

2025 SENATE JUDICIARY

SB 2056

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2056
1/8/2025

Relating to tribal arrest warrants

02:12 p.m. Chair Larson opened the meeting

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger

Discussion Topics:

- Waiver processes
- Voluntary extradition

02:13 p.m. Sara Behrens testified in favor and submitted testimony #28143

02:18 p.m. Joseph R. Vetsch, Attorney at Law & Chief Judge, testified in favor and submitted testimony #28219 and # 28220

02:31 p.m. Chair Larson closed the hearing

02:31 p.m. Senator Luick moved a do pass

02:31 p.m. Senator Braunberger seconded the motion

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	A

Motion Carried 6-0-1

02:31 p.m. Carried by Senator Luick

02:31 p.m. Chair Larson Closed the hearing

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2056 ([25.8030.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar. This bill does not affect workforce development.

Senate Bill 2056
Senate Judiciary Committee
Testimony Presented by Sara Behrens
January 8, 2025

Good afternoon Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2056. This bill provides a procedure for waiver of appearance in front of a judge when someone is arrested on a tribal warrant. The majority of tribal warrants are extraditable and once notified of the defendant being held on a tribal warrant, the defendant is typically picked up within a day.

There is an expense to the counties to hold individuals on tribal warrants and it does not appear that the tribes are being billed for the time spent in custody on a regular basis. Judge Joseph Vetsch, Chief Judge of the Spirit Lake Tribal Court has indicated that in 2023 there were 67 extraditions and 56 of those were from Spirit Lake. This process has worked well in Spirit Lake Tribal Court with an almost 100% waiver rate for those on warrants out of Ramsey County.

Thank you for your consideration and we urge a do pass.

Testimony in support of Senate Bill 2056 pertaining to Tribal Arrest Warrants submitted by:

Joseph R. Vetsch
Attorney at Law & Chief Judge
Spirit Lake Tribal Court

Short history:

I first started this discussion in the late fall of 2022 at a State and Tribal Court Relations Committee meeting. Because it seemed like a legitimate issue with a potentially simple legislative fix, it seemed like there was some positive feedback. Sara Behrens then assisted with drafting the proposed amendment to section 29-06.1 of the North Dakota Century Code to address the issue. However, because of time constraints and my ignorance of the process, I failed to get the proposal in front of the right folks for consideration prior to that legislative session.

Current Status:

The current version of 29-06.1 requires that persons who are subject to tribal arrest warrants be brought without “unnecessary delay” before the nearest available district judge. Depending on the day and time of the arrest and court/judge schedules (especially over holidays and/or otherwise long weekends) it could take 5-7 days for a person to see a Judge. A very high percentage of the time, once the person is brought before a judge, they waive their right to a judicial extradition hearing because they acknowledge that the warrant exists and that they are the person named in the warrant. Although the person will inevitably be given credit for any time served in county jail toward their tribal court sentence, many times the sentence for the underlying crime won’t result in actual jail time. However, for a potential multitude of reasons, that person may not be a candidate for a personal recognizance bond and/or promise to appear.

Associated Issues:

First – The unnecessary county/state expense associated with the incarceration of tribal inmates pending appearance in front of a district court judge. I originally prepped these numbers in October of 2024 for presentation to the Legislative Committee. In 2023, there were fifty six (56) tribal extraditions from Ramsey County to Spirit Lake. The cost per day to house an inmate at the Lake Region Law Enforcement Center is ninety dollars (\$90). Assuming inmates wait an average of four (4) days to see a district judge, the unnecessary cost to that single county to house just Spirit Lake defendants in 2023 was \$20,160.

Second – Far more important than expense to the county, is the impact that unnecessary jail time might have a person’s life. In the legal world, I think we sometimes become numb to the idea of “jail” and the affect it might have a person’s mental and physical health as well as their life situation. Besides the obvious mental and physical effects of time spent in jail, even one (1) extra night/day in jail could lead to the loss of employment. That loss of employment has the potential to steam roll into numerous other issues like loss of housing, credit issues, etc...

Solution:

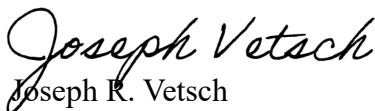
Waiver of a judicial extradition hearing without having to wait to appear in front of a district court judge. As I noted earlier, most people readily acknowledge that they are the subject of a tribal court warrant and would rather not wait to see a judge before getting on with the process. Spirit Lake has had a municipal, state, federal & tribal extradition statute on the books since 2015. The exact text of the section of the Spirit Lake statute that is applicable and relevant to SB 2056 and my testimony today is below. In essence, the statute allows the person to waive their right to an extradition hearing by signing a written waiver in the presence of a corrections or law enforcement officer. We have that waiver and the applicable order on a one page document in a fillable and non-fillable form that can be completed via hand or on a computer, presented in person or electronically to a judge instantly for signature and begin the extradition process immediately. An example of what I envision a similar state/county form to look like is attached to my testimony. The process works very well. Upwards of ninety percent (90%) of defendants subject to extradition by the Spirit Lake Tribal Court execute waivers before I ever see them and are in county custody within a matter of hours instead of days.

