

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

24/26

2001 SENATE JUDICIARY

SB 2426

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2426

Senate Judiciary Committee

Conference Committee

Hearing Date FEBRUARY 5TH, 2001

| Tape Number | Side A | Side B | Meter # |
|---------------------------|--------|--------|---------|
| 1 | | X | 30-42.9 |
| | | | |
| Committee Clerk Signature | | | |

Minutes: **Senator Traynor** opened the hearing on SB 2426: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 12.1-09-04 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO HARASSMENT OF AND COMMUNICATION WITH JURORS; AND TO PROVIDE A PENALTY.

Jim Ganje, Staff Attorney for the Office of State Court Administrator, testifies in support of SB 2426. (testimony attached)

Senator Dever, could this bill address harassment from the press?

Jim Ganje, no, not unless it is a threat to their safety.

Senator Watne, do you know how many states have this law?

Jim Ganje, 5 or 6. We could use current terrorizing statute. Move from a more general law to a more specific one.

Senator Traynor, have any jurors been harassed?

Jim Ganje, I don't know. It wasn't an issue discussed.

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Senate Judiciary Committee
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Senator Traynor, It is the current statute.

Jim Ganje, line 15 and 16 convers that.

Christine Hogan, representing State Bar Association of ND. (testimony attached) Testifies in favor of SB 2426.

Senator Traynor, have there been any prosecutions under the present statute?

Christine Hogan, no, not to my knowledge. It doesn't mean it won't happen.

Johnathan Byers, (testimony attached).

John Olson, representing the peace officers association, supports the bill.

Senator Traynor, closed the hearing on SB 2426.

SENATOR WATNE MOTIONED TO DO AMEND LINE 8 AND 9, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR WATNE MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2426

Page 1, line 8, after "communicates" Insert "directly or indirectly" and overstrike "orally or"
, remove "the juror";

Page 1, line 9, overstrike "by means of a sound broadcasting or transmitting device" and insert
immediately thereafter "the juror"
Renumber accordingly

Date: 2/5
 Roll Call Vote #:)

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2426

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend line 8 - 9

Motion Made By Watne Seconded By Trenbeath

| Senators | Yes | No | Senators | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman | X | | Bercier, D. | X | |
| Watne, D. Vice Chairman | X | | Nelson, C. | X | |
| Dever, D. | X | | | | |
| Lyson, S. | X | | | | |
| Trenbeath, T. | X | | | | |
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Total (Yes) 8 No 7

Absent 0

Floor Assignment _____

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

Date: 2/5
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2426

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Watne Seconded By Trenbeath

| Senators | Yes | No | Senators | Yes | No |
|-------------------------|-----|----|-------------|-----|----|
| Traynor, J. Chairman | X | | Bercier, D. | X | |
| Watne, D. Vice Chairman | X | | Nelson, C. | X | |
| Dever, D. | X | | | | |
| Lyson, S. | X | | | | |
| Trenbeath, T. | X | | | | |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment Trenbeath

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

REPORT OF STANDING COMMITTEE

SB 2426: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2426 was placed on the Sixth order on the calendar.

Page 1, line 8, after "communicates" insert "directly or indirectly", remove "the juror", and overstrike "orally or"

Page 1, line 9, overstrike "by means of a sound broadcasting or transmitting device" and insert immediately thereafter "the juror"

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2426

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2426

House Judiciary Committee

Conference Committee

Hearing Date 03-12-01

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|--------------|
| TAPE II | x | | 3526 to 4388 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Jan Diers</i> | | | |

Minutes: Chairman DeKrey opened the hearing on SB 2426. Relating to harassment of and communication with jurors and to provide a penalty.

Senator Trenbeath: District 10, sponsor of the bill introduced it. This bill extends existing law. It is presently against the law to mess with a juror while they are serving. This bill would add that it is an equal offense to mess with a juror once they are done being a juror. This also defines the term juror to also include a member of the jurors immediate family or household. This bill was requested by the Council of the Presiding Judges of the State.

Chairman DeKrey: Thank you for appearing before the committee.

Jim Ganje: staff attorney of the State Court Administrator Office (see attached testimony).

Vice Chr Kretschmar: Have there been instances of this.

Jim Ganje: There have been a couple of instances, this bill is in response from a district judge who saw the need.

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House Judiciary Committee

Bill/Resolution Number SB 2426

Hearing Date 03-12-01

Chairman DeKrey: Are there any questions, if not thank you for appearing. We will close the hearing on SB 2426.

