

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2219

2005 SENATE JUDICIARY

SB 2219

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

Senate Judiciary Committee

Conference Committee

Hearing Date January 24, 2005

Tape Number	Side A	Side B	Meter #
2	X		250 - End
Committee Clerk Signature <i>Mina L. Selberg</i>			

Minutes: Relating to concealed weapon permit information.

**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:**

**Senator Syverson** - Introduced the bill (meter 250). This bill is a result of a conversation with a constituent who thinks a concealed weapon privilege should be kept confidential. The press at one time had printed in the Newspaper the names and addresses of people who carry a concealed weapon. A big part of conceal and carry is self protection and it is also security. A big part of effective security is psychological of having the concealed weapon. If a perpetrator was planning an act against that individual and they did not know wither or not they had a weapon, they may have a second thought of engaging in an illegal act. If they knew for a fact if or if not carrying a weapon the attract would be more direct. There is no protection for their information to be kept private.

**Sen. Nelson** asked how many permits are out their? No.

**Mr. Rick Jorgenson** - Devils Lake Law Officer and a Director of a Shooting Organization. Our interpretation of the original bill passed in the last legislation was remiss in not making the ID of the concealed weapon holders confidential. I ask for your support. The information should be open to law enforcement but not to the general public. It defeats the purpose of having a "concealed" weapon if everyone knows about it.

**Sen. Nelson** if you make it confidential the police department can not be aware of it. **Mr. Jorgenson** stated that they are made aware in the application process. **Sen. Trenbeath** asked that can it be amended that the particular law enforcement agency share the information with all the other departments already.

**Testimony Neutral the Bill:**

**Sandi Tabor** - Deputy to the Attorney Generals Office (meter 880) Sited her concerns and submitted Attachment #1. This would effect their CUJUS system; i.e.. a judges access to information. The Senators discussed situations where having the information would be important. **Sen. Trenbeath** stated that it did not offend me much that it would me available under judicial or legislative subpoena, but why administrative agencies? **Sandy** stated it would only be a rarity. **Sen. Trenbeath** did question the last sentence of amendment, she needed to be more specific.

**Mike Ness** - ND BCI -Stated that there are 6700 concealed weapon permits. Discussed the cost and the process (scrutiny) of having a concealed weapon.

**Testimony in Opposition of the Bill:**

Page 3

Senate Judiciary Committee

Bill/Resolution Number SB 2219

Hearing Date January 24, 2005

**Jack McDonald** - NDNA and NDBA We oppose the closure of records that have been open, for the fact of just closing them. There has not been a problem raised or controversies. These issues had been discussed when the law was put into the book. Sen. Traynor spoke with the committee if the value is making a person aware that you are carrying a gun or not. Would it be a deterrent. **Sen. Trenbeath** stated that the information should be up to the person who holds the concealed weapon permit. Committee discussed the Bismarck Tribunes printing of names and address of all.

**Sen. Traynor** closed the hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

Senate Judiciary Committee

Conference Committee

Hearing Date February 26 , 2005

Tape Number	Side A	Side B	Meter #
1	X		1534 -1786
Committee Clerk Signature <i>Maria L. Selby</i>			

Minutes: Relating to concealed weapon permit information.

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

Senators were present. The hearing opened with the following:

Committee had a discussion on the Deputy Attorney General's amendments submitted 2/24

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

**Sen. Trenbeath** made the motion to delete line 7-8 and **Senator Hacker** seconded the motion.

All members in favor and motion passes.

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

Carrier: **Senator Syverson**

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

Date: 1/26/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2219

Senate Judiciary Committee

Check here for Conference Committee

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

Action Taken Delete #4 on S. Tabor's Amend Add line, "Our Court"

Motion Made By Sen Trenbeath Seconded By Sen. Triplett

Senators	Yes	No	Senators	Sen. Nelson	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:







**REPORT OF STANDING COMMITTEE**

**SB 2219: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "The confidential information includes the name, address, and" with "However, the information may be disclosed:

- a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.
- b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
- c. Pursuant to a judicial, legislative, or administrative agency subpoena issued in this state."

