

2021 HOUSE JUDICIARY

HB 1036

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1036
1/6/2021

Ethics Commission delegation of duties and advisory opinions
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Vice Chairman Karls called the meeting to order at 2:00 PM.

Members present: Reps. Klemin, Karls, Becker, Christensen, Cory, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, Vetter, Buffalo, Hanson.

Discussion Topics:

- Juvenile justice best practices
- Committee Work

Chairman Klemin presented the bill. Testimony #53 (2:09)

Travis Finck, Justice Commission: Testimony # 26

Steven Reiser, Director of Dakota Central Human Service Zoe Testimony #40.

Rep Hanson moved Adopt Amendment 21.0171.01001

Rep Christensen seconded the motion

Voice vote carried

Rep Vetter moved Do Pass as Amended

Rep Becker seconded do pass as Amended

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	Y
Representative Ruth Buffalo	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y

Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	Y

The motion passed 14-0-0

Rep Cory will carry the bill

Vice Chairman Karls closed hearing 2:23 PM.

Delores Shimek, Committee Clerk by Donna Whetham

21.0171.01001
Title.02000

Prepared by the Legislative Council staff for
House Judiciary Committee
January 6, 2021

Sp 1/6/21
1041

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1036

Page 1, line 5, replace "2020-21" with "2021-22"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1036: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "2020-21" with "2021-22"

Renumber accordingly

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1036
HOUSE JUDICIARY COMMITTEE
JANUARY 6, 2021

Members of the House Judiciary Committee, I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here to testify in support of House Bill No. 1036, which requests Legislative Management to consider studying the juvenile justice process and to collaborate with the North Dakota Commission on Juvenile Justice.

HB 1036 is a continuation of a study of the juvenile justice process conducted during the 2017-2018 interim pursuant to Senate Concurrent Resolution No. 4003, and during the 2019-2020 interim pursuant to House Concurrent Resolution No. 3031. As a result of the recent study, the interim Judiciary Committee, in collaboration with the Commission on Juvenile Justice, drafted HB 1035, a bill that will come before this committee, to revise and update the Juvenile Court Act contained in Chapter 27-20 of the North Dakota Century Code. Chapter 27-20 is based on the Uniform Juvenile Court Act of 1968, which was enacted in North Dakota in 1969. Although there have been some amendments to this chapter over time, it is basically the same as originally introduced in 1969 and needed to be updated.

HB 1035 is a lengthy bill that includes several delayed effective dates in order to allow the schools, the Department of Human Services, the juvenile courts, and other interested entities time to plan and implement best practices in working with the juvenile justice process in this State. The delayed effective dates will assist the Commission and the Legislature to continue the revision and implementation of the Juvenile Court Act.

The Commission on Juvenile Justice was created in Section 50-06-43.2 of the North Dakota Century Code during in the 2019 Session with a six-year duration to review all facets of juvenile justice and child welfare in North Dakota and is comprised of members from numerous agencies of state and local government, as well as six members of the Legislature who were appointed from the House and Senate Judiciary Committees. One of the primary duties of the Commission is to review the Juvenile Court Act. You will hear more from Commission members when we have the hearing on HB 1035, the revised Juvenile Court Act.

The Legislature and the Commission on Juvenile Justice have worked well together over the past two years in a partnership to revise and update the Juvenile Court Act. There is much left to do and we need to continue that partnership.

I am also attaching a technical amendment to HB 1035. The bill erroneously refers to the next interim as the "2020-21" interim on line 5. The bill should be amended to read the "2021-2022" interim.

I urge you to amend the bill and then to recommend passage of HB 1036 to the House.

PROPOSED AMENDMENT TO HOUSE BILL NO. 1036

Page 1, line 5, replace "2020-21" with "2021-22"

Renumber accordingly

House Bill 1036
House Judiciary
Testimony of Travis W. Finck
Executive Director N. D. Comm. On Legal Counsel for Indigents
January 6, 2021

Chairman Klemin, members of the House Judiciary, my name is Travis Finck, I am the Executive Director of the Commission on Legal Counsel for Indigents, and on behalf of the commission, I wish to provide testimony in support of HB 1036.

HB 1036 asks legislative management to continue to study the juvenile justice process in the interim and continue to collaborate with the Commission on Juvenile Justice. The North Dakota Commission on Legal Counsel for Indigents has been intimately involved with these reform measures and supports the continuation. The reforms in HB 1035 are a great start on juvenile justice reform. However, there is work left to do. This study would allow the legislature to continue to work with the professionals of the commission on juvenile justice to make necessary changes to reflect best practices.

