

North Dakota Council on Abused
Women's Services/
Coalition Against Sexual Assault in
North Dakota

2009 Final Legislative Report
61st North Dakota Legislative Assembly



Thanks to the NDCAWS/CASAND Legislative Committee:

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Thanks to Faye Kihne, Edie Dahlen & Leigh Hoffert from CVIC for all their hard work on SB 2230.

Special thanks to Senator JoNell Bakke for primary sponsorship on SB 2230.

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Introduction

We just completed the longest legislative session in North Dakota since statehood- 79 days. The session was defined by many records including a \$1.2 billion state surplus, \$600 million in federal stimulus funds, 1,000 bills filed, over 100 bills debated in conference committees, not to mention the record snow and flooding around the state.

This also concludes my first year as the primary lobbyist for NDCAWS/CASAND. A significant amount of my time was spent introducing myself as the new Executive Director, building on or establishing relationships with legislators, familiarizing myself with the intricate details of the legislative process, and connecting with other organizations and lobbyists working on similar issues.

Needless to say, it was all about the money this session. Although it came down to the very end in conference committee we were successful in securing an additional \$1 million in General Fund dollars. This report includes a description of all of our other efforts and identifies key legislative changes.

The Bismarck Tribune summarized the legislative environment nicely in one quote “despite the funds, legislative leaders constantly worried about balancing the state budget, saying a "structural deficit" would come if ongoing costs outpaced ongoing income.” The article went on to state that the session closed with an \$8.8 billion state budget - the largest in state history - representing a 36 percent increase in spending. The state is projected to end up with \$700 million in reserves by 2011.

Midway through the session I was asked to write an article for the National Sexual Assault Coalition Resource Sharing Project because we were one of only four states with a budget surplus. I’ve included the article I submitted because I feel it captures the environment we were working in this session and lays the groundwork for upcoming sessions.

Note: Unless there is an emergency clause, all North Dakota laws go into effect on July 1st if a fiscal appropriation is involved; otherwise the effective date is August 1st.

Domestic Violence

PASSED

HB 1291- Relating to the use of electronic monitoring for individuals with DV protection orders

- As a condition of release, an individual charged with or arrested for a crime involving domestic violence, including a violation of a domestic violence protection order or an order prohibiting contact, the court may require that electronic home detention or global positioning system monitoring be used for the individual.

SB 2004- Health Department Budget

- Included the \$500,000 General Fund appropriation for domestic violence/sexual assault that was secured in 2007 legislative session.

SB 2171- Termination of a residential lease by victim of domestic violence

- Allows a victim of domestic violence to terminate a lease agreement without penalty or liability. The tenant must provide advanced written notice to landlord requesting termination of the tenancy due to fear of domestic violence from the person named in the protection order or an order prohibiting contact. A landlord may not disclose information provided by the tenant documenting domestic violence. A tenant terminating the lease is responsible for the rent payment for the full month in which the tenancy terminates and an additional amount equal to one month's rent.

SB 2230- Appropriation to the Department of Health for grants to domestic violence/sexual assault organizations

- Secured an additional \$1 million in General Fund appropriation for grants to domestic violence/sexual assault organizations.

Domestic Violence
FAILED

None

Sexual Assault
PASSED

HB 1272- Relating to a sexual act or conduct through coercion

- Adds coercion which "means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance" to the sex offense chapter.

HB 1334- Relating to sex offender registration

- Requires a registered sex offender who changes their residence or employment address due to termination to inform the law enforcement agency with whom they last registered in writing of the change within five days of the termination.

HB 1416- Relating to registration requirements for sex offenders and offenders against children

- Requires the clerk of court to forward all warrants issued for sex offenders who fail to register within three days to the county sheriff, who shall enter all such warrants into the national crime information center wanted person file.

HB 1497- Relating to legal counsel in cases involving commitment of sexually dangerous
Individuals

- During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals under chapter 25-03.3.

SB 2216- Relating to reimbursement for medical screening examinations prior to forensic
medical exams

- Allows health care facilities to request reimbursement for the medical pre-screening (EMTALA) prior to the acute forensic medical exam. Payments will now also be made for non-acute children's exams (after 96 hours of the alleged crime).

