

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2281

2001 SENATE JUDICIARY

SB 2281

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2281

Senate Judiciary Committee

Conference Committee

Hearing Date January 29th, 2001

Tape Number	Side A	Side B	Meter #
1	X	X	51.4-end/0-42.8
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2281: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SUBSECTION TO SECTION 14-07.1-02 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE ISSUANCE OF A PROTECTION ORDER BASED UPON ACTIONS OCCURRING OUTSIDE THE STATE.

**Senator Watne**, representing District 5, supports SB 2281. (testimony attached) Relates to protection orders issued to a person in this state even though the actions that precipitated the request for a protection order occurred in another state.

**Senator Traynor**, this would not require an order in the foreign state?

**Senator Watne**, no. The order would be within this state as I understand it.

**Senator Traynor**, the order issued in ND based on factual situations outside of the state.

**Bonnie Palecek**, representing the ND Council of Abused Women's Services, speaks in support of SB 2281. (testimony attached)

**Senator Traynor**, the Attorney General's office, are they aware of this bill?

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**NET**

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Senators Judiciary Committee

Bill/Resolution Number SB 2281

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**Bonnie Palecek**, yes they are.

**Senator Traynor**, did the Attorney General express any constitutional reservations about this bill?

**Bonnie Palecek**, not when we spoke.

**Senator Trenbeath**, how do you get jurisdiction on someone outside of the state if they don't reside within the state. To strike the situation of Grand Forks and East Grand Forks. But what about Grand Forks and New Jersey where the occurrence happens in New Jersey and the person flees to North Dakota?

**Bonnie Palecek**, That is the question that has been raised. It is very unusual authority. That is why it is limited.

**Senator Trenbeath**, It's less if your talking about an order that is only effected by the boundaries of this state. It seems to infringe upon the constitution if you start issuing these things in other states.

**Bonnie Palecek**, the way it has been justified to me is that it is very limited to the respondent.

**Senator Trenbeath**, that isn't the only effect of this bill. If it were the only effect I wouldn't have problem with it. But because presumably New Jersey has a law allowing that order to be filed in New Jersey and having the same effect there it has an effect on conduct in New Jersey based upon something that has happened here. That is were I have the problem.

**Senator Traynor**, I think there would be a problem Bonnie. There is a real question about getting jurisdiction on somebody and how do you serve him. Do you intend to send the Sheriff across the river in Fargo and server them in Minnesota? Is that proper? Can that be done?

Those are questions I would like the attorney general's input.

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Senate Judiciary Committee

Bill/Resolution Number SD 2281

Hearing Date January 29th, 2001

**Senator Watne**, the last sentence does say "the relief that may be granted is limited to an order restraining the party from having contact with or committing acts of domestic violence on another person." It's very limited.

**Senator Traynor**, what happens if the violent act occurs in Minnesota? The second act also occurs in Minnesota. Would they be prosecuted here in North Dakota?

**Senator Bercler**, How about tribes? Are protection orders being viewed active on or off reservations.

**Bonnie Palecek**, not with the attorney general, but with the supreme court.

**Senator Bercler**, could we put an amendment in here regarding the tribes.

**Carol Two Eagles**, in favor of the bill with some modifications. Would like tribal issues put on the bill as well.

**Diane Zanhaufsky**, executive director of abused adult research in Bismark. Supports 2281.

Testimony from legal authority Sue Rau social worker.

**Allison Hughs**, representing Domestic Violence Crisis Center Center, Inc.(testimony attached)

**Senator Traynor**, in the case you cite was there a protection order issued by Arizona?

**Allison Hughs**, no there was not.

**Senator Dever**, when a proceeding takes place now, in this state, does the alleged abuser defend themselves in the proceeding?

**Allison Hughs**, basically they are allowed to have counsel, they can defend themselves. So many days are allowed to serve them and then to go to the court hearing.

**Burt L. Riskedahl**, District Judge South Central Judicial District, appears in support of this bill.

(testimony attached)

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Senate Judiciary Committee  
Bill/Resolution Number SB 2281  
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Senator Traynor, we're interested in the Attorney General's position on the bill. Do you agree that would be beneficial.

Burt L. Riskenohl, yes.

Senator Traynor closed the hearing on SB 2281.

**MOTION WAS MADE BY SENATOR WATNE TO AMEND PAGE 1, LINE 10,  
SECONDED BY SENATOR LYSON. VOTE INDICATED 4 YEAS, 1 NAY AND 2  
ABSENT AND NOT VOTING. SECOND MOTION MADE BY SENATOR LYSON TO  
DO PASS AS AMENDED. VOTE INDICATED 6 YEAS, 1 NAY, AND 0 ABSENT AND  
NOT VOTING. SENATOR WATNE VOLUNTEERED TO CARRY THE BILL.**

**PROPOSED AMENDMENT TO SENATE BILL NO 2281**

**Page 1, line 10, after "state." Insert "In these cases, a respondent may be subject to the personal jurisdiction of the state of North Dakota."**

**Renumber accordingly.**



PROPOSED AMENDMENTS TO SENATE BILL NO. 2281

Page 1, line 10, after the period insert "In these cases, a respondent may be subject to the personal jurisdiction of the state of ~~North Dakota~~."

Renumber accordingly

*↳ this*

*↳*

Date: 1/31/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2281

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Amend pg. 1 line 10

Motion Made By Watne Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		
Watne, D. Vice Chairman	X		Nelson, C.		
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	<del>X</del>	X			

Total (Yes) 4 No 1

Absent 2

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

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

Date: 1/31/01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2281

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken 170 Pass as Amended

Motion Made By Lyson Seconded By Dever

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Dercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.		X			

Total (Yes) 6 No 1

Absent 0

Floor Assignment Watne

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

**REPORT OF STANDING COMMITTEE (410)**  
February 1, 2001 9:33 a.m.

Module No: SR-18-2084  
Carrier: Watne  
Insert LC: 10605.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2281: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Sixth order on the calendar.**

Page 1, line 10, after the period insert "In these cases, a respondent may be subject to the personal jurisdiction of this state."

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2281

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2281

House Judiciary Committee

Conference Committee

Hearing Date 03-07-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		5072 to 6235
TAPE I		x	01 to 1698
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on SB 2081. Relating to the issuance of a protection order based upon actions occurring outside the state.

Senator Watne: District 5. (see attached testimony).

Bonnie Palecek: speaking on behalf of the North Dakota Council on Abused Women's Services (see attached testimony).

TAPE I SIDE B

Bonnie Palecek continues Also attached is a letter from District Judge Burt Riskedahl..

Rep. Klemin: If a North Dakota court issues a protection order for something that happened in another state it would still only protect the person while in North Dakota. If it happened in New Jersey and the person comes back to North Dakota gets an order and then goes back to New Jersey is she still protected in New Jersey.

Bonnie Palachek: It would be honored if it had all of the elements of necessary for full faith and credit. This order would only apply to personal safety issues.

