 1	Side A X	Side B	Meter # #31.4 -#35.8
Committee Clerk Signature			

Minutes:

**Rep. Ken Svedjan, Chairman** opened the hearing on HB1061.

**Rep. Joe Kroeber** explained that this bill relates to the registration of sexual offenders and has a general fund appropriation of \$25,320.00 which we will have to add to the budget for the Attorney General. 942 individuals will need to register and this money will provide for 1 temporary FTE position for 1 month to mail kits to law enforcement agencies to collect samples. Once collected the assistant position will coordinate the readiness of the samples for DNA testing.

**Rep. Joe Kroeber** moved a Do Pass motion on HB1061.

**Rep. Ron Carlisle** seconded.

**Rep. Ken Svedjan, Chairman** explained that this bill is similar to the last bill discussed in that it had no appropriation but the fiscal note shows and impact of \$25,320.00 that will need to be added to the Attorney General's budget if this bill is passed.

Page 2  
House Appropriations Committee  
Bill/Resolution Number HB1061  
Hearing Date February 8, 2005

**Rep. Ken Svedjan, Chairman** called for a roll call vote on the Do Pass motion on HB 1061.

The motion passed with a vote of 19 yeas, 2 nays, and 2 absences. Rep Galvin will carry the bill to the house floor.

**Rep. Ken Svedjan, Chairman** closed the discussion on HB1061. (meter Tape #1, side A, #35.8)



Date: 2/2/05  
Roll Call Vote #: 7

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1061**

House House Appropriations Government Operations

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do PASS HB 1061

Motion Made By Rep. Timm Seconded By Rep. Kempenich

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	✓		Rep. Kroeber	✓	
Rep. Timm	✓		Rep. Williams	✓	
Rep. Kempenich	✓				
Rep. Thoreson	✓				

Total (Yes) 6 No 0

Absent

Floor Assignment Rep. Joe Kroeber

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

Note: HB 1003 will be amended  
to add the \$25,320 requested  
in the Fiscal Note dated 11/27/05.

Date: **February 8, 2005**  
Roll Call Vote #: **1**

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB1061**

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken **DO PASS**

Motion Made By **Rep Kroeber**

Seconded By **Rep Carlisle**

<b>Representatives</b>	<b>Yes</b>	<b>No</b>	<b>Representatives</b>	<b>Yes</b>	<b>No</b>
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol		X
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	AB		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Guleson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	AB				
Rep. Al Carlson		X			

Total Yes **19** No **2**

Absent **2**

Floor Assignment **Rep Galvin (Judiciary)**

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2005 2:48 p.m.

**Module No: HR-25-2172**  
**Carrier: Galvin**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1061, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)**  
**recommends DO PASS (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).**  
Engrossed HB 1061 was placed on the Eleventh order on the calendar.

2005 SENATE JUDICIARY

HB 1061

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1061

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 28, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0 - End
		X	0.0 - 900

Committee Clerk Signature

*Maria L. Solberg*

Minutes: Relating to registration of sexual offenders - DNA.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

**Rep. Kim Koppelman**, Dist. #13 Att. #A

**Duane Hoedek, Legal Counsel**, Governor's- Introduced the Bill (meter .07) Gave Testimony -  
Att. # 1,

**Sen. Trenbeath** asked why a dollar amount was not addressed in a fiscal note? Human Services sees this as new and they do not know how many community placements there will be or how much the courts will use this.

**Sen. Trenbeath** stated that there is no indirect placement according to court order. Why do we not trust the judge to make these decisions? We do. **Sen. Trenbeath** responded only at the request of the executive director. **Mr. Hoedek** responded that the system is set as it is so that

plea bargaining is not used as a negotiating tool during the criminal proceedings. We want to continue with the current standards. This bill avoids plea bargaining, give state hospital the opportunity to review that person specifically for community placement and the risk factors. This is too hard to do upfront and at this time they may have had some rehabilitation. Third this mirrors current statute.

**Senator Triplett** discussed the "may" verses "shall" in the mandate of the executive director? This mirrors current language. Discussed the ongoing assessment process.

**Jonathan Byers** - Attorney General's office, (meter 2340)

Rosalie Etherington, Clinical Director of ND State Hospital and member of Governor's Task Force (meter 3131) Gave Testimony - Att. #2. Out Patient Risk Assessment description (meter 3400). Discussion of the risk assessment being in two levels. One when they first arrive and one upon request of the risk management plan.

**Sen. Trenbeath** asked why if you are already doing this are we now mandating that you do it? Why shouldn't you do a risk management assessment on all individuals? If a person is at such a high risk level then it is a waste of the resources to do the procedure. They would not ever qualify for the process. The reason it is not mandatory is due to some time in the course of treatment they may be deemed able to be placed in the community.

**Senator Triplett** wanted a description of what an "8" individual and a "13" individual profile be and the tree pathway used to measure risk. Dr. Etherington gave a description (meter 4299)

**Senator Triplett** asked how our system would have treated a person like the man that murdered the girl in Grand Forkes, Mr. Rodgeges. **Dr. Etherinton** stated that he would never have been released. She has been doing her job for 9 years.

Page 3  
Senate Judiciary Committee  
Bill/Resolution Number HB 1061  
Hearing Date February 28, 2005

**Mr. Warren Emmer**, Director of Dept. of Corrections and Rehabilitation, (meter 5037) Gave  
Testimony - Att. #3

**Jessica Mc. Sparron-Bien**, Sexual Assault Program and Policy Coordinator of ND (meter 6012)  
Gave Testimony - Att. # 4.