Page 1, remove line 8

Renumber accordingly

2005 HOUSE JUDICIARY

SB 2219

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

House Judiciary Committee

Conference Committee

Hearing Date 3/2/05

Tape Number	Side A	Side B	Meter #
1	xx		0-26.5
1		xx	19- 20.1
Committee Clerk Signature <i>DRumose</i>			

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

**Chairman DeKrey:** We will open the hearing on SB 2219.

**Sen. John Syverson:** Sponsor, support (see written testimony).

**Representative Boehning:** What kind of information currently can be obtained from the application.

**Sen. John Syverson:** This bill is to protect the fact that you have or are in possession of a concealed and carry permit. The application lists your name, address and other information, which obviously can be obtained from the phone book, but the phone book doesn't list whether or not you have a conceal and carry permit.

**Representative Boehning:** Is there any information on the application, that's out there for view for public now, SS#'s on there, or more confidential information on that form.

**Sen.. John Syverson:** I would expect that the state has other laws that prevent the divulgence of the SS#'s, but what we're looking at and what this bill addresses, is just the principle, the basic knowledge and the recognition that you have or do not have a conceal and carry permit.

**Representative Maragos:** Could you illuminate us as to the events that you referred to this weekend.

**Sen.. John Syverson:** There was an article in a local publication this weekend, either Sunday or Monday, in which at the end of the article, it identified the members of this legislative assembly who presently have a conceal and carry permit. In that article, it indicated that I, as the precipitator of this bill, at the behest of a constituent, that indicated that the constituent had a conceal and carry permit; and discussions with that constituent, I would indicate that whether or not that constituent had a conceal and carry permit, was not discussed and I do not know whether that individual has a conceal and carry permit, and even if I did, I wouldn't have divulged that.

**Representative Delmore:** What process would the court use to get this information if they needed it, and the other thing is that it says a violation of law, so if I have a speeding ticket, can the court subpoena that information. I violated the law. This seems like it is really wide open and I don't see a process spelled out for how they have access to the information.

**Sen. John Syverson:** In testimony that resulted in the amendment of the original bill, admittedly was a bit too tight, testimony was given, for example, with an agency that is collecting child support, and if it gets to be acrimonious, the agency can request the information about whether or not the person who is in default on child support, has a conceal and carry permit. If the conversation went no farther than that, I would guess the authorities may want to remove that conceal and carry permit. I'm only suggesting that as a guess. If a person becomes a felon, that

information would then be available to the court during the process of sentencing and/or parole or probation.

**Representative Delmore:** Do they have to get a court order to get that information, is what I'm asking, because I don't see that included in here. There's not a process for how I find out that somebody has a concealed weapon.

**Sen. John Syverson:** I do not know the specific process that would be followed. I would guess that in most cases, again speculation, that if the court so desired, by letter or request to the BCI, the information would be permitted to be granted by the BCI to the court. I do not think that a subpoena in that case would be necessary.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Bob Bennett, AAG:** In response to Rep. Delmore's question about the process, this amendment was drafted by our office, that amended the original bill that included the language on page 1, lines 7-13. This is fairly close to the language that is in our Criminal History Records law under Chapter 12-60, that relates to how we release criminal history records, which BCI does as well. The same people that are involved in concealed weapons process are involved in the records system. Instead of using the word, criminal justice agency, we included a governmental agency, which includes prosecutors or other governmental agencies. There are a lot of agencies that may request this information, for maybe background checks for various agencies, federal and state agencies, also there's been some process in the past few years, to have some type of instant check on the highway by officers who may want to check an individual, do a driver's license check to see if they have a concealed weapons permit, to see if they might have a weapon. This provision now, and Sen.. Syverson was correct, does not require a specific process. If a

prosecutor or police department or sheriff's department, request information, we treat it the same way we would a criminal history record information; where if the agency asks for it, the prosecutor asks for it, or the court says I would like to have this information for sentencing, it would be forwarded to them. It could also include probation/parole, Game and Fish, any governmental agency, but there would be documentation, as we do with criminal history records, to make sure we know where the request was, because this is declared to be confidential information, which could be a violation of law for unwarranted or unauthorized disclosure. This is why the language is as it is. You have the process we've worked with for 10-12 years of criminal history records, and seems to work pretty good. We are trying to make it as easy to provide to the agencies if necessary, yet prevent its unlawful disclosure.

**Representative Delmore:** Why are we so vague on a violation of law. I understand why certain people may want and need access to that type of information but a violation of law could be anything from a speeding ticket to whatever.

