

HOUSE BILL NO. 1117

January 13, 2021
9:30 a.m.

Mr. Chairman and members of the House Judiciary Committee:

My name is Gregory Ian Runge. I am an attorney here in the Bismarck/Mandan area. I have been practicing law for little more than thirty years and have been practicing mental health under Section 25-03.1 of the North Dakota Century Code for that same amount of time, as well.

During this period of time I have represented, on average fifteen to twenty-five individuals a month on involuntary commitments.

I come here to speak in favor of House Bill No. 1034. As you can see, most of Bill No. 1117 pertains to changes in terminology, deleting portions of the commitment statute that were erroneously added and deleting moot portions of the commitment statute.

First, some of the changes pertain to exchanging the word "Applicant" to the word "petitioner."

Second, regarding page 3, lines 16-17. There have been, on

occasion, times when a respondent refuses to appear in court and at one time, the sheriff's department forced a respondent to appear in court restrained to a wheelchair. Now, the sheriff's department will not force a respondent to appear, leaving the respondent in the hospital. This leaves respondents' counsel and the court in a dilemma, since the respondent did not waive his/her hearing, either orally or in writing as the statute requires. So, the proposed change is to allow the respondent's counsel to proceed to represent the respondent even though the respondent chooses not to be present.

Third, regarding Section 7, lines 15-17 on page 5, the presenting language is confusing. For example, the original phraseology states, "An initial order may not exceed ninety days." This can be confusing because an initial order usually follows a preliminary hearing which cannot be longer than fourteen. So, this change clarifies the language.

In the same section lines 25-31 goes back to the early 1990's when the whole commitment statute was amended. The old language sought to allow certain commitment orders to expire on their own after a certain amount of time. As you can see, this section is now moot.

Finally, in Section 9, lines 18-21 allows a respondent to appeal their case after certain types of hearing have been held. So, this amendment allows a respondent to appeal a modification order.

Gregory Ian Runge
Attorney at Law
Attorney for the Respondents