

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIRMAN
JANUARY 11, 2021**

**AMY VORACHEK, DIRECTOR OF ADMINISTRATIVE SERVICES
NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY SENATE BILL 2105**

Madam Chairman Larson and members of the Judiciary Committee, my name is Amy Vorachek, I am the appointed North Dakota Commissioner for the Interstate Commission for Adult Offender Supervision (ICAOS) and I am also the Director of Administrative Services with the North Dakota Department of Corrections. Today I am here to testify on behalf of the department in support of Senate Bill 2105, which amends and reenacts Section 12-65-02 of the North Dakota Century Code.

The Interstate Compact for Adult Offender Supervision (ICAOS) governs the interstate movement of probationers and parolees subject to supervision. The ICAOS Compact rules require sending and receiving states to obtain warrants for noncompliant behavior. When offenders are subject to retaking, the ICAOS Compact rules require offenders be offered a probable cause hearing. The offenders may choose to waive this hearing, but it must be offered.

Senate Bill 2105 clarifies the differences in probable cause requirements when North Dakota is the sending state and when North Dakota is the receiving state. It also provides additional detail around the type of warrants needed in these situations. These changes bring state law into more clear alignment with the requirements in the ICAOS Compact Rules, which have the effect of federal law.

Currently, Section 12-65-02 does not differentiate clearly what North Dakota must do when it is the sending state and when it is the receiving state. Specifically, Subsection 1 of Section 12-65-02 has the existing statutory language that lays out what North Dakota must do to establish probable cause for the sending state when it is the receiving state, though it is not clearly designated as such. In addition, Section 12-65-02 does not include probable cause requirements for when North Dakota is the sending state.

Presently, Section 12-65-02 also does not include the key federal warrant requirements, such as entering the warrant into the National Crime Information Center (NCIC) and ensuring the warrant has nationwide extradition with no bond. As a result, there are times when judges and state's attorneys do not use the proper federal process. An example would be a state's attorney who issues a warrant but does not make it nationwide. This violates the Compact, and if not updated, North Dakota could have a grievance filed against North Dakota, which can be quite costly. Language has been added to Subsections 1 and 2 of Section 12-65-02 to clarify these requirements.

Madam Chairman Larson and members of the Judiciary Committee, I ask that you support Senate Bill 2105. I will now stand for questions.