Bob Bennett, AAG: There was an effort to limit the accessibility to the governmental agencies, so it would just not be a request, unless there is a specific purpose, if you read on line 8, it says for a law enforcement purpose including the investigation, prosecution or punishment of the violation of the law. It would be released to the governmental agency or court for a law enforcement purpose and this descriptive, which would include the investigation, prosecution or punishment of a violation of the law; which would include a prosecutor making a request, or even just an investigation. Someone is stopped on the highway with a handgun and says I have a permit, but I don't have it in my possession, which you're required to have. The officer should then be able to contact the appropriate agency and say does this person have a permit. If they

don't have a permit, they are in violation of law because they may be carrying a concealed without a permit, but if they do have it, we can provide that information to them. The word including was more of a descriptive of what a law enforcement purpose would include. If it's not for law enforcement purpose, it would be to a court or pursuant to the subpoenas.

**Representative Klemin:** Subsection c, courts are covered in a and b, so when we get down to c, we're talking about a judicial subpoena, you don't need any kind, the judge isn't going to have to send a subpoena, because he can get it under a and b. So are we talking about a subpoena issued by an attorney under subsection c.

**Bob Bennett, AAG:** It could be any type of judicial, legislative, or administrative subpoena, it could be an attorney, it could be for some reason the information may be requested, because there is response to the question relating to what's in the application. We have information relating to past history, we have information relating to address, telephone numbers, things such as this. There may be situations in which somebody may want to be traced through older records. This would be any type of subpoena that may be issued. This could be a federal government subpoena, it would have to be issued in the state, however, but it would be any subpoena that could be issued.

**Representative Klemin:** So if I've got a civil case involving negligence of some sort, and if I wanted to know something about one of the parties, or a witness, I could issue a subpoena to get that information that is covered by this section, and I don't have to have a reason for the subpoena to do that. I guess if the other side objects, they would make a motion to quash it, but that would be sufficient if I got a subpoena and the other side didn't do anything to stop me.



**Bob Bennett, AAG:** Probably, I know there have been instances in the past where subpoenas have been issued and given to our office to administrate for issuance of information. We have maybe raised some questions, whether we should intervene in the subpoena, to say whether or not that's something that goes beyond what is being requested for. If there is a subpoena, at least we have some type of a court or administrative agency or in the case of a legislative subpoena, at least the committee's some type of oversight that the matter can be reviewed, but at least there will be some directive because your subpoena is just as good as if the court issues a subpoena, unless otherwise stated by the court, so you're acting basically as the court, so it would be specifically a court request.

**Representative Klemin:** I've seen a lot of bills or other statutes that refer to something being issued in response to a subpoena or court order, I don't think I've ever seen one where it referred to a legislative subpoena, when was the last time you can think of that the legislature issued a subpoena.

**Bob Bennett, AAG:** I don't know if a subpoena was issued, but I know John Olson was senator. I know there was a legislative committee proceeding many years ago, and I don't know if subpoenas were issued, and I don't know what it was, but I think there is authority under the statute for it to be issued. This is the same language that we have in the criminal history records as well, that we envision that may occur at some time, where there may have to be some sort type of subpoena for these records.

**Representative Klemin:** A legislative grand jury investigation.

**Bob Bennett, AAG:** I don't remember what it was, but I know it made the papers.

**Representative Charging:** If I'm a concealed weapons permit holder, and I'm pulled over by a police officer, isn't it established already that you hand the officer, along with your drivers license, the permit. That would notify them that you are, in fact, a conceal and carry permit holder. Or don't you simply under law in ND is to remove that weapon and set it within view. Anybody can do that, you don't have to have a permit, you can carry a pistol, as long as it is in view.

**Bob Bennett, AAG:** If it's unloaded, if it's a loaded gun in a vehicle, there are certain restrictions that you would have, you would have to have a permit unless you are in the field hunting or trapping, if it's a loaded firearm in the vehicle. There's also restrictions on when you can have it, because if it is in the nighttime, it has to be secured and unloaded, unless you have the permit. Secured may mean in a zippered case, it may require the bolt be taken out, required that it is locked in the trunk or glove box. If you are in the vehicle with a loaded handgun, you should have a permit, unless you come under one of the other exemptions, such as law enforcement officer, national guard, etc.

