

2009 HOUSE JUDICIARY

HB 1311

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1311

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/28/09

Recorder Job Number: 8029, 8031

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1311.

Jonathan Byers, Assistant Attorney General: Support (attachment).

Rep. Delmore: Can you give me some examples of why we would want to do this.

Jonathan Byers: If one entity has the record and can give it to another entity, if that entity could have obtained that record for themselves and paid the fee. Then the information can be shared. This bill states what can and cannot be shared.

Rep. Delmore: Anybody can get that information from any one of us in the first place, like open records.

Jonathan Byers: Yes, records that they can get if they paid the fee.

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

Rep. Delmore: I move a Do Pass.

Rep. Wolf: Second.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Delmore

Date: 4/28/09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Delmore Seconded By Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl			Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 2

Floor Carrier: Rep. Delmore

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

REPORT OF STANDING COMMITTEE

HB 1311: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1311 was placed on the
Eleventh order on the calendar.

2009 SENATE JUDICIARY

HB 1311

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1311

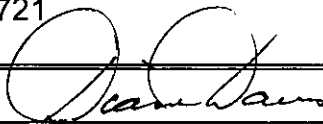
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/25/09

Recorder Job Number: 9721

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to criminal history record information.

Jonathan Byers – Attorney General's Office – See written testimony.

Senator Nething – Asks for some examples.

Byers – Gives an example of an employer doing a record check and giving the information to another employer without having to pay another fee to have it done.

Senator Nething – Asks if this information was confidential to start with.

Byers – No

Senator Schneider – Asks, what kind of information that is not available to the public is contained in criminal justice criminal history records.

Byers – Replies, arrests in which there was no conviction, deferred impositions.

Close the hearing on HB1311

Senator Schneider moves do pass

Senator Fiebiger seconds

Vote – 6-0

Senator Schneider will carry

Date: 2/25
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

HB 1311

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Schneider Seconded By Sen. Fiebiger

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson – V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Senator Schneider

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

REPORT OF STANDING COMMITTEE

HB 1311: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1311

Attachment 1
AB 1311

Same
testimony given
to the House
on 1-28-09

HOUSE BILL 1311 TESTIMONY
SENATE JUDICIARY COMMITTEE
FEBRUARY 25TH, 2009
FORT LINCOLN ROOM

By Jonathan Byers, Assistant Attorney General

Chairman Nething and Members of the Committee:

My name is Jonathan Byers and I appear on behalf of the Attorney General. I wish to testify in favor of House Bill 1311.

The simple purpose of this bill is to clarify that when a requester obtains a criminal history record from the Bureau of Criminal Investigation, there is nothing prohibiting that citizen (or business) from re-disclosing the criminal history record to other persons. The Bureau fields a lot of questions from citizens as to whether the record can be shared, and the added language in the bill answers that question.

I'd like my testimony to reflect that this only applies to the type of criminal history record that is available to the public. Criminal justice criminal history records contain information that is not available to the public, and this bill does not authorize those to re-disclosed to non-criminal justice agencies.

The Attorney General asks for a do pass. I would be happy to answer any questions.