

2025 SENATE JUDICIARY

SB 2077

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2077
1/13/2025

A BILL for an Act to amend and reenact section 12.1-04.1-21 of the North Dakota Century Code, relating to criminal responsibility proceedings following a verdict or finding.

10:31 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

Discussion Topics:

- Transfer of Care
- Transitional Living Facilities
- Bed Utilization
- Court Authority
- Risk Assessment

10:31 a.m. Dan Cramer, Human Service Center Clinical Director with the Department of Health and Human Services, testified in favor and submitted testimony #28538.

10:49 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Testimony
Senate Bill No.2077
Senate Judiciary Committee
Senator Diane Larson, Chairman
January 13, 2025

Chairman Larson, and members of the Senate Judiciary Committee, I am Dr. Dan Cramer, Human Service Center Clinical Director with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2077, which was introduced at the request of the Department to amend section 12.1-04.1-21 of the North Dakota Century Code related to criminal responsibility proceedings following a verdict or finding of not guilty by lack of criminal responsibility.

SB 2077 is being submitted to address an infrequent circumstance involving individuals who have been committed for examination to a facility following a finding of not guilty by lack of criminal responsibility, where an alternative level of care may become more appropriate. Section 1, lines 12-17 adds language to identify that once individuals are found not guilty by lack of criminal responsibility and are ordered by the court to a treatment facility for examination for up to 90 days, that the superintendent or the director of that treatment facility may transfer or assign the individual committed if, in the superintendent's or director's opinion, it would be more appropriate for the individual committed to receive the examination in or by a least restrictive setting if the attending physician or director of the least restrictive setting consents. The treatment facility shall notify the court of the transfer or assignment and the reason therefor.

This would not be a typical circumstance, however, there are instances where individuals have responded well to treatment and could complete the duration of their examination period in a structured treatment facility like a Transitional Living Facility rather than the North Dakota State Hospital. To add further context, until recently the North Dakota State Hospital had a TL home on hospital grounds which was able to be used for this purpose. The TL has since moved under outpatient management through South Central Human Service Center. This amendment would allow option for the NDSH superintendent to collaborate with their human service center partner on transfer of care, when safe and appropriate to do so.

This bill focuses on the post-verdict process and the placement of individuals for examination services for up to 90 days who are found not guilty by reason of mental illness or incapacity. The purpose of this amendment is to ensure services take place at the appropriate level of care, the most appropriate professionals are engaged, and for accurate bed utilization. This bill reflects the important balance between public safety, individual rights, and the humane treatment of those with mental health conditions. By updating these processes, we can ensure that North Dakota's judicial and mental health systems work more efficiently and effectively together.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2077
1/15/2025

A BILL for an Act to amend and reenact section 12.1-04.1-21 of the North Dakota Century Code, relating to criminal responsibility proceedings following a verdict or finding.

11:15 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

Discussion Topics:

- Committee Action

11:17 a.m. Senator Myrdal moved to adopt the amendment LC 25.8087.01001.

11:17 a.m. Senator Luick seconded the motion.

Roll Call Vote:

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	Y

Motion Passed 7-0-0.

11:19 a.m. Senator Myrdal moved a Do Pass as Amended.

11:19 a.m. Senator Luick seconded the motion.

Roll Call Vote:

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	Y

Motion Passed 7-0-0.

Senator Myrdal will carry the bill.

