

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1355

2007 HOUSE JUDICIARY

HB 1355

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1355

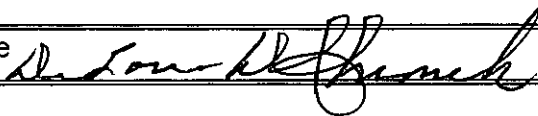
House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: January 30, 2007

Recorder Job Number: 2296, 2299

Committee Clerk Signature



Minutes:

Chairman DeKrey: Opened the hearing on HB 1355.

Rep. Lawrence Klemin: I introduced this bill at the request of the Attorney Generals office.

Tom Trenbeath, Chief Deputy Attorney General: Explained the bill. There are sections in the law that allow for felony convictions to be placed on record as misdemeanor convictions based on time served and penalty given out by the court. Those persons who have been acquiesced and convicted slipped through the cracked of the existing state law as far as the DNA sample. This patches up that situation and makes them have to have the DNA done. This would cover about 486 people in a year.

Rep. Kim Koppelman How does this affect convictions or acquiesced?

Tom Trenbeath: It would be convictions of a felony for which the sentence would automatically reduce it to a misdemeanor on record. They would be convicted of a felony the sentence would be for less than a year in jail or it would be a matter of deferred imposition of sentence so it doesn't go on record as a felony.

Rep. Kim Koppelman It would not include someone that might have been arrest for a felony, but are in the process of being looked at it and they choose not to charge them with a felony. They charge them with a misdemeanor.

Tom Trenbeath: If it is charged out and the conviction goes in as a misdemeanor it is still a misdemeanor even though he may have been arrested for a felony.

Rep. Delmore: How does this bill fit in with that other bill, if you are arrested and not convicted we will take your DNA.

Tom Trenbeath: I think you explained it right there. It is obvious that 1197 is worded more to the affect and will not go into affect until 2009 if it would pass. It would encompass all of these and therefore a necessity would encompass those people we would miss.

Opposition: None

Hearing closed.

Chairman DeKray: Reopened the hearing on HB 1355. Job #2299

Do Pass Motion Made by Rep. Chris Griffin Seconded by Rep. Wolf

Discussion: None

Vote: 14 Yes 0 No 0 Absent Carrier: Rep. Lawrence Klemin

Date: 1-30-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1355

House JUDICIARY

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

No Pass

Motion Made By

Rep. Griffin

Seconded By

Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment

Rep. Klemin

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

REPORT OF STANDING COMMITTEE

HB 1355: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1355 was placed on the
Eleventh order on the calendar.

2007 SENATE JUDICIARY

HB 1355

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1355**

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4508

Committee Clerk Signature

Maria L. Solberg

Minutes: Relating to persons subject to DNA testing; "conviction and convicted".

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present except for Sen. Olafson. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Rep. Larry Klemin, Dist 47 introduced the bill at the request of the Attorney Generals office.

This bill amends section 31-13.03. He referred to HB 1197. Page 2 is clarification of "convicted". Sen. Nething asked what the problem is. When a person is convicted or pleads guilty to a felony and then when or if it is overturned due to litigation, it is a clarification of what the term means.

Mr. Trenbeath stated (meter 2:16) spoke of the process of litigation how the original charges can be changed upon negotiations. **Sen. Fiebiger** asked what are we trying to solve? (meter 3:40) **Mr. Trenbeath** replied that while the first part of the bill defines the crime but it does not define the disposition. The ones that slip between the cracks are the ones that the convictions are a felony, but the disposition make it either; disposed of prior to an actual sentence because of a diverted position of probation. The committee had discussion of this and "minor felonies".

Our primary goal is for the persons who have perpetrated that type of crime allowing us to build as big of a data base that we can. **Sen. Nething** and **Mr. Trenbeath** discussed differed imposition and sentencing process, sentencing verses plea and how under current law they would have to return the sample. While this has not occurred, it is very possible and DNA is a tool that can be used as evidence.

Sen Lyson spoke of a judge they called "rule 35". Spoke of how the judge would sentence and then pull them back out of jail

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1355

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4888

Committee Clerk Signature *Maria L. Selberg*

Minutes: Relating to persons subject to DNA testing; "conviction and convicted"

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Nething spoke to the committee the clarification of once it is in the bank it stays in the bank and the committee discussed why (meter 1:00), along with the three types of sentencing and this is upon the conviction.

Sen. Olafson made the motion to Do Pass HB 1355 and **Sen. Lyson** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Nething**

Senator David Nething, Chairman closed the hearing.

Date: 3-12-07

Roll Call Vote #

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1355

Senate _____ Judiciary _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Flebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Nething

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

REPORT OF STANDING COMMITTEE (410)
March 12, 2007 2:11 p.m.

Module No: SR-46-5017
Carrier: Nething
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1355: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1355 was placed on the
Fourteenth order on the calendar.