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## JUDICIARY COMMITTEE

Wednesday, June 19, 2024  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Janne Myrdal, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Senators Janne Myrdal, Ryan Braunberger, Judy Estenson, Diane Larson, Bob Paulson, Jonathan Sickler; Representatives Claire Cory, Matt Heilman, Pat D. Heinert, Karen Karls, Jim Kasper\*, Lawrence R. Klemin, Ben Koppelman, Shannon Roers Jones, Bernie Satrom, Kelby Timmons, Lori VanWinkle

**Member absent:** Senator Michael Dwyer

**Others present:** Lacey Bjork Anderson, The Birch Group LLC; Stephanie Dassinger Engebretson\*, North Dakota League of Cities; Travis Finck, Commission on Legal Counsel for Indigents; Bruce Johnson, Racing Commission; Deborah McDaniel, Attorney General's office; Aaron Olson, Department of Health and Human Services; and Carey Theil, GREY2K USA Worldwide

See [Appendix A](#) for additional persons present.

\*Attended remotely

**It was moved by Senator Larson, seconded by Representative Satrom, and carried on a voice vote that the minutes of the March 7, 2024, meeting be approved as distributed.**

### FIREARM AND DANGEROUS WEAPONS STUDY

The committee discussed the status of the committee's study on the provisions of the North Dakota Century Code that place restrictions on carrying firearms and dangerous weapons. Committee members expressed interest in having the Attorney General or a representative of the Bureau of Criminal Investigation provide an update to the committee on any subsequent Second Amendment caselaw since *New York State Rifle & Pistol Association Inc. v. Bruen*, including *United States v. Rahimi*, and any legal implications or considerations the cases may have on the state's firearm and dangerous weapons provisions.

### CUSTODIAL INTERROGATIONS STUDY

The committee discussed the status of the committee's study on the recording practices of local and state law enforcement during custodial interrogations to determine the feasibility and desirability for uniform implementation of recording practices. Committee members noted that most law enforcement agencies already record custodial interrogations and, based on testimony received from law enforcement agencies, the North Dakota League of Cities, and the North Dakota Association of Counties, for those law enforcement agencies that do not record custodial interrogations because of cost issues, grants may be available to help defer some of the initial investment in equipment, facilities, and electronic storage. Recording custodial interrogations does not appear to be a problem in the state.

### REPORTS

Mr. Aaron Olson, State Hospital Superintendent, Department of Health and Human Services, provided a report ([Appendix B](#)) regarding the services provided by the Department of Corrections and Rehabilitation relating to individuals at the State Hospital who have been committed to the care and custody of the Commissioner of the Department of Health and Human Services. He noted:

- The evaluation and treatment program for sexually dangerous individuals has operated at the State Hospital since 1997.
- The State Hospital has 62 residential beds for this purpose, including transitional home beds for patients who are in the late stages of treatment and scheduled for discharge from the program.

- The program is designed as a psychiatric rehabilitation program with special programming for patients with sex offense histories.
- The program includes a multidisciplinary team that uses both cognitive behavioral and rehabilitation approaches in providing group and individual therapy.
- The annual program cost per patient is \$229,212. There are 67.5 full-time equivalent positions assigned to the program, including treatment, direct care, and security personnel.

Mr. Christopher S. Joseph, Assistant Legal Division Director, Legislative Council, presented a [memorandum](#) regarding executive orders issued by the President of the United States which have not been affirmed by a vote of Congress and signed into law.

Ms. Lacey Bjork Anderson, Chief Executive Officer, The Birch Group LLC, introduced Mr. Carey Theil, Executive Director, GREY2K USA Worldwide.

Mr. Theil presented testimony ([Appendix C](#)) regarding remote gambling on greyhound racing. He noted:

- GREY2K USA Worldwide is a nonprofit organization formed in 2001 and is the largest greyhound protection group in the world.
- The organization works to pass stronger greyhound protection laws, end dog racing, and promote the rescue and adoption of greyhounds.
- The practice of greyhound racing is ending.
- Greyhound racing is not a sustainable funding source for the North Dakota Racing Commission.
- Phasing out greyhound bets negligibly impacts the general fund and horsemen's funds and would allow the horse racing industry to identify a viable, long-term funding source instead.
- North Dakotans overwhelmingly oppose the processing of greyhound bets in the state.