**David Boek**, Protection and Advocacy Project. (meter 721) Sited his support in this legislation

**Testimony in Opposition of the Bill:**

none

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1061

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 9, 2005

Tape Number	Side A	Side B	Meter #
2	X		1600 - 2400

Committee Clerk Signature *Maria L. Salberg*

Minutes: Relating to registration of sexual offenders.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

**Sen. Trenbeath** stated that on line 10 the word also should be removed. Senator Triplett requested to look at the bill brought to our committee by Rep. Klemin HB 1235 and discussed discussed the similarity, differences and passage. Discussed fiscal note.

**Sen. Trenbeath** made the motion to Amend and **Senator Triplett** seconded the motion. All members were in favor and motion passes.

**Senator Triplett** made the motion to do pass as amended and **Sen. Trenbeath** seconded the motion. All members were in favor and motion passes.

Carrier: **Senator Hacker**

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing



Date: 3/9/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1061

Senate Judiciary

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Amend also line 10

Motion Made By Senator Trenbeath Seconded By Senator Triplett

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment

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

Date: 3/9/05  
Roll Call Vote #: 2

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1061**

Senate Judiciary

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass As Amended*

Motion Made By Senator *Triplett* Seconded By Senator *Trenbeath*

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment *Sen Hacker*

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

REPORT OF STANDING COMMITTEE (410)  
March 10, 2005 8:32 a.m.

Module No: SR-44-4590  
Carrier: Hacker  
Insert LC: 58051.0102 Title: .0300

**REPORT OF STANDING COMMITTEE**

HB 1061, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "also"

Renumber accordingly

2005 SENATE APPROPRIATIONS

HB 1061

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1061

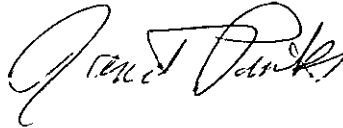
Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 18, 2005

Tape Number	Side A	Side B	Meter #
1		x	2,382

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on HB 1061.

**Representative Kim Koppelman, District 13, West Fargo**, testified in support of HB 1061 as the sponsor of the bill. The bill deals with the lack of requirements to provide bodily fluid for DNA testing. Unless an individual can show just cause sexual offenders will be required to have DNA testing. He indicated that he hoped Mr. Hodack of the Governor's office would be here to address any specific concerns.

Questions were asked how this bill relates to HB 1235 which also deals with DNA testing of felons and whether the passing of that bill would make this bill redundant. The response was that some of this will have to be taken up with the Attorney General's office.

**Chairman Holmberg** indicated HB 1061 will go to subcommittee and at that time the Attorney General will be called and both HB 1235 and 1061 will be discussed together.

**Chairman Holmberg** closed the hearing on HB 1061.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1061

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 21, 2005

Tape Number	Side A	Side B	Meter #
2	a		535

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the discussion on HB 1061 indicating HB 1235 and HB 1061 are not in conflict as was asked. The registration in 1061 is for sexual offenders and is reflected in the budget status at a cost of \$68,000 and is a stand alone bill. The latest fiscal impact is \$25,320

**Senator Kringstad** indicated we didn't have a sub committee meeting on that and maybe we should.

**Senator Andrist** indicated this would be a significant larger impact on the HB 1235. I have been distressed because apparently the judiciary makes no effort to collect this fee even though the statute directs them to do that. I am wondering if we shouldn't have an amendment to both of these bills indicating the fee will be imposed as a condition of the bond. At the time bond is posted \$51 be added to it.

**Chairman Holmberg** indicated the testimony was that even though we have it in these bills, the requirement that they ask for is that they have not been asking for it.

Page 2

Senate Appropriations Committee

Bill/Resolution Number 1061

Hearing Date March 21, 2005

**Senator Andrist** indicated that was the testimony and no money has been collected.

**Chairman Holmberg** indicated that when we have an amendment that has no direct fiscal effect, we work with Vonnerte or Legislative Council. Senator Andrist was asked to work with them and we will come back to these bills.

**Chairman Holmberg** closed the discussion.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1061

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 22, 2005

Tape Number	Side A	Side B	Meter #
1		b	2,136

Committee Clerk Signature

Minutes:

**Chairman Holmberg** called the discussion to order on HB 1061 indicating it deals with DNA collection of anyone convicted as a sexual offender.

**Senator Tallackson moved a DO PASS, Senator Kringstad seconded, no discussion took place. A roll call vote was taken with 13 yes, 0 no 2 absent. The motion carried. Senator Hacker will carry the bill.**

**Chairman Holmberg** closed the discussion on HB 1061.



Date 3/22/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 1061

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Tallackson

Seconded By

Kringstad

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	✓		SENATOR KRAUTER	✓	
VICE CHAIRMAN BOWMAN	✓		SENATOR LINDAAS	✓	
VICE CHAIRMAN GRINDBERG	✓		SENATOR MATHERN	✓	
SENATOR ANDRIST	✓		SENATOR ROBINSON		
SENATOR CHRISTMANN	✓		SEN. TALLACKSON	✓	
SENATOR FISCHER	✓				
SENATOR KILZER	✓				
SENATOR KRINGSTAD	✓				
SENATOR SCHOBINGER					
SENATOR THANE	✓				

Total (Yes)

13

No

0

Absent

2

Floor Assignment

Judd

Hacker

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

REPORT OF STANDING COMMITTEE (410)  
March 22, 2005 1:01 p.m.

