

**2013 SENATE JUDICIARY**

**SB 2185**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2185  
1/28/2013  
Job #17805

Conference Committee

Committee Clerk Signature



**Minutes:**

*Attached testimony*

**Relating to job service ND sharing data with the attorney general for the purpose of offender registration compliance**

**Senator David Hogue - Chairman**

**Senator Nicole Poolman - District 7 - Introduces the bill - See written testimony (1)**

**Senator Lyson - Asks if this is a new area.**

**Senator Poolman - Replies that it is her understanding that these records are confidential and Job Service does not share this information with anyone typically. This would be new information that they are sharing.**

**Thomas Trenbeath - Deputy Attorney General - See written testimony (2)**

**Senator Hogue - Asks for an outline of the AG's tracking responsibilities under existing law.**

**Trenbeath - Responds that they do have a list and addresses are changed and registered so that any individual can go on the web site to see where any particular person lives or find a certain vicinity where registered sex offenders live.**

**Senator Armstrong - Asks how this would be implemented.**

**Trenbeath - He said they don't yet have an answer; this would be an agreement to go forward in developing a system whereby they can match the two lists.**

**Senator Sitte - Mentions the e-mails she has received from families that feel this is a black mark forever when people are trying to turn over a new leaf.**

**Trenbeath - Explains the e-mails they received from people asking where sexual offenders are allowed to reside. He says the idea is to inform the public not control where these people are living.**

**John Byers** - Attorney General's Office - Explains the level of sex offenders.

**Senator Sitte** - Is concerned with low risk offenders that are treated harshly and not able to get a job verses a high risk. She would like to see a distinction in the bill.

**Byers** - Replies that our state walks that fine line more than any other state as far as realizing there is a difference between the low risk and high risk offender and do things that reflect that. He goes on to describe what ND does.

**Senator Armstrong** - Mentions that this bill does not change enforcement but gets people who have been registered elsewhere.

**Byers** - Responds it allows them to compare data such as people coming from out of state and have not registered here. He explains how the information is reported to Job Service then to his office.

**Trenbeath** - Explains this is the one way they know to find out consistently that those people who are not registering are here. He wants to maintain the focus of this bill is to match identifying information.

Opposition - 0  
Neutral - 0

Close the hearing on SB2185

Senator Lyson moves a do pass  
Senator Armstrong seconded

Discussion

Senator Sitte would like to amend this to only high risk offenders. Senator Hogue asks Senator Lyson to withdraw his motion to which he denies. Senator Nelson said she would also oppose an amendment based on the safety of the citizens. Senator Hogue says this would not change the grading of offenders. Senator Hogue believes committee members should be given the opportunity to amend bills.

Vote - 4 yes, 3 no

Motion carries

Senator Lyson will carry

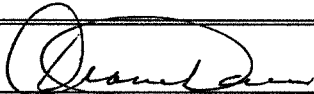
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB2185  
2/4/2013  
Job #18247

Conference Committee

Committee Clerk Signature



**Minutes:**

Vote

**Senator David Hogue - Chairman**

## Committee work

Senator Lyson withdraws his do pass motion and the committee reconsiders the bill.

Senator Sitte explains that she was going to bring an amendment to put just high risk offenders but she says she cannot vote for this bill no matter what.

Senator Armstrong moves a do pass  
Senator Grabinger seconded

## Discussion

Senator Sitte gives statistics of sexual offenders registered in the state. She said 10% were sentenced under a misdemeanor but by not registering it is a felony. She believes there is not a problem and doesn't believe in opening records to the police. She said this is an over-reach on the part of the government. Senator Armstrong replies there is an issue with especially in the western part of the state. He said the last thing he wants this state to be is a forum where people who are registered come shopping.

Vote - 6 yes, 1 no  
Motion passes

Senator Grabinger





**REPORT OF STANDING COMMITTEE**

**SB 2185: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS**  
(6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the  
Eleventh order on the calendar.

**2013 HOUSE JUDICIARY**

**SB 2185**



# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

SB 2185  
March 12, 2013  
Job 19802

Conference Committee

*Jocelyn Gallagher*

## Explanation or reason for introduction of bill/resolution:

Relating to job service North Dakota sharing data with the attorney general for the purpose of offender registration compliance.

## Minutes:

Handout 1

**Chairman Koppelman:** Opened hearing on SB 2185

**Senator Poolman, District 7:** Gave her testimony in support of the bill.

**Wayne Stenehjem, Attorney General: (2:10)** Spoke in support of the bill.

**Rep. Delmore: (4:45)** Do employees when they register with Job Service, are they asked this question whether they have a record of any type and required to ask?

**Stenehjem:** They are not required to ask; they may or may not ask. This bill would do is just to say job services who gets the names of all those people who are coming in, they will compare this to the list of sex offenders.

**Rep. Delmore:** Would there be a fiscal note on this bill because there will require extra people to do this?

**Stenehjem:** Job Service says they think they can do it without a fiscal note.

**Rep. Klemin: (5:50)** Is there an error in the wording on line 11, should the second word, employer, be employee?

**Stenehjem:** You're right.

**Rep. Hogan:** Do you know other states that are doing this?

**Stenehjem:** I do not. Job Service said they would be willing to assist but the law didn't allow it.

**Rep. Hogan:** Since Job Service is regulated by the federal government, are there any federal concerns with it?

**Stenehjem:** As I am told, they are comfortable that federal law says they can't release the name unless federal or state law requires it and that's what this bill will do.