Mr. Bruce Johnson, Executive Director, Racing Commission, presented testimony in response to the report presented by GREY2K USA Worldwide regarding remote gambling on greyhound racing. He noted:

- Prohibiting betting on greyhound racing could result in a push to eliminate horse race betting.
- During the 2022-23 fiscal year, \$60.7 million in greyhound racing bets was processed in North Dakota, which generated about \$145,000 in tax revenue for the state, distributed among five different state funds.
- Betting on greyhound racing should continue to be allowed to maintain the revenue stream from greyhound racing, which is important to the Racing Commission's racing program.
- Less than 1 percent of bets placed on greyhound racing was from North Dakota residents.

### CHARITABLE GAMING STUDY

Chairman Myrdal provided testimony regarding a bill draft [\[25.0056.03000\]](#) relating to the definition of a public-spirited organization. She noted the bill draft:

- Clarifies the definition of a public-spirited organization by removing vague categories from the definition to better align the definition with the intended purpose for allowing charitable gaming.
- Has been revised from the version presented at the committee's previous meeting to remove "tourism" from the definition of a public-spirited organization.

In response to a question from a committee member, Ms. Deborah McDaniel, Director, State Gaming Commission, Attorney General's office, noted the bill draft does not remove organizations promoting youth activities from the definition of a public-spirited organization, so those organizations will be allowed to conduct gaming.

Ms. Sheri Grossman, Chief Executive Officer, Bismarck-Mandan Convention and Visitors Bureau, presented testimony ([Appendix D](#)) regarding the bill draft relating to the definition of a public-spirited organization. She noted:

- The bureau promotes engaging visitor experiences which result in community economic growth and quality of place.
- The bureau is concerned with tourism being removed from the definition of a public-spirited organization.

- The bureau uses charitable gaming funds to bring more visitors to Bismarck-Mandan to spend money at restaurants, hotels, and stores, which generates sales tax that can be used by local governments to fix roads and provide property tax relief.
- The bureau would like the bill draft to include the tourism industry of the local jurisdiction by specifically allowing convention and visitors bureaus to conduct charitable gaming.

Mr. Scott Meske, Lobbyist, North Dakota Gaming Alliance, presented testimony ([Appendix E](#)) regarding the bill draft relating to the definition of a public-spirited organization.

### BILL DRAFT

Mr. Joseph presented a bill draft [[25.0100.01000](#)] relating to changing drug court to treatment court. He noted the bill draft:

- Stems from the report received from the North Dakota Supreme Court at the committee's previous meeting recommending changing the term "drug court" to "treatment court" throughout the North Dakota Century Code.
- Does not implement any substantive changes to law.

**It was moved by Representative Klemin, seconded by Representative Roers Jones, and carried on a roll call vote that the bill draft [[25.0100.01000](#)] changing drug court to treatment court be approved and recommended to the Legislative Management.** Senators Myrdal, Braunberger, Estenson, Larson, Paulson, and Sickler and Representatives Cory, Heilman, Heinert, Karls, Kasper, Klemin, Koppelman, Roers Jones, Satrom, Timmons, and VanWinkle voted "aye." No negative votes were cast.

### MUNICIPAL COURT STUDY

Ms. Sara Behrens, Staff Attorney, State Court Administrator's office, Supreme Court, and Ms. Stephanie Dassinger Engebretson, Deputy Director, North Dakota League of Cities, presented testimony ([Appendix F](#)) regarding a bill draft related to municipal courts. Ms. Behrens provided an overview of the bill draft and noted:

- Most of the bill draft is the same or similar to current law regarding municipal courts but provides needed updates and reorganization.
- The bill draft consists of four sections and includes language to provide clarity and remove confusion regarding the requirements, functions, and jurisdiction of municipal courts.
- "Appointed" should be changed to "elected" on line 12 of page 4, "3" should be removed from line 16 of page 6, and "provided for in section 40-18.1-20" should be removed from line 11 of page 16.

Ms. Dassinger Engebretson noted the North Dakota League of Cities received input and feedback from the Municipal Judges Association and numerous city prosecutors regarding the bill draft, and the feedback received has been very positive.

Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, presented testimony regarding the bill draft related to municipal courts. He noted concerns with the bill draft regarding:

- The requirement the Commission on Legal Counsel for Indigents automatically assumes defense in cases in which municipal courts are abolished because the commission may not have the necessary resources to assume such a caseload.
- Municipal courts not being a court of record and thus being unable to access a transcript of a municipal court proceeding, which creates a hardship for the commission and its clients.

Chairman Myrdal requested committee members who want a revision to the bill draft related to municipal courts forward their requests to the Legislative Council so the committee can consider the revisions and bill draft at the committee's next meeting.

No further business appearing, Chairman Myrdal adjourned the meeting at 2:30 p.m.

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Christopher S. Joseph  
Assistant Legal Division Director

ATTACH:6