

**2025 HOUSE JUDICIARY**

**HB 1116**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1116  
1/8/2025

relating to the disclosure of an autopsy report; and to amend and reenact subsection 4 of section 11-19.1-11 of the North Dakota Century Code, relating to authorizing the coroner and the state forensic examiner to disclose autopsy reports to the department of corrections and rehabilitation.
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1:01 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

## **Discussion Topics:**

- Inspector vs investigator
- Process of receiving autopsy reports

1:02 p.m. Joseph Charvat, Deputy Director of Facility Inspection for the Department of Corrections and Rehabilitation, testified in favor and provided testimony #28129.

## **Additional written testimony:**

Marry Ann Senz, Coroner and Forensic Pathologist for Grand Forks County, submitted testimony in opposition #28092

1:09 p.m. Chairman Klemin closed the hearing

*Wyatt Armstrong, Committee Clerk*

**HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR  
JANUARY 8, 2025**

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**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1116**

Good morning, Chairman Klemin and members of the House Judiciary Committee, my name is Joseph Charvat, and I serve as the Deputy Director of Facility Inspection for the Department of Corrections and Rehabilitation (DOCR). House Bill 1116 was introduced by the DOCR to amend subsection 4 of section 11-19.1-11 of the North Dakota Century Code relating to the addition of inspection by the department of corrections as an agency that may receive a report of death, or an autopsy report from a coroner. This would also create a new subsection to 23-01-05.5 of the North Dakota Century Code which would allow the state forensic examiner to disclose a copy of an autopsy report to the department of corrections and rehabilitation when the deceased individual was an inmate in a county, regional or state correctional facility.

The bill is proposed to provide department timely access to autopsy reports when conducting inspections of county or regional correctional facilities within the scope of 12-44.1. This access will further allow the department of corrections to identify effective correctional strategies to respond to situations which resulted in a death of an individual within one of these facilities. Knowledge of cause of death is important to the correctional facility inspectors because it allows us to identify specific practices which can be amended to make facilities safer. Once we have this knowledge our team can work with an administrator or the facility to make adjustments to jail practices.

A general example may be an individual unexpectedly passes away in their cell. Upon receipt of the autopsy cause of death, inspectors find out the individual had overdosed on opioids. Inspectors can further educate staff on the warning signs of opioid usage and use of naloxone while also ensuring this life saving drug is accessible.

I ask that you support the proposed bill to provide the department of corrections and rehabilitation access to autopsy reports and I stand for any questions.

January 6, 2025

To: Human Services Committee  
ND House

From: Mary Ann Sens, MD, PhD; Coroner, Grand Forks County, Forensic Pathologist

Re: House Bill 1116 Disclosure of an Autopsy Report

Honorable Chairman Klemin, Vice Chairman Karls, Vice Chairman Vetter, and Members of the House Judiciary Committee:

I am writing to question the need for House Bill 1116. I value legislation, but question a knee-jerk response of “there should be a law”

I have been the Chair of the Department of Pathology at UND for the last 22 years. I am a forensic pathologist with over 40 years of experience and since 2002 have performed forensic autopsies in ND. Since 2013, our office in Grand Forks has provided autopsy services to the coroners of the eastern half of North Dakota under contract with the State Forensic Examiner in Bismarck.

I fully agree that the Department of Corrections should have complete access to autopsy report when there is a death at a facility, particularly when they are charged with investigation of such a death. I believe this would readily be allowed under 23-01-05.5 b:

*b. To any state's attorney A prosecutor or criminal justice agency, as defined by section 44 - 04 - 18.7 , including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the state's attorney prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.*

If this is not happening from the Eastern side, please contact me, accept my apologies for a screw-up, and we will resolve. The Bismarck office also agrees these should be released to Corrections when they are investigating a death. If the offices are not doing this under current law, it seems like we should be, and conversation is likely more effective than a law reiterating a law already present.

Ironically, my perception is that deaths in jails are difficult for us to assist with investigation because of a lack of interest on the part of investigators. In my experience, people in charge do not want to sit and discuss the case, understand what happened or did not happen, address any improvements to the system, etc. Maybe I spoke to the wrong folks, maybe they have been replaced, maybe I screwed up in another way, but the dialog is not there.

With the bill saying DOC cannot get the information and my impression is that some officials (I AM NOT saying the DOC, just jail deaths in general) appear not particularly interested in dealing with our office at least, I need to ask if communication is needed more than a law.

Again, I do not have objections but think this is covered. If I am wrong, change the law but I am concerned that someone felt this was needed and would like to engage to correct that problem. A forensic autopsy generally can contribute to a dialogue and improvement plan following an inmate's death. We would like to be a part of that without mandated legislation.

Respectfully

Mary Ann Sens

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Judiciary Committee Room JW327B, State Capitol

HB 1116  
1/14/2025

Relating to authorizing the coroner and the state forensic examiner to disclose autopsy reports to the department of corrections and rehabilitation.

2:42 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Olson

### Discussion Topics:

- Committee Action
- Potential conflict with HB 1168

2:44 p.m. Representative Schneider moved a Do Pass.

2:44 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	A
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:46 p.m. Motion Passed 13-0-1.

Representative Christianson will carry the bill.

2:47 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1116 ([25.8056.01000](#))**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1116 was placed on the Eleventh order on the calendar.

**2025 SENATE HUMAN SERVICES**

**HB 1116**



# 2025 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Lincoln Room, State Capitol

HB 1116  
2/10/2025

Relating to authorizing the coroner and the state forensic examiner to disclose autopsy reports to the department of corrections and rehabilitation.

10:50 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

### Discussion Topics:

- Inspection process

10:51 a.m. Joespeh Charvat, Deputy Director of Facility Inspections for the Department of Corrections and Rehabilitation, testified in favor and submitted testimony #36273.

10:55 a.m. Senator Hogan moved Do Pass.

10:55 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Clemens will carry the bill.

10:56 a.m. Chairman Lee closed the hearing.

*Andrew Ficek, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1116 ([25.8056.01000](#))**

**Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**SENATE HUMAN SERVICES COMMITTEE  
SENATOR JUDY LEE, CHAIR  
FEBRUARY 10, 2025**

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**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1116**

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