



JUVENILE JUSTICE COMMITTEE

Thursday, November 9, 2023
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Michelle Strinden, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Michelle Strinden, Claire Cory, Jayme Davis, Karla Rose Hanson, Zachary Ista, Lawrence R. Klemin, Shannon Roers Jones, Lori VanWinkle; Senators David A. Clemens*, Kathy Hogan, Diane Larson, Judy Lee

Members absent: Representative Karen A. Anderson

Others present: See [Appendix A](#)

**Attended remotely*

It was moved by Representative Roers Jones, seconded by Representative Ista, and carried on a voice vote that the minutes of the August 24, 2023, meeting be approved as distributed.

JUVENILE DELINQUENCY CODE STUDY

Mr. Derek Steiner, Cass County Assistant State's Attorney, ~~presented~~provided testimony ([Appendix B](#)) regarding a prosecutor's perspective on juvenile justice. He noted:

- Juvenile Court mainly focuses on two criminal philosophies, rehabilitation and restoration. ~~This is because~~ Because the brain is not fully developed until an individual reaches their mid-20's, ~~so~~ other philosophies such as deterrence, retribution, and incapacitation, are ~~not that~~less effective.
- Child and sex offender registration are meant for adult criminal conduct. Juvenile conduct in many circumstances meets the legal criteria for registration, but the registration is not appropriate when dealing with juvenile cases.
- A child is required to register as a sexual offender if the child commits a sexual offense; however, ~~but~~ the court can deviate from the registration requirement if the child commits gross sexual imposition solely because the victim is under the age of 15, or if the sexual offense is a misdemeanor. A child is required to register as an offender against children; if the child commits assault, aggravated assault, terrorizing, or felony level stalking against a minor.
- ~~Child and sexual offender registration is mainly meant for adult criminal conduct. Juvenile conduct in many circumstances meets the legal criteria for registration, but when dealing with actual cases and juveniles the registration does not seem appropriate.~~

CHILD WELFARE STUDY

Mr. Cory Pedersen, Director, Children and Family Services Division, Department of Health and Human Services, ~~presented~~provided testimony ([Appendix C](#)) regarding the state's child welfare system, including information on children in need of services, termination of parental rights, and the Dual Status Youth Initiative.

Ms. Raelyn Soltis, Director of Operations, and Ms. Alyssa Nelson, Program Manager, Red River Children's

Advocacy Center, ~~presented~~provided testimony ([Appendix D](#)) regarding the Red River Children's Advocacy Center's role, mission, and challenges regarding child welfare in the state.

Ms. Gail Bollinger, Director, Cass County Human Service Zone, provided testimony regarding the efforts of the Cass County Human Service Zone's ~~efforts~~ to strengthen their Family Services Department, child protection services, and case management. She noted:

- Lack of workforce is a significant issue, especially within family services. Partnering with other Human Service Zones and ~~other~~ state partners has helped provide workforce stability, and increase educational opportunities, ~~by educating~~ and bring on hire additional staff.
- ~~The type of work done by the~~ A long on-boarding period is required before Human Service Zone takes ~~months and years for staff to learn and~~ employees become proficient in assessing and providing services to families in the community.
- With the help of ~~their~~ partnering zones, the Cass County Human Service Zone is adding ~~able to add~~ seven new staff members.

RE-ENTRY OUTCOMES STUDY

Mr. Christopher S. Joseph, Senior Counsel, Legislative Council, presented a memorandum entitled *Re-entry Outcomes for Incarcerated Individuals - Background Memorandum*. ~~The~~ He noted the memorandum: provides

- Provides the legislative history of House Concurrent Resolution No. 3026 (2023), which directed the Legislative Management to study methods for improving re-entry outcomes for incarcerated adults and youth. ~~He noted the memorandum includes~~
- Includes information on the study guidelines, the state's recent reforms to the state criminal justice system as it relates to justice reinvestment, the duties and purpose of the Department of Corrections and Rehabilitation (DOCR), and re-entry efforts by state agencies and private entities.

Mr. Adam Anderson, Deputy Director of Transitional Planning Services, Department of Corrections and Rehabilitation, ~~presented~~provided testimony ([Appendix E](#)) regarding a progress report and status update on the working group on improving re-entry outcomes for incarcerated adults and youth. He noted:

- The working group is comprised of representatives from nonprofit organizations that assist with re-entry, community members with re-entry experience, and representatives from the ~~Department of Corrections and Rehabilitation~~ DOCR, county jails, the Behavioral Health Division of the Department of Health and Human Services, Job Service, tribal nations, and community non-profits.
- The goal of the working group is to gain a comprehensive understanding of re-entry services in North Dakota and provide evidence-based recommendations to the Legislative Management by late fall 2024.
- The working group's first meeting was ~~on~~ September 20, 2023, and focused on the history of criminal justice reform in North Dakota, and work group charter development, ~~and~~ The working group also received a presentation from representatives of the Crime and Justice Institute ~~was~~.
- ~~The goal of the working group is to have a comprehensive understanding of re-entry services in North Dakota and provide evidence-based recommendations to the Legislative Management in late fall 2024.~~
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CRIMINAL HISTORY RECORD CHECK STUDY