Module No: SR-52-5726  
Carrier: Hacker  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

HB 1061, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1061, as amended, was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1061



# NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



Representative Kim Koppelman  
District 13  
513 First Avenue NW  
West Fargo, ND 58078-1101  
kkoppelman@state.nd.us

COMMITTEES:  
Judiciary  
Political Subdivisions  
Constitutional Revision, Chairman

## Testimony on House Bills 1057, 1061, and 1313 before the House Judiciary Committee 1-25-05

*Same to  
given to  
Senate*

Mr. Chairman and Members of the House Judiciary Committee, for the record, I am Rep. Kim Koppelman and I represent District 13, which consists of most of the city of West Fargo.

In consideration of the committee's time, I appear before you this morning to introduce three bills: House Bills 1057, 1061 and 1313. As you'll note, the sponsorship of the bills is identical and includes our committee chairman.

These bills are the product of a task force convened by the Governor, which studied the problem violent sexual offenders and how best to deal with them, from the perspectives of treatment, incarceration and supervision. We are all too familiar with grizzly events, such as the Dru Sjodin case, to understand the need to pay attention to these offenders and our laws that deal with them.

The package of legislation before you seeks to do just that. While we have good laws on the books to deal with sex offenders now (we were one of the early states to implement civil commitment for sex offenders, for example) we need to do more.

We're proposing getting even tougher on violent sex offenders in sentencing. House Bill 1313 would impose a life sentence, without the possibility of parole, for perpetrators whose victims die, as a result of the offense.

House Bill 1061 deals with the collection and confirmation of DNA samples.

House Bill 1057 provides a critical piece of the puzzle, as it deals with supervision of offenders after they are released. We're told that, although treatment is offered to convicted sex offenders, many reject the opportunity for treatment and simply uncooperatively serve out their full sentence. That means that there is no supervision, once they go back into society, other than the registration and community notification requirements we have in law.

I believe that it's vitally important, for the safety of our citizens, that we supervise offenders, after they are released. This bill requires that and sets up a process to accomplish it.

Mr. chairman and members of the committee, House Bills 1057, 1061 and 1313 are an important step forward to deal with sexual offenders more firmly and more comprehensively and to make our state an even safer place and I'd encourage the committee's favorable consideration. I'd be glad to attempt to answer any questions.

HOUSE JUDICIARY COMMITTEE  
REP. DUANE DEKREY, CHAIRMAN  
HB 1057, 1061, 1313

Testimony of Duane Houdek  
Legal Counsel, Governor's Office  
January 25, 2005

Chairman DeKrey, members of the House Judiciary Committee, my name is Duane Houdek. I am legal counsel for Governor Hoeven, and I staffed the task force the Governor convened last January to study our sex offender laws. The task force included professionals from all relevant disciplines and all parts of North Dakota. Over the course of six months, it met throughout the state, receiving public comment about the issues and refining its work. House bills 1057, 1061 and 1313 are a product of that task force.

Mr. Chairman, I would like to thank you and Representative Koppelman for your leadership during this study. With Senator Trenbeath, you provided the legislative expertise that proved invaluable to our deliberations. I would also like to thank Representative Delmore and Senators Traynor and Nelson for co-sponsoring this package of legislation.

When this task force convened last January, it became apparent that, although our sex offender laws and policies were generally very good, there were things we could do to provide even greater security for North Dakota citizens.

We studied all aspects of sex offender laws, including sentencing, probation and supervision, registration, treatment and civil commitment. In the end, we made some additions to each of these areas that significantly enhance the protections our laws provide to all North Dakotans.

I will provide a brief overview of each of these bills, with emphasis on the legal aspects of the community placement provisions of HB 1057. Joining me from the task force today to discuss these bills in greater detail are Jonathan Byers, from the Attorney General's office; Dr. Rosalie Etherington, Clinical Director at the State Hospital; and Warren Emmer,

Director of Field Services for the Department of Corrections. These people have stepped up and done a tremendous amount of work on these issues and, although they don't seek it, deserve recognition for all their efforts.

As a society, we deal with sex offenders in a number of ways. In the criminal system with incarceration and supervised probation, in the community with registration and public notice, and in the mental health area with inpatient civil commitment for those sexually dangerous offenders who have a mental disorder that requires treatment.

The task force looked first at our criminal system, particularly our sentencing and probation laws. We found that enhancing the criminal sentences for sexual offenses would not only provide a longer period of secure confinement, but also a greater likelihood that appropriate treatment could be provided in prison before release, further enhancing public safety. Therefore, you will see in HB 1313 a significant increase in sentencing maximums for sexual crimes that are violent or whose victims are children. In certain cases, the most heinous cases where a victim dies from a sexual attack, the task force recommends mandatory life without the possibility of parole.

The task force also found that approximately one-half of sexual offenders in the penitentiary are not sentenced to any supervised probation following their release from prison. Periods of mandatory supervised probation are recommended so that no sex offender leaves our prison without supervision.

By extending the actual period of incarceration and adding five years of supervision, we will closely follow offenders through a critical period of potential recidivism.

These changes are contained in HB 1313, which Jonathan Byers will explain.

The task force then turned its attention to our civil commitment laws. Current law provides for the civil commitment of sexually dangerous individuals. These are people who have engaged in sexually predatory conduct in the past, and who have been found to have a mental disorder or dysfunction that makes them likely to do so again.

The current law was passed in 1997, and since then 22 people have been committed to inpatient treatment at the State Hospital as sexually dangerous individuals.