**Representative Charging:** So what you're saying now, currently if that officer pulls that individual over in a traffic stop, and they put it in the computer, and everything else comes up on that individual if they are dangerous, they wouldn't have a permit, and is this information in the system, when the officer types in the drivers license in there, does it pop up currently that they are a concealed weapons permit holder.

**Bob Bennett, AAG:** I can't tell you that. I know that there was some effort some time ago, I've not been involved in that for a couple of years, so I don't know if they have that process. I know that that was part of that CGS system and the information throughout the various agencies,

so the officer could pull that up. It is accessible if necessary to do it, but I don't know if it comes automatic.

**Representative Charging:** But this wouldn't change that at all.

**Bob Bennett, AAG:** No, in fact, if it went to a law enforcement agency, it would be within the provisions of this law, because that would be for the law enforcement purpose. Generally, what we're going to see when this happens, is that someone not going to stop for speeding or any other violation and all of a sudden say, officer I have a gun and a concealed weapons permit. It's when the officer finds the weapon, they're going to say, do you have a permit, and they say yes they do or don't. This bill would permit those contacts, between law enforcement agencies and the BCI might have this information. So it would have to be for law enforcement purpose.

**Representative Charging:** As it should be. My last question, earlier in this committee we brought up a bill about the process, do you foresee more permit applications, how do you control that.

**Bob Bennett, AAG:** I don't think the lack of a test, or if a test is removed, is going to change it. There are quite a few people who obtained the permits because of the instant check system of the Brady law. If you've got the permit, you don't have to have the wait. We saw a great influx of this when the Brady law came into effect, we had a lot more permits come in. The test has not been something to prevent people from getting permits. I don't see a big influx, because of this. They still have to go through the process, there's still quite a process, you still have to have pictures, make the application, background check and everything else. It's not something you are going to be able to walk down to a kiosk, put your credit card in and all of a sudden get the

permit out. There's still going to be a process that people are going to go through. Some people thing that is too cumbersome.

**Representative Onstad:** When you say applicant, is that a person already received a permit.

**Bob Bennett, AAG:** Yes. When we have the application or renewal, generally we don't have all the new application information unless there has been a change, but the applicant could be and will be construed to mean to get the initial permit, and when you get your renewal, you're also applying for a renewal, so there would be information that they would provide. This would include their photographs. We keep copies of photographs there, we keep copies of fingerprints and other things, such as background checks, and information relating to past criminal history. So there is a lot of information when you apply for a permit or get a renewal. So if we have someone acting in a threatening manner, this happened 10 years ago, we can pull up, if they have a concealed weapons permit, we can pull their picture up, the photograph that was used on their permit and make sure that this body, or law enforcement officer is going to have a picture first. Don't have to worry about drivers license, we may have a picture of them.

**Representative Onstad:** An applicant that is denied a permit, that information, what happens then.

**Bob Bennett, AAG:** That would also fall within this bill, because they would still be an applicant. If somebody contested the denial, we would have to utilize the exceptions under the law to issue administrative subpoenas or go to court, if they want an administrative hearing we have to bring all the information in, if they voluntarily bring it up, they would probably waive, we'd still go through the administrative process with the subpoena and things like this to produce our own records.

**Representative Onstad:** When it says "may be disclosed", so I'm assuming an agency would ask for it, is there any reason they would deny that, or should it be "shall be disclosed". It seems like an agency might ask for that information, or is it always there. On line 7.

**Bob Bennett, AAG:** I understand what you're saying, I think that may be more style, I don't know...that would be a mandatory duty on BCI or our office to disclose it, because we have to make some decisions too, based upon confidentiality as to whether or not we have a subpoena, whether or not we are going to give it to the court for a permissible purpose or whether or not it's going to be for law enforcement purposes. When we look at criminal history records, we make those decisions all the time, "why are you asking for these records". If they are asking for the records for some matter that is unrelated to what the statute means in the criminal history records, that we have to make some decisions because sometimes we get requests that don't fall within what's required, especially if it makes it confidential, and we have other statutes that say it's a felony to release information that is declared to be confidential under law. So we have to be very careful. That's why we require documentation to keep track of what the request is made and what disposition is.

**Representative Klemin:** Under subsection c, if for some reason there was a subpoena and the other side moved to quash it, the court could issue an order granting the motion or denying the motion, or sometimes you might have to apply to the court for an order to do something. I'm wondering if on line 12, we shouldn't make reference to court order there, like after the word subpoena, we could insert "or court order" to cover that circumstance. Would that...