Waiver of Hearing

Any person arrested on a warrant issued outside the jurisdiction of the Spirit Lake Tribal Court may waive the right to an extradition hearing in Tribal Court and consent to return to the applicable jurisdiction by executing a written waiver in the presence of a correctional officer, police officer and/or judge of the Tribal Court. If a waiver is executed, the Tribal Court shall issue an order transferring custody of that person to the applicable jurisdiction or, with the consent of the applicable jurisdiction, authorize the voluntary return of the person to the applicable jurisdiction.

For reasons stated, I strongly encourage and support the passage of SB 2056. Thank you for your time and consideration, it is greatly appreciated. If you have any questions, comments and/or concerns, please feel free to contact me at any time.

Sincerely,



Joseph R. Vetsch
Attorney at Law &
Chief Judge, Spirit Lake Tribal Court
Email: joevetsch@yahoo.com
Phone: 701-351-0371

**STATE OF NORTH DAKOTA
COUNTY OF RAMSEY**

**IN DISTRICT COURT
NORTHEAST JUDICIAL DISTRICT**

STATE OF NORTH DAKOTA,

PLAINTIFF,

VS.

DEFENDANT.

**NOTICE OF REQUEST FOR
EXTRADITION, WAIVER OF
EXTRADITION & ORDER OF
EXTRADITION**

NOTICE OF REQUEST FOR EXTRADITION

Pursuant to Sections 29-06.1 of the North Dakota Century Code (NDCC), the Ramsey County District Court hereby notifies the above named Defendant that he/she has been placed under arrest by the State of North Dakota because a federally recognized tribal nation within the State of North Dakota has an outstanding warrant for the arrest of Defendant and requests that Defendant be extradited to their jurisdiction. That jurisdiction being:

Tribal Nation: _____

WAIVER OF EXTRADITION

Pursuant to Section 29-06.1 of the NDCC, you are entitled to an Extradition Hearing. Pursuant to Section 29-06.1-2(2) of the NDCC, you may waive your right to said Extradition Hearing and consent to being extradited to the requesting jurisdiction by executing a written waiver in the presence of a correctional officer, police officer and/or district court judge. By signing this document, you agree, consent and acknowledge the following:

1. You are the person named in the warrant filed by the requesting jurisdiction; AND
2. You do not contest that the warrant is a valid warrant; AND
3. You agree to appear before the court in the requesting jurisdiction; AND
4. You may remain in the custody of State for a short period of time after your release from the custody of the State (if you have pending charges in North Dakota) or after signing of this Waiver pending extradition by the requesting jurisdiction.
5. In the alternative, you may decline this waiver and appear before a Judge for a hearing on this matter.

By signing this document, you are not admitting guilt or innocence to the charges of the requesting jurisdiction. All your rights in that jurisdiction remain intact and any legal arguments or defenses on the merits of those charges/cases should be made before the requesting jurisdiction.

Dated: _____

Signature of Defendant

ORDER OF EXTRADITION

Pursuant to the Sections 29-06.1-2 of the NDCC and the foregoing Notice and Waiver, the State of North Dakota hereby authorizes and ORDERS the removal of the above named Defendant by any appropriate official of the above named requesting jurisdiction.

Dated this ____ day of _____, 202__.

Signature of District Court Judge

2025 HOUSE JUDICIARY

SB 2056

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2056
2/18/2025

A BILL for an Act to amend and reenact section 29-06.1-02 of the North Dakota Century Code, relating to tribal arrest warrants.

11:00 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative McLeod

Discussion Topics:

- Tribal court process
- Tribal court jurisdiction

11:00 a.m. Sara Behrens, Staff Attorney with the State Court Administrator's Office, testified in favor and provided testimony #37940.

11:07 a.m. Joseph Vetsch, Chief Judge of Spirit Lake Tribal Court, testified in favor and provided testimony #37948.

11:16 a.m. Representative Tveit moved a Do Pass.

11:16 a.m. Representative Karls 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	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

11:17 a.m. Motion passed 13-0-1

11:17 a.m. Representative Hoverson will carry the bill.

11:17 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2056 ([25.8030.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2056 was placed on the Fourteenth order on the calendar.

Senate Bill 2056
House Judiciary Committee
Testimony Presented by Sara Behrens
February 18, 2025

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2056. This bill provides a procedure for waiver of appearance in front of a judge when someone is arrested on a tribal warrant. The majority of tribal warrants are extraditable and once notified of the defendant being held on a tribal warrant, the defendant is typically picked up within a day.

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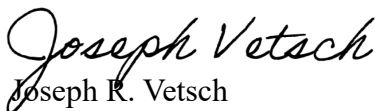
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Sincerely,



Joseph R. Vetsch
Attorney at Law &
Chief Judge, Spirit Lake Tribal Court
Email: joevetsch@yahoo.com
Phone: 701-351-0371