It is important to recognize that this is not a criminal proceeding, and the commitment to inpatient treatment is not punishment for a crime. This is a civil proceeding, based upon a finding of a mental disorder, coupled with a proclivity to commit further acts of predatory conduct which present a danger to others.

All commitments are done by court order. The State's Attorney of a county petitions the court for an order of commitment on his or her own motion, or based on a referral from our corrections department or from the Attorney General's Sex Offender Risk Assessment Committee. In the past, we have referred the very highest risk offenders, those whose scores on a sex offender screening tool known as MnSOST-R are equivalent to 13 or above. By comparison, community wide notification is given of individuals if their risk is roughly equivalent to an 8 on the MnSOST-R test.

The task force found that there is a population of individuals in the state, approximately 45 people, who have been assessed between 8 and 12 on the MnSOST test and are subject only to registration as a sex offender. Some are on probation from criminal sentences, but some are not, and have no supervision at all. By scoring an 8 on this assessment tool, they indicate that over a period of three to six years, they have greater than a 50% chance of committing another sexually predatory act.

HB 1057 contains provisions that provide a new method of treating and supervising certain members of this population. They present enough risk to be evaluated and referred for commitment, but may not require the intensive in-patient treatment we have reserved for the very highest risk individuals.

Dr. Etherington will explain the risk assessment and treatment aspects of this bill, and Warren Emmer will discuss the supervision and monitoring this entails.

I would like to set the legal framework and explain why the task force chose this method of treatment.

Initially, please note that HB 1057 presents no change to either the standards for commitment of sexually dangerous individuals, nor to the procedure that is followed. Because the population we are seeking to evaluate have shown that it is likely they may commit another sexually predatory act, they already fit the requirement of our current law.

The risk assessment for community placement is done only after a court has decided there is enough evidence to commit. The initial decision by the court is whether to commit or not. There can be no direct placement in the community in the initial court order.

We did this for two reasons: First, it preserves the integrity of our current statute. Second, it avoids "plea bargaining", that is, having someone say I will agree to commitment only if it can be in the community.

Once a commitment is made, a risk assessment will be conducted and only then can the director of the department of human services petition the court for placement in the community.

Notice of the petition is given to the State's Attorney, and the court makes the final decision to place the individual in a community treatment program.

Please keep in mind that these individuals are now in our communities. We would be adding supervision, monitoring and treatment that may not now be present. The highest risk individuals will continue to be treated on an in-patient basis.

The court's order of placement must contain provisions for treatment and supervision and monitoring of the individual that will assure public safety and proper treatment of the committed individual.

One of these provisions is the requirement that the individual submit to electronic monitoring. GPS technology has advanced dramatically in recent years, and the cost of such monitoring has dropped substantially.



We are now able to track an individual's whereabouts minute by minute, establish safety zones that may not be entered, and treatment zones that must be entered at certain times. We can interface these tracks with police reports, so that we can tell in an instant if a monitored individual is at or near a crime scene at a given time.

We expect to use this tool extensively in the supervision and monitoring of community placed individuals.

Finally, HB 1057 provides that violation of a commitment order is a Class C felony. It was the conclusion of the task force that it is appropriate to have this sanction available to ensure compliance with the court's order, in addition to the contempt power inherent in the Court.

The type of out-patient treatment HB 1057 presents has been used extensively in some other states. In Texas, it is the exclusive method of commitment. Because it is a civil proceeding, it may be used when appropriate, for anyone who lives or works in a community, regardless of whether they are or have been part of our corrections population.

I understand that the Council on Abused Womens' Services will offer an amendment that would specifically provide that a committed individual have no contact with a victim outside of a supervised treatment plan. That amendment would certainly be consistent with the intent of this legislation.

The third bill, HB 1061, addresses two issues in the sex offender registration laws. It first requires a DNA sample as part of the registration process for anyone who has not previously provided one.

Secondly, it provides that the registration information must be updated in a manner and at an interval the attorney general requires. This is intended to allow our corrections department to continue to explore the concept of computerized kiosks, in which offenders provide updates of necessary information. This is favored by law enforcement, and perhaps Warren Emmer can further discuss this with you, should you want more information about it.

Mr. Chairman, you will note that the fiscal note for HB 1057 states that the cost of this legislation will depend upon the utilization of both the in-patient and out-patient methods of commitment. We have analyzed the cost of out-patient treatment and supervision, and I can tell you that it is substantially below the cost of in-patient treatment, which currently is approximately \$95,000 per year for each individual. Based on costs in other states, and our analysis of the treatment and supervision needed, we have calculated a cost of approximately \$12,000 per year, or even less, depending on the number of people receiving such treatment.

Thank you for the opportunity to present this overview. I would be glad to try to answer any questions you may have.

**HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE DUANE DEKREY, CHAIRMAN  
JANUARY 25, 2005**

-----

**WARREN R. EMMER, DIRECTOR  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
FIELD SERVICES DIVISION  
PRESENTING TESTIMONY RE: HB 1313, 1057, and 1061**

Good Morning Mr. Chairman and members of the House Judiciary Committee, my name is Warren Emmer. I am the Director of the Department of Corrections and Rehabilitation, Field Services Division. House Bills 1313, 1057, & 1061 are products of the work done by the Governor's sex-offender task force. I was a member of that task force.

Several fellow task force members have already presented testimony this morning. I agree with what they have said and do not intend on duplicating that testimony. During my testimony, I will discuss examples of supervision strategies that may be used to protect both the public and reduce the future sex-offending risk of clients assigned to a community civil commitment program.