**Bob Bennett, AAG:** That's correct, that could certainly be done. I think that one concern that has come up is if somebody contests it, we have had situations in the past where we have taken

the record and deposited it with the court in a sealed envelope and say you people fight it out.

We've got the information, you tell us what we want to do with it, and then if the order were in there, that would sufficient, or since the subpoena is in effect an order that may be covered as well.

**Representative Klemin:** The court would issue an order under that situation, opening that sealed record.

**Bob Bennett, AAG:** Yes.

**Representative Klemin:** So it would be appropriate to put in "or court order" after the word subpoena.

**Bob Bennett, AAG:** Sure.

**Representative Koppelman:** What is public about these records right now, fingerprints and that sort of thing I don't think, are they accessible.

**Bob Bennett, AAG:** There's only two parts of our information we have that is probably not public, social security numbers and personal identifying information on governmental employees or police officers, are a matter of public record. Like undercover officers, we flag certain undercover officers who also have concealed weapons permit. We can't release that information about people who are undercover officers, and also any social security numbers. If we get a request for this information, we redact that type of information that we have. If we have other personal identifying information that otherwise may be confidential or nondisclosable under state law, might be under the open records law, other than that, every piece of paper we have is open, unless we have some declaration from the legislature that it's not open.

**Representative Koppelman:** So if Representative Boehning had a concealed weapons permit, and I wanted a copy of his fingerprints, I could get it if I asked for it.

**Bob Bennett, AAG:** Probably, because that's part of the record, the photograph, the application shows when he is born, where he lived, where he lives now, things such as this, that might otherwise be confidential. If someone wanted to create a mailing list, they would ask for a list of names and addresses of everybody who's got a permit. We can see that in the alcoholic beverage area, people come in and want a list of all the people who are licensed and their addresses for a mailing list.

**Representative Koppelman:** You were talking earlier about the accessibility to law enforcement, of finding out whether that person has a permit on the spot, has your office kept any records, or do you have any sense that there is a corollary between people who hold concealed weapons permit and the likelihood of criminal activity.

**Bob Bennett, AAG:** I had this question addressed to me by a news reporter out of Missouri, many years ago, they were looking a similar law to ours, and their big dispute is this, other than in very isolated instances, I think our concealed weapon permit holders are probably the best law abiding citizens we have. We don't have a problem. The problems we have, like under testing, we had an individual in the northeastern part of the state that would pass anybody, they paid their money and got the permit. BCI went undercover, went for the proficiency test, he pulled his handgun out of his holster, dropped it on the ground, picked it up, asked how to load the gun, missed the target, and still got authorized for a permit, so what we did was, you can't be a tester anymore. If they get convicted of a felony, they certainly cannot possess firearms. Then they become disabled or prevented from having a concealed weapons permit if they it. On the whole,

very rarely have we ever, ever taken any proceeding to revoke someone's permit or suspend it.

People have to go through too many hoops, they have to make the effort to get this permit, it means something to them. Because it means something to them, they don't want to lose it.

**Representative Koppelman:** So even these provisions are simply a safeguard rather than a reason to believe that the concealed weapon permit holder might be more dangerous or a more likely criminal.

**Bob Bennett, AAG:** I think the intent of this is, to protect those persons' information so it is not public record as to, not so much that they don't have a permit, but the information background, what is the permit, their photograph and we have a copy of the drivers license, by the way. That's another thing we require as part of the process for confirmation. The reason we require fingerprints, to make sure we have the right person. Unfortunately people do lie sometimes, and we want to make sure that we have the right person's fingerprints, and the other cross identification, we do the records checks and everything else. Then we know we have the right person.

**Chairman DeKrey:** Thank you. Testimony in opposition. We're going to close the hearing.  
(Reopened later in the same session)

**Chairman DeKrey:** What are the committee's wishes in regard to SB 2219.

**Representative Bernstein:** I move a Do Pass.

**Representative Maragos:** Seconded.

**12 YES 0 NO 2 ABSENT DO PASS CARRIER: Rep. Bernstein**

**(Hold bill for reconsideration on 3/7/05)**



2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2219

House Judiciary Committee

Conference Committee

Hearing Date 3/7/05

Tape Number	Side A	Side B	Meter #
1		xx	40.9-44.4
Committee Clerk Signature <i> Dawn Penrose</i>			

Minutes: 14 members present.