Sexual Assault

FAILED

HB 1432- Relating to sex offenders near schools, parks, and licensed early childhood facilities

- Would prohibited sex offenders from residing within one thousand feet of a public or nonpublic elementary, middle, or high school, a public park, or a licensed early childhood facility if the individual is a high-risk sexual offender or a sexual offender whose victim was under fifteen years of age.

Other Bills of Interest
PASSED

HB 1040- Missing Person Investigation

- Requires law enforcement to adopt a standard procedure for missing persons investigations and for the attorney general to develop and distribute a procedures manual relating to the investigation of missing person cases to all law enforcement agencies.

HB 1041- Fair Treatment Standards & SAVIN

- Amends the Fair Treatment Standards to include provisions for registered victims under the state's SAVIN (Statewide Automated Victim Information and Notification) system.

HB 1336- Relating to the issuance of an order prohibiting contact

- Repeals section 14-07.1-13 (domestic violence section) and creates a new section 12.1-31.2 (criminal code) relating to orders prohibiting contact.

HB 1371- Relating to limitations on the performance of abortion and abortion reporting Requirements

- Requires an abortion facility to offer the woman an opportunity to receive and view an active ultrasound of her fetus at least 24 hours prior to the abortion.

SB 2042- Parental Rights and Responsibilities

- Divorce and custody law were amended to eliminate references to "custodial" and "noncustodial" parents. Instead, the custodial parent has the "primary residential responsibility" for children from the marriage. "Visitation" is now called "parenting time," and a visitation schedule is a "parenting schedule." Divorcing couples must attempt to agree to a "parenting plan" for their children; if they cannot, a judge or parenting coordinator will assist them.

SB 2069- Fees Collected for Civil Legal Services Fund

- Increases the cap for the civil legal services fund from \$400,000 to \$650,000.

SB 2111- Crime Victims Compensation

- A family may be reimbursed for up to \$5,000 in burial expenses if a family member is killed during a crime. The maximum is now \$3,000.

SB 2209- Relating to Human Trafficking

- Makes human trafficking a class AA felony if the person is less than eighteen years of age and a class A felony if a person is 18 years or older.

SB 2265- Relating to required notice to be posted at abortion facilities or hospitals

- Requires an abortion facility to display signs that contain the following words: "NOTICE: No one can force you to have an abortion. It is against the law for a spouse, a boyfriend, a parent, a friend, a medical care provider, or any other person to in any way force you to have an abortion."

SB 2344- Relating to discriminatory practices and exempting breastfeeding from certain offenses

- A woman who is "discreetly" breast-feeding her child is exempted from North Dakota's law against indecent exposure.

Other Bills of Interest

FAILED

- HB 1572 Relating to the crimes of dismemberment and torture: relating to penalties for crimes against born alive children ("Personhood Bill")
- SB 2278 Relating to discrimination on the basis of sexual orientation
- HB 1185 Relating to human trafficking
- HB 1553 Relating to county and city restrictions on adult establishments
- SB 2170 Registration of certain sexually orientated businesses
- SB 2194 Relating to the commission on the status of women
- SB 2219 Relating to fees assessed for criminal violations
- SB 2271 Relating to child abuse investigations and required reports of animal abuse

How Did They Vote?

After reading the various bills you might be struck by one in particular and be interested in how your legislator voted. Or, perhaps be curious about who cast that one dissenting on a particular bill. You can look to the Legislative Council's website for all that information.

- 1) Go to <http://www.legis.nd.gov/>
- 2) On the right of the screen click bills and resolutions or go to
<http://www.legis.nd.gov/assembly/61-2009/leginfo/bills-res-jour/index.html>
- 3) Again on the right, click "Bill Status Inquiry" or go to
<http://www.legis.nd.gov/assembly/61-2009/leginfo/bill-inquiry/index.html>
- 4) Enter the bill number into the form and click "GO"
- 5) For the listing of all actions, there is a line showing the vote. Often the language will state "Second reading, passed, yeas 047 nays 000." At the far right of that line is a link to the journal for that vote which is indicated by the letters HJ or SJ followed by a few numbers. Clicking on that link will lead you to the voting record for each bill.

Lawmakers need to hear from their constituents throughout the session and in the interim. Use the tools provided by the Legislative Council to increase your knowledge of legislative activity. Let your legislator know your thoughts on the bills. Without individual contacts, NDCAWS/CASAND and other organizations do not have the impact we hope to have.