MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

/2//

2005 HOUSE JUDICIARY

HB 1211

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1211

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/12/05

Tape Number	Side A	Side B	Meter #
2		xx	27.9-31

Committee Clerk Signature *(signature)*

Minutes: 13 members present, 1 member absent (Rep. Maragos).

Chairman DeKrey: We will open the hearing on HB 1211.

Representative Delmore: I am one of the sponsors of this bill. I am presenting one simple change that will help hopefully with preserving personal identification so that we don't have to worry about someone, either living or deceased.

Representative Koppelman: Do you know what the definition in law is of "deceased".

Representative Delmore: I don't know.

Chairman DeKrey: Thank you. Further testimony in support of HB 1211, testimony neutral or in opposition. We will close the hearing. What are your wishes in regard to HB 1211.

Representative Galvin: I move a Do Pass.

Representative Zaiser: Second.

13 YES 0 NO 1 ABSENT   DO PASS   CARRIER: Rep. Boehning

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.   1211

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken   Do Pass

Motion Made By   Rep. Galvin   Seconded By   Rep. Zaiser

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

Total   (Yes)   13   No   ∅

Absent   1

Floor Assignment   Rep. Boehning

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

REPORT OF STANDING COMMITTEE (410)
January 14, 2005 8:21 a.m.

Module No: HR-09-0466
Carrier: Boehning
Insert LC: .   Title: .

REPORT OF STANDING COMMITTEE

HB 1211: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

2005 SENATE JUDICIARY

HB 1211

BILL/RESOLUTION NO. HB 1211

Senate Judiciary Committee

❑ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 1350

Committee Clerk Signature *Mona L Solberg*

Minutes: Relating to Unauthorized use of personal identifying info of a deceased individual; penalty.

Senator Syverson, Vice-Chairman called the Judiciary committee to order. All Senators were present except for Sen. Traynor. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Senator Syverson questioned page 1, line 8 after "any" inserting "but limited to" stated that in another bill we had inserted the penalty relating it to the dollar amount stolen.

Rep. Lois Delmore, Dist #43 - Introduced the bill (meter 158) This is a simple bill. When the living member of a deceased elderly woman in my district came to me and told me that someone had tried to take his wife's identification after she died. It is bad enough to deal with the trauma of a death but to have this violation on top of it. Birth and Death records has a friendly amendment to this bill.

Senator Syverson sited his above question. **Rep. Delmore** had no problems with his amendments.

Sen. Trenbeath questioned the not "limited to language" that in the law you when you are defining a crime you have to afford the public/individual reasonable notice of what conduct is prohibited. If you put in language such as "not limited to" I suggest that at sometime in court you your statute is bogus.

Darren Meshke - Vital Records (meter 593) Sited his amendment to add item J - birth, death, or marriage certificates".

Testimony in Opposition of the Bill:

Senator Syverson , Vice-Chairman closed the Hearing

Sen. Trenbeath made the motion to Amend to include Vital Statistics amendment along with living and deceased and **Senator Triplett** seconded the motion. All were in favor motion passes.

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

Carrier: **Sen. Trenbeath**

Senator Syverson , Vice-Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB *1211*

Senate   **Judiciary**   Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken   *Amend - Birth death records & living or deceases*

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

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	A		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:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB *12 11*

Senate   **Judiciary**   Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken   *Do Pass As Amended*

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

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

Total   (Yes)   *5 6* No   0

Absent   *1 0*

Floor Assignment   *Sen. Trenbeath*

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2005 3:17 p.m.

Module No: SR-30-3015
Carrier: Trenbeath
Insert LC: 50202.0101   Title: .0200

REPORT OF STANDING COMMITTEE

HB 1211: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "12.1-23-11" insert "and 12.1-23-12"

Page 1, line 2, after "individual" insert "and jurisdiction in offenses involving conduct outside this state"

Page 1, line 19, overstrike "or"

Page 1, line 20, after "institution" insert "; or

       i.   An individual's birth, death, or marriage certificate"

Page 1, line 21, overstrike "a class C felony" and insert immediately thereafter "an offense"

Page 2, line 2, after the period insert "The offense is a class B felony if the credit, money, goods, services, or anything else of value exceeds one thousand dollars in value, otherwise the offense is a class C felony. A second or subsequent offense is a class A felony.

    3.   A violation of this section or of a law of another state or a federal law that is equivalent to this section and which resulted in a plea or finding of guilt must be considered a prior offense. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

    4.   A prosecution for a violation of this section must be commenced within six years after discovery by the victim of the offense of the facts constituting the violation.

    5.   When a person commits violations of this section in more than one county involving either one or more victims or the commission of acts constituting an element of the offense, the multiple offenses may be considered for commencement of prosecution in any county where one of the offenses was committed.

    SECTION 2. AMENDMENT. Section 12.1-23-12 of the North Dakota Century Code is amended and reenacted as follows:

    12.1-23-12. Jurisdiction - Conduct outside this state. Notwithstanding section 29-03-01.1, a person who, while outside this state and by use of deception, obtains, deprives, or conspires, solicits, or attempts to obtain the property of a person within this state or to deprive such the person of property is subject to prosecution under this chapter in the courts of this state.The Except as provided in section 12.1-23-11, the venue is in the county in which the victim resides or any other county in which any part of the crime occurred."

Renumber accordingly