Mr. Chairman, members of the committee, thank you for the opportunity for me to present this testimony. I respectfully request a do pass recommendation and I will stand for any questions.

Respectfully submitted:



Travis W. Finck, Executive Director
N.D. Commission on Legal Counsel
(701) 845-8632, tfinck@nd.gov

Testimony for House Bill 1036

House Judiciary Committee

January 6, 2021

Chairman Klemin and members of the House Judiciary Committee, I am Steven Reiser, Director of Dakota Central Human Service Zone. I am also a member of the North Dakota Human Service Zone Association. Please accept this testimony in favor of HB 1036.

This is a request for a legislative management study regarding the juvenile justice process. This study will be very important to have in place to get services identified and in place for juveniles with the changes proposed in the juvenile court act. I support the delayed implementation date that is being proposed as an amendment to HB 1035. If that amendment passes this study would allow and all parties involved to work together to make sure evidence-based services will be available to these youth.

Thank you for allowing me to present this testimony and I would be willing to answer any questions.

2021 SENATE JUDICIARY

HB 1036

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1036
2/10/2021

A BILL for an Act to provide for a legislative management study regarding the juvenile justice process.

Meeting called to order, all Senators are present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, and Larson** [9:00]

Discussion Topics:

- Purpose of organizing a management study
- Juvenile justice as it applies to current statute

Rep. Lawrence Klemin, provides testimony in favor #6196 [9:00]

Travis Fink, Executive Director ND Council for Indigents provides testimony in favor #5930

Senator Myrdal moved a do pass [9:07]

Senator Bakke Seconded the motion [9:07]

Vote passed 6-1-0

Senator Bakke carried the bill

Meeting adjourned [9:10]

Jamal Omar, Committee Clerk

DO PASS Vote on HB 1036	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	N
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

REPORT OF STANDING COMMITTEE

HB 1036, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1036 was placed on the Fourteenth order on the calendar.

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1036
SENATE JUDICIARY COMMITTEE
FEBRUARY 10, 2021

Members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here to testify in support of House Bill No. 1036, which requests Legislative Management to consider studying the juvenile justice process and to collaborate with the North Dakota Commission on Juvenile Justice.

The Commission on Juvenile Justice was created during in the 2019 Session to review all facets of juvenile justice and child welfare in North Dakota and is comprised of a member from the North Dakota Supreme Court, the Juvenile Court, several agencies of state and local government, and six members of the Legislature who were appointed from the House and Senate Judiciary Committees. One of the primary duties of the Commission was to review the Juvenile Court Act.

HB 1036 is a continuation of a study of the juvenile justice process conducted during the 2017-2018 and 2019-2020 interims. As a result of the most recent study, the interim Judiciary Committee, in collaboration with the Commission on Juvenile Justice, drafted HB 1035 to reorganize and update the Juvenile Court Act contained in Chapter 27-20 of the North Dakota Century Code. Chapter 27-20 is based on the Uniform Juvenile Court Act of 1968, which was enacted in North Dakota in 1969. Although there have been some amendments to this chapter over time, it was basically the same as originally introduced in 1969 and needed to be updated.

HB 1035 is a lengthy bill to reorganize and update the Juvenile Court Act to include best practices for juvenile justice. The bill includes several delayed effective dates in order to allow the schools, the Department of Human Services, the Department of Corrections and Rehabilitation, the Juvenile Court, and other interested parties and entities, time to plan and implement best practices in working with the juvenile justice process in this State. HB 1427 is a companion bill to HB 1035 and establishes three planning committees to research and develop plans for implementation of HB 1035. HB 1036, this study resolution, will allow the Legislature to continue to work with the Commission on Juvenile Justice during the next interim on the implementation of the Juvenile Court Act.

The Legislature and the Commission on Juvenile Justice have worked well together over the past two years in a partnership to revise and update the Juvenile Court Act. There is still work to be done, so we need to continue that partnership.

I urge you to recommend passage of HB 1036 to the Senate.

HB 1036
Senate Judiciary Committee
February 10, 2021
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of HB 1036.

HB 1036 seeks to have legislative management choose to study the juvenile justice process in the state of North Dakota in collaboration with the Commission on Juvenile Justice. The North Dakota Commission on Legal Counsel for Indigents has been closely involved the juvenile reform measures within the state and supports a continuation of reform efforts. The reforms in several bills this session, including HB 1035, are a great start. However, there is more work to do. This study would allow that work to continue. With that in mind Madam. Chair, on behalf of the commission, we respectfully request a DO PASS recommendation.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read 'Travis W. Finck', written over a horizontal line.

Travis W. Finck

Executive Director, NDCLCI