As we begin our discussion, it's imperative that we note that the authority for any community supervision for civilly committed sex offenders will remain with the court. The case manager assigned to the supervision of the civilly committed client will need to insure that all conditions set by the court are enforced. All client supervision strategies, utilized by the assigned case manager, will also need to be compatible with the individual client's risk management plan.

**Examples of Client Supervision Strategies**

- **Assessment of Client's Risk**

The case manager will continually assess client future risk while the client is assigned to community supervision.

- The case manager will utilize multiple assessment tools to assist them in assessing client risk.
- The case manager will utilize information provided to them by collateral sources such as law enforcement, treatment professionals, corrections, client-family members, and others, to assist them with risk assessment.

- Changes of client risk will be reported to the risk management treatment team and recorded in the client's risk management plan.
- **Compliance With Treatment Programming**

Treatment is a critical component of most sex offender risk reduction programs.

  - The case manager will monitor the client's compliance with all required treatment programming.
  - The case manager will participate as an active member of the risk management treatment team.
- **Client's Surveillance**

Client surveillance will be a critical component of a successful client risk management plan.

  - Utilization of polygraph assessments
  - Electronic surveillance
  - Structured client interviews
  - Client home inspections
  - Personal home computer inspections
  - Collateral communication with client-family members, law enforcement, employers, and others
  - Three to five (or more) face-to-face meetings with the client weekly

The enactment of House Bills 1313, 1057, and 1061 will enhance public safety. The Department of Corrections respectfully requests your support for each bill.

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

18 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Chairperson DeKrey and Member of the House Judiciary Committee

RE: Testimony in support of HB 1061

Tuesday, January 25, 2005

For the record I am Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator at the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in support of the collection of DNA for registered sex offenders.

DNA technology has been one of the greatest advancements in criminal justice in the last century. For victims of crimes, especially sexual assault, it has resulted in the identification of rapists in hundreds of cases. Among the most notable is the case of Debbie Smith, a woman who was raped by a stranger in her back yard. Her rape kit sat on a shelf in a police department for six years. When the department decided to clear out its backlog, her rape kit was tested for DNA. Once the DNA profile was entered into the CODIS system, there was a "hit". The offender had been arrested for another crime and his DNA entered in that case. Through the use of DNA and CODIS (Combine DNA Indexing System) her perpetrator was identified and justice found. Debbie Smith has gone on to be involved in the national movement to advance DNA use through her efforts in passing the Advancing Justice Through DNA Technology Act of 2003.

Research on sex offenders indicates that these criminals repeat not only sex offenses but also engage in other crimes such as robbery and assault. The use of DNA and CODIS has provided

an amazing tool for criminal justice investigators to link offenders to crimes. In cases of sexual assault, DNA has been instrumental in and has resulted in billions of dollars from the federal government to reduce rape kit backlogs through the "Debbie Smith Act" part of the Advancing Justice Through DNA Technology Act of 2003. This bill is critical because without the input of identified offenders, the CODIS system and the Debbie Smith Act are limited in their ability to link offenders to their crimes.

The North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota support this bill. HB 1061 will increase the ability to hold criminals accountable for their crimes, and for some victims it will help bring justice and closure.

Respectfully.

AH #1

**SENATE JUDICIARY COMMITTEE  
SEN. JOHN TRAYNOR, CHAIRMAN  
HB 1057, 1061, 1313**

Testimony of Duane Houdek  
Legal Counsel, Governor's Office  
February 28, 2005

Chairman Traynor, members of the Senate Judiciary Committee, my name is Duane Houdek. I am legal counsel for Governor Hoeven, and I staffed the task force the Governor convened in January of 2004 to study our sex offender laws. The task force included professionals from all relevant disciplines and all parts of North Dakota. Over the course of six months, it met throughout the state, receiving public comment about the issues and refining its work. House bills 1057, 1061 and 1313 are a product of that task force.

Mr. Chairman, I would like to thank you, and Senators Trenbeath and Nelson, for co-sponsoring this package of legislation, and Senator Trenbeath for serving on this task force. With Representatives Koppelman and DeKrey, you provided the legislative expertise that proved invaluable to our deliberations. I would also like to thank Representative Delmore for co-sponsoring the legislation on the House side.

When this task force convened last January, it became apparent that, although our sex offender laws and policies were generally very good, there were things we could do to provide even greater security for North Dakota citizens.

We studied all aspects of sex offender laws, including sentencing, probation and supervision, registration, treatment and civil commitment. In the end, we made some additions to each of these areas that significantly enhance the protections our laws provide to all North Dakotans.

I will provide a brief overview of each of these bills, with emphasis on the legal aspects of the community placement provisions of HB 1057. Joining me from the task force today to discuss these bills in greater detail are Jonathan Byers, from the Attorney General's office; Dr. Rosalie

Etherington, Clinical Director at the State Hospital; and Warren Emmer, Director of Field Services for the Department of Corrections. These people have stepped up and done a tremendous amount of work on these issues and, although they don't seek it, deserve recognition for all their efforts.

As a society, we deal with sex offenders in a number of ways. In the criminal system with incarceration and supervised probation, in the community with registration and public notice, and in the mental health area with inpatient civil commitment for those sexually dangerous offenders who have a mental disorder that requires treatment.