**Chairman DeKrey:** We need to bring SB 2219 back to the committee.

**Representative Maragos:** I move that we reconsider our actions in SB 2219.

**Representative Meyer:** Seconded.

**Chairman DeKrey:** Motion carried.

**Representative Klemin:** We don't have anything printed up on this amendment, but it's very simple. I move that on line 12 of SB 2219, after the word subpoena, insert ", or court order".

**Representative Koppelman:** Seconded.

**Chairman DeKrey:** Motion carried.

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

**Representative Boehning:** Seconded.

14 YES 0 NO 0 ABSENT

DO PASS AS AMENDED CARRIER: Rep. Bernstein

*Hold*

Date: *3/2/05*  
Roll Call Vote #: *1*

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *SB 2219*

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

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

Action Taken *Do Pass*

Motion Made By *Rep. Bernstein* Seconded By *Rep. Maragos*

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

Total (Yes) *12* No *0*

Absent *2*

Floor Assignment *Rep. Bernstein*

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

Date: 3/7/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2219

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Boehning

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. Bernstein

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

REPORT OF STANDING COMMITTEE (410)  
March 8, 2005 12:04 p.m.

Module No: HR-42-4379  
Carrier: Bernstein  
Insert LC: 50390.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

SB 2219, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 12, after "to" insert "a court order or"

Renumber accordingly

2005 TESTIMONY

SB 2219

AH #1

**PROPOSED AMENDMENT TO SB2219**

**Proposed by: Office of Attorney General  
Sandi Tabor, Deputy  
January 24, 2005**

Page 1, after line 8, insert: "However, the information may be disclosed:

1. To a government agency for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.
2. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
3. Pursuant to a judicial, legislative, or administrative agency subpoena issued in this state.
4. As otherwise expressly required or authorized by law."

Renumber accordingly

Monday, January 24, 2005

AH #2

SENATE JUDICIARY COMMITTEE  
SB 2219

CHAIRMAN TRAYNOR AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. While we recognize the good intentions of the distinguished sponsors of this bill, we nevertheless oppose the bill and ask for a do not pass.

We're not aware of any problems involved with this information being open. It's been open for as long as the law has been on the books and the world hasn't come to an end. We're not opposed to protecting information if there is a real need for confidentiality. No such need has been shown here.

Therefore, we respectfully request a do not pass. If you have any questions, I will be happy to try to answer them. **THANK YOU FOR YOUR TIME AND CONSIDERATION.**

*Sen. Syverson*

SB 2219

Conceal and Carry Privacy

The concept of effective security , whether it be corporate , societal or individual , rests on many separate factors . Some are visible and apparent , and others are invisible and can , to a large part be psychological. These invisible factors can be more effective than the apparent , in creating the desired affect , that being a more secure environment for the person or entity imposing or implementing an environment of increased security .

And so it should be , that a person who has expended the effort to provide for themselves , a legal conceal and carry permit can have the expectation that the invisible part of the concept should not be readily available information for the perusal of the general public . If a potential perpetrator were to have information that an individual who may be a target for their nefarious plans , had or did not have a C&C permit , it could have an effect on their desire to pursue their plans . This lack of knowledge of the armed status of a potential target is a part of the psychological aspect to personal as well as industrial or corporate security . We may have a general idea of the security that is ongoing around us when we are in a store , or are visiting a business but we know not of all the characteristics of the shield . We have a subtle security right here in this building and I can assure you that no one would not be able to openly enter any media outlet in this city , and freely walk back to visit an employee.

The reason given for application by the majority of permit applicants is indeed , the desire for personal security , and if those names were readily available , and , as has happened , published , the major part the security bubble has been compromised .

There are approximately 6000 permit holders in ND and they are deserving of having their personal information and privacy protected if they are living within the law . For those whose lives have become enmeshed to some degree with an investigation or some other proceedings of a law enforcement agency or court , the information pertaining to the permit held by that individual could be shared by the BCI , which is the final repository of that information .It could also be shared with an administrative agency dealing with an activity such as child support collection , if called for by subpoena . This bill should provide for access to the records by necessary governmental entities as well as providing a holder with the expected invisible part of the security formulae and prevent another violation of that security bubble such as we witnessed this past weekend .

I would urge your positive consideration of this bill . And I thank you for your time .