**Rep. Hanson:** Does this law if passed change our current sex offender laws in ND?

**Stenehjem:** No, anybody who comes is supposed to already be registered under the law. This will better help us find out if they are here.

**Rep. Larson:** What would this be used for? When you find out they are here will you then notify law enforcement if they haven't registered?

**Stenehjem:** It will assist law enforcement if they are here and they have not registered as they are required to do, that is a criminal offense in ND. Local law enforcement also likes to check up on them every once in a while when time permits.

**Rep. Larson:** Will your office be listing these people if you get the names from Job Service on your website?

**Stenehjem:** Yes, every law enforcement agency reports the list of those sex offenders on NDsexoffender.com.

**Rep. Karls:** What is the responsibility of an employer who has a block to check on the form, have you ever been convicted of a sexual offense or are you a registered sex offender?

**Stenehjem:** This office doesn't have anything to do with that. Employers are free to make whatever employment decision is appropriate for that employee.

**Rep. Steiner:** Do you think the photo id would help rather than just the name?

**Stenehjem:** For this purpose we only can have Job Service use the information they have. I don't think they require photographs. For the purposes of this bill it's the employment information and information about that individual employee.

**Rep. Klemin:** When you do these names do you use any other kind of identification such as social security number?

**Stenehjem:** Yes, we do try to double check.

**Rep. Brabandt:** How many registered sex offenders do we have in this state?

**Stenehjem:** About 2000

**Rep. Delmore:** What are the different classifications?

**Stenehjem:** We do something unique in ND. Under Federal there is a risk assigned base on nothing except what you managed to plea bargain your case to. We get information on every convicted offender in ND and apply that to the risk assignment.

**Rep. Delmore:** They all must register in all those categories?

**Stenehjem:** Everybody must register in all those categories for the sex offenses. The low risk sex offenders don't have all the details the high risk offenders do on the web site.

**Rep. Koppelman:** Has there been any success in tracking these people without a bill like this and do you think we are getting a handle on this, will this bill help?

**Stenehjem:** I think it will help. This information is designed for public notification and awareness for mom's and dad's to take whatever action they feel is appropriate to protect their children.

**Rep. Boehning:** Looking at the website, it lists the juvenile offense, I think those juvenile records were open?

**Stenehjem:** They are open.

**Chairman Koppelman:** Further testimony in support of SB 2185, opposition, neutral.  
Closed the hearing.

**Rep. Klemin:** I move to amend SB 2185 to delete the word employer and insert the word employee.

**Second Rep. Maragos**

**Voice vote, motion carries, the bill is amended.**

**Rep. Delmore:** I move a do pass on SB 2185 as amended. **Second by Rep. Brabandt** for a do pass on SB 2185 as amended.

**Chairman Koppelman:** Call the roll, 13-0-1 **Rep. Bradbandt will carry the bill.**

13.8194.01001  
Title.02000

Adopted by the Judiciary Committee

VK  
3/12/13

March 12, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2185

Page 1, line 11, replace "employer" with "employee"

Renumber accordingly

Date: 3-12-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. <sup>SB</sup> 2185**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Klemin Seconded By maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*VOICE*      *Vote Carried*

Date: 3-12-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2185**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Delmore Seconded By Brabandt

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson		
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Brabandt

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2185: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2185 was placed on the Sixth order on the calendar.**

Page 1, line 11, replace "employer" with "employee"

Renumber accordingly

**2013 TESTIMONY**

**SB 2185**



Testimony for SB 2185

Senator Nicole Poolman, District 7

Chairman Hogue and members of the Judiciary Committee, for the record my name is Nicole Poolman, and I represent District 7.

I am here today to ask for your support of Senate Bill 2185. This bill simply gives Job Service of North Dakota the permission to communicate with the Office of the Attorney General for the purpose of tracking those required to register as sex offenders. As we have seen a great increase in the amount of people living and working in Western North Dakota, it has become important to use all of our resources to track those who may be a danger to society.

Those living in the West have seen great changes in their communities over the past couple of years, and safety has become a concern. With the transient nature of some of those moving to oil country, we need all of our agencies to work together to provide a safe environment for North Dakota families. Utilizing some of the information available through Job Service can help us do that.

I urge you to pass SB 2185 and thank you for your time today.

SENATE BILL 2185 TESTIMONY  
SENATE JUDICIARY COMMITTEE  
JANUARY 28<sup>TH</sup>, 2013  
FORT LINCOLN ROOM

By Thomas Trenbeath, Deputy Attorney General

Chairman Hogue, Members of the Committee:

I am Deputy Attorney General Thomas Trenbeath and I appear on behalf of the Attorney General. I wish to testify in favor of Senate Bill 2185.

One of the collateral consequences of the oil boom in North Dakota is the immigration of workers from other states. Many western counties have seen the number of registered sexual offenders in their jurisdiction triple or quadruple in the last five years. Those figures only take into account the offenders that are legally registered. What we don't have is an accurate picture of the number of sexual offenders who have come to work in North Dakota and who have not registered as the law requires.

Job Service North Dakota is the entity that would have employee information that we can compare to federal databases to attempt to identify offenders who are here and should be registering, but are not. Senate Bill 2185 will also provide the Attorney General a mechanism to confirm whether the employment information that North Dakota registrants have given is accurate.

The Attorney General asks for a do pass on Senate Bill 2185. I would be happy to answer any questions.

3-12-13

1

Testimony for SB 2185

Senator Nicole Poolman, District 7

Chairman Koppleman and members of the Judiciary Committee, for the record my name is Nicole Poolman, and I represent District 7 - the areas of Bismarck and Lincoln - in the Senate.

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