The task force looked first at our criminal system, particularly our sentencing and probation laws. We found that enhancing the criminal sentences for sexual offenses would not only provide a longer period of secure confinement, but also a greater likelihood that appropriate treatment could be provided in prison before release, further enhancing public safety. Therefore, you will see in HB 1313 a significant increase in sentencing maximums for sexual crimes that are violent or whose victims are children. In certain cases, the most heinous cases where a victim dies from a sexual attack, the task force recommends mandatory life without the possibility of parole.

The task force also found that approximately one-half of sexual offenders in the penitentiary are not sentenced to any supervised probation following their release from prison. Periods of mandatory supervised probation are recommended so that no sex offender leaves our prison without supervision.

By extending the actual period of incarceration and adding five years of supervision, we will closely follow offenders through a critical period of potential recidivism.

These changes are contained in HB 1313, which Jonathan Byers will explain.

The task force then turned its attention to our civil commitment laws. Current law provides for the civil commitment of sexually dangerous individuals. These are people who have engaged in sexually



predatory conduct in the past, and who have been found to have a mental disorder or dysfunction that makes them likely to do so again.

The current law was passed in 1997, and since then 22 people have been committed to inpatient treatment at the State Hospital as sexually dangerous individuals.

It is important to recognize that this is not a criminal proceeding, and the commitment to inpatient treatment is not punishment for a crime. This is a civil proceeding, based upon a finding of a mental disorder, coupled with a proclivity to commit further acts of predatory conduct which present a danger to others.

All commitments are done by court order. The State's Attorney of a county petitions the court for an order of commitment on his or her own motion, or based on a referral from our corrections department or from the Attorney General's Sex Offender Risk Assessment Committee. In the past, we have referred the very highest risk offenders, those whose scores on a sex offender screening tool known as MnSOST-R are equivalent to 13 or above. By comparison, community wide notification is given of individuals if their risk is roughly equivalent to an 8 on the MnSOST-R test.

The task force found that there is a population of individuals in the state, approximately 45 people, who have been assessed between 8 and 12 on the MnSOST test and are subject only to registration as a sex offender. Some are on probation from criminal sentences, but some are not, and have no supervision at all. By scoring an 8 on this assessment tool, they indicate that over a period of three to six years, they have greater than a 50% chance of committing another sexually predatory act.

HB 1057 contains provisions that provide a new method of treating and supervising certain members of this population. They present enough risk to be evaluated and referred for commitment, but may not require the intensive in-patient treatment we have reserved for the very highest risk individuals.

Dr. Etherington will explain the risk assessment and treatment aspects of this bill, and Warren Emmer will discuss the supervision and monitoring this entails.

I would like to set the legal framework and explain why the task force chose this method of treatment.

Initially, please note that HB 1057 presents no change to either the standards for commitment of sexually dangerous individuals, nor to the procedure that is followed. Because the population we are seeking to evaluate have shown that it is likely they may commit another sexually predatory act, they already fit the requirement of our current law.

The risk assessment for community placement is done only after a court has decided there is enough evidence to commit. The initial decision by the court is whether to commit or not. There can be no direct placement in the community in the initial court order.

We did this for two reasons: First, it preserves the integrity of our current statute. Second, it avoids "plea bargaining", that is, having someone say I will agree to commitment only if it can be in the community.

Once a commitment is made, a risk assessment will be conducted and only then can the director of the department of human services petition the court for placement in the community.

Notice of the petition is given to the State's Attorney, and the court makes the final decision to place the individual in a community treatment program.

Please keep in mind that these individuals are now in our communities. We would be adding supervision, monitoring and treatment that may not now be present. The highest risk individuals will continue to be treated on an in-patient basis.

The court's order of placement must contain provisions for treatment and supervision and monitoring of the individual that will assure public safety and proper treatment of the committed individual.

One of these provisions is the requirement that the individual submit to electronic monitoring. GPS technology has advanced

dramatically in recent years, and the cost of such monitoring has dropped substantially.

We are now able to track an individual's whereabouts minute by minute, establish safety zones that may not be entered, and treatment zones that must be entered at certain times. We can interface these tracks with police reports, so that we can tell in an instant if a monitored individual is at or near a crime scene at a given time.

We expect to use this tool extensively in the supervision and monitoring of community placed individuals.

Finally, HB 1057 provides that violation of a commitment order is a Class C felony. It was the conclusion of the task force that it is appropriate to have this sanction available to ensure compliance with the court's order, in addition to the contempt power inherent in the Court.

The type of out-patient treatment HB 1057 presents has been used extensively in some other states. In Texas, it is the exclusive method of commitment. Because it is a civil proceeding, it may be used when appropriate, for anyone who lives or works in a community, regardless of whether they are or have been part of our corrections population.

The third bill, HB 1061, addresses two issues in the sex offender registration laws. It first requires a DNA sample as part of the registration process for anyone who has not previously provided one.

Secondly, it provides that the registration information must be updated in a manner and at an interval the attorney general requires. This is intended to allow our corrections department to continue to explore the concept of computerized kiosks, in which offenders provide updates of necessary information. This is favored by law enforcement, and perhaps Warren Emmer can further discuss this with you, should you want more information about it.

Mr. Chairman, you will note that the fiscal note for HB 1057 states that the cost of this legislation will depend upon the utilization of both the in-patient and out-patient methods of commitment. We have analyzed the cost of out-patient treatment and supervision, and I can tell

you that it is substantially below the cost of in-patient treatment, which currently is approximately \$95,000 per year for each individual. Based on costs in other states, and our analysis of the treatment and supervision needed, we have calculated a cost of approximately \$12,000 per year, or even less, depending on the number of people receiving such treatment.