11:20 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2077

Introduced by

Judiciary Committee

(At the request of the Department of Health and Human Services)

Jan 1-15-25
1081

- 1 A BILL for an Act to amend and reenact section 12.1-04.1-21 of the North Dakota Century
2 Code, relating to criminal responsibility proceedings following a verdict or finding.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-04.1-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-04.1-21. Proceeding following verdict or finding.**

7 After entry of a verdict, finding, or an unresisted plea, that an individual committed the crime
8 charged, but is not guilty by reason of lack of criminal responsibility, the court shall:

- 9 1. Make a finding, based upon the verdict or finding provided in section 12.1-04.1-18, of
10 the expiration date of the court's jurisdiction; and
11 2. Order the individual committed to a treatment facility, as defined under chapter
12 25-03.1, for examination. The superintendent or the director of a treatment facility may
13 petition the court to transfer or assign the individual committed if, in the
14 superintendent's or director's opinion, it would be more appropriate for the individual
15 committed to receive the examination in or by a least restrictive setting if the attending
16 physician or director of the least restrictive setting consents. ~~The treatment facility~~
17 ~~shall notify the court of the transfer or assignment and the reason therefor.~~ The order
18 of the court may set terms of custody during the period of examination.

**REPORT OF STANDING COMMITTEE
SB 2077**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.8087.01001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE JUDICIARY

SB 2077

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2077
2/19/2025

A BILL for an Act to amend and reenact section 12.1-04.1-21 of the North Dakota Century Code, relating to criminal responsibility proceedings following a verdict or finding.

9:40 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative Henderson, Hoverson

Discussion Topics:

- Alternatives to state hospitals
- Competency while committing a crime

9:40 a.m. Dan Cramer, Human Service Center Clinical Director with the Department of Health and Human Services, testified in favor and provided testimony #38002.

9:44 a.m. Representative Schneider moved a Do Pass.

9:44 a.m. Representative Vetter 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	A
Representative Jeff Hoverson	A
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:50 a.m. Motion passed 12-0-2

9:50 a.m. Representative Johnston will carry the bill.

Judiciary Committee
SB 2077
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9:51 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2077 ([25.8087.02000](#))**

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2077 was placed on the Fourteenth order on the calendar.



Testimony
Engrossed Senate Bill No. 2077
House Judiciary Committee
Representative Lawrence Klemin, Chairman
February 19, 2025

Chairman Klemin, and members of the House Judiciary Committee, I am Dr. Dan Cramer, Human Service Center Clinical Director with the Department of Health and Human Services (Department). I appear before you in support of Engrossed Senate Bill No. 2077, which was introduced at the request of the Department to amend section 12.1-04.1-21 of the North Dakota Century Code related to criminal responsibility proceedings following a verdict or finding of not guilty by lack of criminal responsibility.

Senate Bill No. 2077 is being submitted to address an infrequent circumstance involving individuals who have been committed for examination to a facility following a finding of not guilty by lack of criminal responsibility, where an alternative level of care may become more appropriate. Section 1, lines 12-16 adds language to identify that once individuals are found not guilty by lack of criminal responsibility and are ordered by the court to a treatment facility for examination, the superintendent or the director of a treatment facility may petition the court to transfer or assign the individual committed if, in the superintendent's or director's opinion, it would be more appropriate for the individual committed to receive the examination in or by a least restrictive setting if the attending physician or director of the least restrictive setting consents. It would then be up to the court to make finding upon this petition.

This would not be a typical circumstance, however, there are instances where individuals have responded well to treatment and could complete the duration of their examination period in a structured treatment facility like a Transitional Living Facility rather than the North Dakota State Hospital. To add further context, until recently the North Dakota State Hospital had a Transitional Living Facility on North Dakota State Hospital grounds which was able to be used for this purpose. The Transitional Living Facility has since moved under outpatient management through South Central Human Service Center. This amendment would allow option for the North Dakota State Hospital superintendent to collaborate with their human service center partner on transfer of care, when safe and appropriate to do so.

This bill focuses on the post-verdict process and the placement of individuals for examination services for up to 90 days who are found not guilty by reason of mental illness or incapacity. The purpose of this amendment is to ensure services take place at the appropriate level of care, the most appropriate professionals are engaged, and for accurate bed utilization. This bill reflects the important balance between public safety, individual rights, and the humane treatment of those with mental health conditions. By updating these processes, we can ensure that North Dakota's judicial and mental health systems work more efficiently and effectively together.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.