COMMITTEE ACTION

Chairman DeKrey: what are the wishes of the committee. Rep Eckre moved a DO PASS, seconded by Rep Grande.

DISCUSSION

Chairman DeKrey: the clerk will call the roll on a DO PASS motion. The motion passes with a vote of 13 YES, 0 NO and 2 ABSENT. Carrier Rep Eckre.

Date: 03-12-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2424

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Eckre Seconded By Rep Grande

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey | ✓ | | | | |
| VICE CHR --Wm E Kretschmar | ✓ | | | | |
| Rep Curtis E Brekke | | | | | |
| Rep Lois Delmore | ✓ | | | | |
| Rep Rachael Disrud | ✓ | | | | |
| Rep Bruce Eckre | ✓ | | | | |
| Rep April Fairfield | | | | | |
| Rep Bette Grande | ✓ | | | | |
| Rep G. Jane Gunter | ✓ | | | | |
| Rep Joyce Kingsbury | ✓ | | | | |
| Rep Lawrence R. Klemin | ✓ | | | | |
| Rep John Mahoney | ✓ | | | | |
| Rep Andrew G Maragos | ✓ | | | | |
| Rep Kenton Onstad | ✓ | | | | |
| Rep Dwight Wrangham | ✓ | | | | |

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Eckre

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

REPORT OF STANDING COMMITTEE (410)
March 12, 2001 4:23 p.m.

Module No: HR-42-5415
Carrier: Eckre
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2426, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2426 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2426

Testimony before the Senate Judiciary Committee
Regarding Senate Bill 2426
February 5, 2001
By Christine Hogan
State Bar Association of North Dakota

My name is Christine Hogan and I am the Executive Director of the State Bar Association of North Dakota, which represents the attorneys in the state. I am here to speak in favor of passing Senate Bill 2426.

This legislative proposal came out of a wide-ranging study of the operation of the jury system in this state conducted by the Jury Standards Committee. This is a committee comprised of judges and lawyers formed by the Judicial Conference of the North Dakota Supreme Court.

In the course of this study, the Jury Standards Committee addressed the problems associated with the harassment or intimidation of jurors *because* of the juror's participation in a particular verdict. Current North Dakota law does not directly address the issue of juror harassment or intimidation *after* a verdict has been returned. Current law does make it a criminal offense to harass or alarm a juror with intent to *influence* the action or decision of the juror. This bill simply clarifies that intimidating communication directed at a juror after the verdict is also within the scope of the statute.

The State Bar Association of North Dakota believes this bill is a positive step toward improving the administration of justice in this state by making it easier and safer for citizens to fulfill their civic duty to serve as jurors.

Thank you. I would be pleased to answer your questions.

SUMMARY OF SENATE BILL NO. 2426

Senate Bill 2426 originated as draft legislation with the Jury Standards Committee of the North Dakota Judicial Conference. The Jury Standards Committee reviews the operation of the state jury system and issues concerning jury use and management. The Judicial Conference is provided for by statute (NDCC Ch. 27-15) and consists of all supreme and district court judges, the attorney general, the dean of the UND School of Law, the clerk of the supreme court, five representatives of the state bar association, all surrogate judges, and two municipal judges.

The Jury Standards Committee is currently studying issues related to juror confidentiality and the disclosure of personal, identifying information concerning jurors. During the course of the study, the Committee discussed problems associated with the harassment or intimidation of jurors because of their participation and decisions as a juror. North Dakota law does not currently address this issue. NDCC Section 12.1-09-04 now prohibits the harassment of a juror with the intent to influence the official action of the juror, in other words, harassment directed at a person currently serving as a juror. Senate Bill 2426 would extend this protection.

Section 1 of Senate Bill 2426 amends Section 12.1-09-04 to prohibit directly or indirectly communicating with a former juror in a manner that intimidates the juror or conveys a threat of injury or damage to the juror's property or person. It must be shown that the communication is intended to harass or annoy the former juror because of a verdict returned by the jury or the juror's participation in the verdict. The offense would be a class A misdemeanor, which is punishable by a maximum of one year's imprisonment, a two thousand dollar fine, or both. This penalty tracks the current penalty for harassing a juror with the intent to influence the official action of the juror

Submitted by:

Jim Ganje, Staff Attorney
Office of State Court Administrator