Thank you for the opportunity to present this overview. I would be glad to try to answer any questions you may have.

House Bill – 1057 – Governor's Task Force

Senate Judiciary Committee

Senate Traynor, Chairman

February 28, 2005

1997

Chairman Traynor and members of the Senate Judiciary Committee, I am Rosalie Etherington, the Clinical Director of the North Dakota State Hospital of the Department of Human Services. I am a member of the Governor's Task Force and have been a part of the various initiatives that come before you today. I will speak specifically to the civil commitment procedures and ask that you consider including provision for outpatient commitment within the already existing civil commitment for sexually dangerous individuals.

There is a small but dangerous group of sexual predators that pose a high risk for repeat acts of sexually predatory conduct. These recidivists do not respond to the traditional means of punishment and deterrence with the amelioration of behaviors. These recidivists do not initially respond to the treatment provided them within the community or the prisons. It is for these individuals the Civil Commitment procedures exist.

The current law allows for the commitment of an individual when two experts agree that there is a mental disease or defect present and that this makes the individual likely to engage in further sexually predatory conduct. We, the experts, have thus far narrowly defined the amount of risk necessary to recommend civil commitment. In doing so we have recommended for commitment only those individuals posing the highest risk for re-offense.

Adding the provision of outpatient commitment allows for commitment of individuals falling within the categories of high risk but provide an option for individuals that, in spite of risk, could live at-large under specific safety provisions. This does not, in any way, alter the already existing inpatient treatment services or change the threshold of risk identified for individuals requiring confinement.

The very best science uses two different ways of assessing an individual for whether he is high risk and therefore likely to engage. In the first way, we look at the individual as a unique person. We diagnose if he has a sexual disorder, a personality disorder, or another mental disorder that makes him likely to engage in additional acts of sexually predatory conduct. Then we calculate how much risk. To do this we use actuarial tables just like insurance companies. The measures used include the Minnesota Sex Offender Screening Tool, the Rapid Risk Assessment for Sex Offense Recidivism, and the Static-99. We incorporate identified factors into the instruments and the scores allow us to estimate on average the likelihood an individual will re-offend based on that individual's identified factors.

For those individuals at high risk, but yet not of the highest risk, and for whom a Risk Management Plan is reasonable, a course of outpatient commitment would be recommended. This commitment would include intensive group therapy and multiple other provisions to encourage stability within the community and continued safety against any further offending. These safety measures may include the requirement of full-time employment, stable residence, a list of persons with whom the individual may or may not be allowed to contact, submission to at least an annual polygraph and to electronic monitoring. Community supervision provided

by the Sex Offender Specialists within the Department of Probation and Parole ensures compliance of the plan and a point of contact for community concern. The Risk Management Plan becomes a living document that specifies the particular needs of the individual offender and provides a guide to all individuals assisting the offender, including family, friends, and community.

Treatment is difficult. Treatment needs of this population are very long term and the treatment modalities are very different than the treatment modalities generally provided. The various disorders that drive sexual offenses all distort an individual's deepest beliefs and attitudes about himself, about other people, about the universe, and, of course, about sex. Beliefs and attitudes do change. They change in a crucible fired by insight and tempered by kindness. Harsh methods only succeed in driving the warped thinking deeper into the unconscious mind. Overly supportive therapy achieves no change. There must be a balance and a tension between insight and kindness.

The treatment itself proceeds in five stages. Look unflinchingly at the problem. Identify the weaknesses that bring about sexual offense. Fix them. Test the fix. Prevent relapse for the rest of your life. This works if the individual works the program. Some patients get the basic idea that they need to change a lot faster than others. For individuals at highest risk this process usually moves the slowest. Nevertheless, the research clearly indicates that treatment works to reduce the risk for re-offense.

The addition of a provision for outpatient commitment allows for the identification, treatment, and management of a group of sexual offenders that may not otherwise receive treatment and are not otherwise under any

**supervision. The Risk Management Plan would safeguard society from the risk that particular individuals pose but in a way that would not require their confinement.**

**In summary, I ask that you pass this initiative, in addition to all other initiatives proposed through the Governor's Task Force. Thank you and I will answer any questions.**



AH #3

**SENATE JUDICIARY COMMITTEE**  
**Senator John T. Traynor, CHAIRMAN**  
**February 28, 2005**

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**WARREN R. EMMER, DIRECTOR**  
**DEPARTMENT OF CORRECTIONS AND REHABILITATION**  
**FIELD SERVICES DIVISION**  
**PRESENTING TESTIMONY RE: HB 1313, 1057, and 1061**

Good Morning Mr. Chairman and members of the Senate Judiciary Committee, my name is Warren Emmer. I am the Director of the Department of Corrections and Rehabilitation, Field Services Division. House Bills 1313, 1057, & 1061 are products of the work done by the Governor's sex-offender task force. I was a member of that task force.

Several fellow task force members have already presented testimony this morning. I agree with what they have said and do not intend on duplicating that testimony. During my testimony, I will discuss examples of supervision strategies that may be used to protect both the public and reduce the future sex-offending risk of clients assigned to a community civil commitment program.

As we begin our discussion, it's imperative that we note that the authority for any community supervision for clients, that are civilly committed, will remain with the court. The case manager assigned to the supervision of the civilly committed client will need to insure that all conditions set by the court are enforced. All client supervision strategies, utilized by the assigned case manager, will also need to be compatible with the individual client's risk management plan.

**Examples of Client Supervision Strategies**

There are three "corner stones" that will be used as the case manager establishes client supervision strategies:

- **Assessment of Client's Risk**  
The case manager will continually assess client future risk while the client is assigned to community supervision.
  - The case manager will utilize multiple assessment tools to assist them in assessing client risk.
  - The case manager will utilize information provided to them by collateral sources such as law enforcement, treatment professionals, corrections, client-family members, and others, to assist them with risk assessment.

- Changes of client risk will be reported to the risk management treatment team and recorded in the client's risk management plan.
- **Compliance With Treatment Programming**

Treatment is a critical component of most sex offender risk reduction programs.

  - The case manager will monitor the client's compliance with all required treatment programming.
  - The case manager will participate as an active member of the risk management treatment team.
- **Client's Surveillance**

Client surveillance will be a critical component of a successful client risk management plan.

  - Utilization of polygraph assessments
  - Electronic surveillance
  - Structured client interviews
  - Client home inspections
  - Personal home computer inspections
  - Collateral communication with client-family members, law enforcement, employers, and others
  - Three to five (or more) face-to-face meetings with the client weekly

The enactment of House Bills 1313, 1057, and 1061 will enhance public safety. The Department of Corrections respectfully requests your support for each bill.

AH #14

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

118 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Chairperson Traynor and Member of the Senate Judiciary Committee

RE: Testimony in support of HB 1057

Date: Monday, February 28, 2005

For the record I am Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator at the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in support of House Bill 1057 for the post-commitment community placement of sexually dangerous individuals.

Victim advocacy organizations are hesitant to support any bill which allows for sexually dangerous individuals, who have been designated by our criminal justice system as a high risk to society, to be placed in our communities. The Department of Justice, Bureau of Justice Statistics in November 2003 indicated that "sex offenders are four times more likely to be arrested for another sex crime than other criminal offenders." The Department of Justice also warns against community placement of sex offenders because of "the intimate nature of sex crimes, and the fact that offenders often appear to be extremely compliant and law abiding, often hiding their behavior even from the most dedicated supervision officer, sex offenders are extremely difficult to supervise." Finally, research indicates a very limited efficacy for sex offender treatment programs. All of these findings would suggest that community placement of sexually dangerous individuals is an enormous risk and a slippery slope.

With that said and in spite of these reservations, we also realize the reality of the correction systems over-population and limited treatment ability. The Department of Justice, Bureau of Justice Statistics exemplifies this reality stating that 60% or more of sex offenders will be supervised in communities, either immediately after sentencing or after incarceration. We acknowledge that the North Dakota Department of Corrections, working with the Governor's Task Force on Violent Crimes and Sex Offenders, has offered this legislation as an additional tool to enhance supervision and monitoring of a population of sex offenders not currently monitored.

In addition, sex offender treatment providers working hand in hand with sex offender supervisors and advocacy services developed a list of recommendations for the community placement of sex offenders. These recommendations are included in Community Supervision of the Sex Offender: An Overview of Current and Promising Practices, published by the Center for Sex Offender Management. The current bill addresses these recommendations and in addition to procedures and policy in the Department of Corrections provides a comprehensive alternative to releasing high risk offenders with no supervision or support.

The amendment in the House Judiciary was a victim-centered component and allows flexibility in sex offender treatment, and ensures victim-centered responses in all communities. Victims of sexual assault fear for their life – both during and after the assault. In the cases of offenders being supervised in the community, these offenders are already determined to be at high risk for recidivism. The threats made to victims become much more acute once the offender is in the community. The reality of harassment, stalking, retaliation, and possible homicide are real. Prohibiting contact with victims outside of the supervised treatment plan acknowledges this risk and imposes restrictions and limitations on offenders to decrease the risk.

Secondly, the language does allow sex offender treatment providers to include components of treatment such as victim empathy training or family reunification in cases of incest or continuous sexual abuse of a child. It allows sex offender treatment providers to treat the offender and involve victims to develop a treatment plan, one that will protect victims and advance the treatment of the sex offenders.

The North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota asks for your support for HB 1057.

Thank you.

OFFICE OF ATTORNEY GENERAL - IMPACT OF BILLS BEING CONSIDERED AFFECTING THE 2005-07 BIENNIIUM BUDGET

2/2/2005

BILL NO.	BILL SUMMARY	FISCAL IMPACT REPORTED - EXPENDITURES 2005-2007 BIENNIIUM			FISCAL IMPACT REPORTED - REVENUES 2005-2007 BIENNIIUM			TOTAL	TOTAL
		GE	EE	OE	GE	EE	OE		
HB 1061	DNA sample required for sexual offenders	27,488						27,488	
HB 1089	Games of Chance license fees								
HB 1235	DNA testing - all felons	134,239	91,400					225,639	68,000
HB 1389	Changes Racing tax structure			(27,739)			(27,739)		(27,739)
HB 1503	Slot machines for all eligible organizations	2,339,041		500,000	2,839,041	4,300,000	500,000	4,800,000	
HB 1509	Internet live poker	967,270			967,270	unknown			
SB 2023	Crime Lab building bonding			3,632,691	3,632,691				
SB 2344	Racing keeps license fees	28,000			28,000	(28,000)	28,000		
Total		3,468,038	91,400	472,261	4,031,699	4,272,000	568,261	4,840,261	

\* Should be corrected  
to match Fiscal Note  
figure of \$ 25,320.

RWT clerk G.O.

# 1

HAPP G.O.  
Re: HB 1061,  
et al wed.  
2/2/05