Mr. Joseph presented a memorandum entitled *Criminal History Record Check - Background Memorandum*. ~~The~~ He noted the memorandum:

- rReviews Section 1 of Senate Bill No. 2238 (2023), which directed the Legislative Management to study the

statewide criminal history record check process. ~~He noted the memorandum-s~~

- Summarizes the study guidelines, the statutory procedure for the creation and dissemination of criminal history record information, and the processing time for state and national criminal history checks.

Ms. Sara Stolt, Interim Commissioner, Department of Health and Human Services, ~~presented~~provided testimony ([Appendix F](#)) regarding the redesign project, automation implementation, workload, and timeliness of the criminal history record check process.

Ms. Robin Nelson, Chief Executive Director, Boys and Girls Clubs of the Red River Valley, ~~Fargo,~~ provided testimony ([Appendix G](#)) regarding improvements to the criminal history record check process and ~~the state's~~ support for the child care industry.

Ms. Lorrie Thoenke, Vice President, YMCA of Cass and Clay Counties, ~~of Learning Centers of Cass and Clay Counties, Cass and Clay Counties YMCAs,~~ provided testimony ([Appendix H](#)) regarding the efforts to improve the criminal history record check process. She noted:

- The YMCA is the largest child care provider in the state.
- Every fall, approximately 65 new college-age students are hired to fill open positions in the YMCA's 28 school-aged programs.
- During the fall hiring peak, scheduling appointments for fingerprinting ~~can~~may take up to ~~two~~2 weeks or ~~more~~longer. ~~This is~~ due to the number of slots open for appointments and the limited number of fingerprinting machines available.
- Depending on the number of states in which a student has lived, he results of the check can't ~~fit~~ may take up to ~~three~~3 months to ~~because of the number of states a candidate has lived in.. to begin working in order for clearance for the staff gain receive the results of a criminal history record check.~~
- ~~The~~Although a process allows ~~the staff~~students with a preliminary clearance, and who are supervised by another staff member, to work with children ~~with a preliminary clearance~~ until the final background check is ~~provided~~completed. ~~when supervised by another staff.~~ ~~U~~Unfortunately, the YMCA does not ~~get~~receive preliminary clearance on ~~a lot~~many of the ~~staff~~student applicants.
- In 2023, the YMCA paid ~~expended~~ \$30,000 in payments to staff for the period between the employee's date of hire and the receipt of the employee's completed criminal history ~~waiting for background~~ time ~~record checks to be completed.~~ To expedite the placement of new staff, ~~T~~the YMCA supports a process that allows a student with ~~to provide~~ preliminary ~~check~~clearance to begin working. ~~on all staff so the YMCA can place the staff in the programs as soon as possible. The delay in approval results in, staff leaving due to inability to start jobs, placing staff in other positions at the YMCA, and high costs to pay staff even though they are not able to work in programs. The YMCA paid \$30,000 in staff time awaiting background checks in 2023.~~

Mr. Steven Harstad, Chief Agent, Bureau of Criminal Investigation, ~~presented~~provided testimony ([Appendix I](#)) regarding a comparison between the statewide and nationwide criminal history record check standards, the average processing time of a requested criminal history record check, and possible methods to improve efficiency and processing times of the statewide criminal history record check process. He noted:

- The Bureau of Criminal Investigation (BCI) is the state's central repository for reportable crimes and all records in the repository are fingerprint-based and ~~are~~ used to establish an individual's identity.
- Reasons a criminal history record check may be delayed include fingerprints being rejected by the Federal Bureau of Investigation, a missing disposition, the appearance of duplicate charges, or the need to reach out to a law enforcement agency or a state's attorney to clarify charges or dates on a record.

- Items that could be implemented to improve the criminal history record check process include creating an online bill pay mechanism, establishing an automated system for criminal history record check requests and responses, which is under the control of ~~Bureau of Criminal Investigation~~BCI, and additional LiveScan systems for fingerprints.

REPORTS

Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, ~~presented~~provided a report ([Appendix J](#)) on the commission's findings and recommendations.

Ms. Sarah Couture, Grants Supervisor, Attorney General's office, ~~presented~~provided a report ([Appendix K](#)) regarding the status and results of the human trafficking victims grant program.

No further business appearing, Chairman Strinden adjourned the meeting at 3:15 p.m.

Christopher S. Joseph
Senior Counsel

ATTACH: