

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

24446

2001 SENATE JUDICIARY

SB 2446

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2446

Senate Judiciary Committee

Conference Committee

Hearing Date 19 February 2001

Tape Number	Side A	Side B	Meter #
1		x	8.7-43.6
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2446: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SUBDIVISION TO SUBSECTION 2 OF SECTION 28-32-01 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO EXCLUSIONS FROM THE DEFINITION OF ADMINISTRATIVE AGENCY; AND TO AMEND AND REENACT SECTION 12.1-32-15 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE REGISTRATION OF SEXUAL OFFENDERS AND OFFENDERS AGAINST CHILDREN.

Sandi Tabor, representing the Office of the Attorney General, testifies in support of SB 2446.

(testimony attached)

Jonathan Byers, Assistant Attorney General, testifies in support of SB 2446. (testimony and proposed amendments attached)

Senator Trenbeath, on page 6, when you talk of a mandatory sentencing are you referring to judges?

Jonathan Byers, yes.

Senator Trenbeath, shouldn't that be in the perview of a district judge?

Jonathan Byers, it should be, however the legislation wanted the 90 day sentencing requirement.

Senator Trenbeath, I find the state developing inconsistent policy priorities. Can you solve this conflict?

Jonathan Byers, it may be more than I can do on a Monday morning. I believe this crime itself and the fact your making it a C felony for committing this crime twice. A 90 day sentencing is appropriate.

Senator Trenbeath, when you say on page. 9, line 8. Is this high risk term, going to be a term of art?

Jonathan Byers, that needs to be addressed in the guidelines. We don't want to reinvent the wheel.

Warren R. Emmer, (testimony attached).

Senator Traynor, do you believe the bill is immature?

Warren Emmer, no not at all. We just need time to develop the guidelines.

Senator Traynor, closed the hearing on SB 2446.

February 20, 2001, tape 1, meter # 22-26.5

SENATOR TRENBEATH MOTIONED TO PASS AMENDMENTS, SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR BERCIER MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENTOR BY SENATOR LYSON. VOTE INDICATED 6 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING.

FISCAL NOTE
 Requested by Legislative Council
 02/21/2001

Bill/Resolution No.:

Amendment to: SB 2446

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$6,514		\$5,550	
Appropriations			\$6,514		\$5,550	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$1,350			\$1,350		

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires that risk assessments be conducted on all sexual offenders who are required to register under NDCC section 12.1-32-15. The risk assessments would be accomplished according to guidelines developed by the Attorney General. It is presumed that a standard, tested assessment tool would be used, and can be acquired at little or no cost. Currently, North Dakota has made some use of an assessment tool developed by the State of Minnesota called the Minnesota Sex Offender Screening Tool - Revised (MNSOST-R). It is assumed at this point in time that this is the assessment tool that would be officially adopted. There was no cost to acquire the MNSOST-R.

Risk assessments would involve two essential components: collecting the necessary information from various sources and applying that information to the assessment tool. The process would closely resemble that of conducting a Presentence Investigation (PSI), which is generally accomplished by the DOCR, Field Services Division, either using their staff or contracting for the service. When that activity is contracted, the normal contract price for a PSI is \$75.

During the 2001-03 biennium, North Dakota will add approximately 180 new offenders to its registration list, each requiring a risk assessment. This fiscal note assumes that approximately 60 percent of the risk assessments will occur within the purview of the DOCR, 30 percent by the Attorney General, and 10 percent within the scope of juvenile court activities. The DOCR has determined that risk assessments can be conducted for offenders under their control for no additional cost. The 54 assessments that will be the responsibility of the Attorney General (estimated 30% of 180), and the 18 assessments estimated for juvenile courts will be an additional expense for those agencies. Assuming a cost of \$75 for each risk

assessment, the cost for these assessments is estimated to be \$5,400.

60%	DOCR	No additional cost
30%	Attorney General	\$4,050
10%	Juvenile Courts	<u>1,350</u>
	Total	\$5,400

The Bureau of Criminal Investigation Division of the Office of the Attorney General will also require two additional file cabinets to accommodate the risk assessment documents for approximately 1,100 registered offenders. Estimated cost for file cabinets is \$964.

The MNSOST-R is a tool that has been validated and certified for Minnesota, but will need to be validated for North Dakota. This service is presumed to be available from out-of-state, but will require travel expenses for this professional assistance. An estimated \$1,500 is included for travel expenses.

Other Costs

For the 1999-01 biennium, the BCI acquired two federal grants for the purpose of enhancing the offender registration program. The first, for \$217,305, was used to rewrite the computer program largely for the purpose of participating in the National Sex Offender Registry (NSOR) created by the Pam Lychner Tracking and Identification ACT of 1996. These funds were also used to modify the State Radio Communications message switch to allow for transmission of North Dakota registration data to the FBI and the National Crime Information Center (NCIC) registration database. The funds are also currently planned to cover the cost of conducting risk assessments on the 926 offenders who are currently registered. In addition, NDCC section 54-12-22 requires the Attorney General to provide access to registration information by law enforcement through reference to driver's license number or number plate characters. These funds are being used to cover unanticipated costs for accomplishing that mandate, including additional modifications to the State Radio Communications switch. SB2446 is dependent on these prior activities and funding for the efficient handling and reporting of risk assessment information for individual offenders and for making public disclosure of high risk offenders, on the internet, a possibility.

The second grant, for \$108,000, is specifically targeted at developing an offender registration web site capability. It includes programming to link the registration software to the web site, insuring that the web site information is as current as possible, and to scan offender photos into the site. Software, programming, and equipment required by this bill are covered by this previously acquired federal grant.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

FISCAL NOTE
 Requested by Legislative Council
 01/30/2001

Bill/Resolution No.: SB 2446

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$13,114		\$13,114	
Appropriations			\$13,114		\$13,114	

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$1,350			\$1,350		

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The bill requires that risk assessments be conducted on all sexual offenders who are required to register under section 12.1-32-15. The risk assessments would be accomplished according to guidelines developed by the Attorney General. It is presumed that a standard, tested assessment tool would be used, and can be acquired at little or no cost. Currently, some use has been made, in North Dakota, of an assessment tool developed by the State of Minnesota called the Minnesota Sex Offender Screening Test - Revised (MNSOST-R). It is assumed at this point that this is the assessment tool that would be officially adopted. There was no cost to acquire the MNSOST-R.

Risk assessments would involve two essential components: collecting the necessary information from various sources, and applying that information to the assessment tool. The process would closely resemble that of conducting a Presentence Investigation (PSI), which is generally accomplished by the DOCR, Field Services Division, either using their staff or contracting for the service. When that activity is contracted, the normal contract price for a PSI is \$75.

It is estimated that for the 2001-03 biennium North Dakota will add approximately 180 new offenders to its registration list. Assuming a cost of \$75 for each risk assessment, the cost of conducting risk assessments will be approximately \$13,500. It is further assumed that approximately 60 percent of the risk assessments will occur within the purview of the DOCR, 30 percent by the Attorney General, and 10 percent within the scope of juvenile court activities. Given that assumption, the costs will be divided accordingly:

60% DOCR \$ 8,100

30%	Attorney General	4,050
10%	Juvenile Courts	<u>1,350</u>
	Total	\$13,500

The Bureau of Criminal Investigation Division of the Office of Attorney General will also require two additional file cabinets to accommodate the risk assessment documents for approximately 1,100 registered offenders. Estimated cost for file cabinets is \$964.

Other Costs

For the 1999-01 biennium, the BCI acquired two federal grants for the purpose of enhancing the offender registration program. The first, for \$217,305, was used to rewrite the computer program largely for the purpose of participating in the National Sex Offender Registration (NSOR) program created by the Pam Lychner Tracking and Identification ACT of 1996. These funds were also used to modify the State Radio Communications message switch to allow for transmission of North Dakota registration data to the FBI, National Crime Information Center (NCIC) registration database. These funds are also anticipated to cover the cost of conducting risk assessments on the 926 offenders who are currently registered. In addition, NDCC section 54-12-22 requires the Attorney General to provide access to registration information by law enforcement through reference to driver's license number or number plate characters. These funds are being used to cover unanticipated costs for accomplishing that mandate, including additional modifications to the State Radio Communications switch. SB2446 is dependent on these prior activities and funding for the efficient handling and reporting of risk assessment information for individual offenders and for making public disclosure of high risk offenders, on the internet, a possibility.

The second grant, for \$108,000, is specifically targeted at developing an offender registration web site capability. It includes programming to link the registration software to the web site, ensuring that the web site information is as current as possible, and allowing for scanning of offender pictures into that site. Software, programming, and equipment required by SB2446 are covered by this previously acquired federal grant.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Risk assessments, under contract, have been estimated to cost \$75. With 180 assessments anticipated for the biennium, and assessments initiated from three sources, the expenditures estimated for each of those

sources are as follows:

DOCR

Risk Assessments 108@\$75 each = \$8,100

Attorney General

Risk Assessments 54@\$75 each = \$4,050

File Cabinets 2@\$482 each = \$ 964

\$5,014 State Total \$13,114

Juvenile Courts

Risk Assessments 18@\$75 each = \$1,350 County Total \$ 1,350

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The executive budget for 2001-03 does not include an appropriation for these expenditures. Counties have not anticipated this expense.

Name:	Robert J. Helten/Kathy Roll	Agency:	ND Bureau of Criminal Investigation
Phone Number:	701-328-5500	Date Prepared:	02/08/2001

