

**2021 SENATE JUDICIARY**

**SB 2105**

# 2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Peace Garden Room, State Capitol

SB 2105  
1/11/2021

**A BILL for an Act to amend and reenact section 12-65-02 of the North Dakota Century Code, relating to warrant and probable cause requirements.**

Chairwoman Larson calls the meeting to order, and takes the roll (2:59pm).

All senators present: Dwyer, Bakke, Fors, Heitkamp, Luick, Myrdal, Larson

### Discussion Topics:

- Transportation of offenders across state lines
- Compact regarding incarcerated offenders

Amy Vorachek, North Dakota Commissioner for the Interstate Commission for Adult Offender Supervision, submitted written testimony #300 in favor of SB 2105 and submitted verbal testimony (3:00pm)

Senator Luick moves DO PASS on SB 2105

Senator Myrdal seconds DO PASS on SB 2105

<b>Roll Call Vote: DO PASS on SB 2105 Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passes 7-0-0  
Chairwoman Larson Carries

Chairwoman Larson adjourns the hearing at 3:10pm

*Jamal Omar, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2105: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

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

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**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.

**2021 HOUSE JUDICIARY**

**SB 2105**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Judiciary

Room JW327B, State Capitol

SB 2105

3/9/2021

Relating to warrant and probable cause requirements.

**Chairman Klemin** called the hearing to order at 10:30 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

### **Discussion Topics:**

- Federal compact rules
- Inter-state parole

**Amy Vorachek, ND Commissioner for ICAOS & Director of Administrative Services with ND Dept. of Corrections.** Testimony # 7862 10:30

**Chairman Klemin** closed the hearing at 10:40.

**Rep. Satrom:** Do Pass Motion

**Rep. Roers Jones:** Seconded

Roll Call Vote;

<b>Representatives</b>	<b>Vote</b>
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	A
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	N
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	Y
Rep K. Hanson	Y

12-1-1 Motion passed

Carrier: Rep. Karls

Stopped 10:45

DeLores D. Shimek  
Committee Clerk



**REPORT OF STANDING COMMITTEE**

**SB 2105: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2105 was placed on the Fourteenth order on the calendar.

**HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE LAWRENCE R. KLEMIN, CHAIRMAN  
MARCH 9, 2021**

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

Chairman Klemin 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 individuals under supervision are subject to retaking, the Compact rules require those individuals to be offered a probable cause hearing. The individual 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 ICOAS 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. The newly created Subsection 1 includes 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. In addition, Subsection 2 of Section 12-65-02 provides language to help clarify 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.

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