

2023 HOUSE JUDICIARY

HB 1277

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1277
1/23/2023

Relating to suspension of the electronic alcohol monitoring and sobriety breath testing requirement during drug court program participation.
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Chairman Klemin opened the hearing on HB 1277 at 11:14 A.M. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Drug court program
- Electronic monitoring
- Sheriff's office authority

Rep. Satrom: Introduced the bill. No written testimony

Taylor Faulk, ND Dept. of Probations Office, Jamestown, ND: Testimony #15319

Todd Ewell, Deputy Director, NDCLCI: Testimony #15689

Hearing closed at 11:30 AM.

Rep. Olson moved a **DO Pass**.
Seconded by Rep. Vetter

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Henderson

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Meeting closed at 11:31 AM

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1277: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1277 was placed on the Eleventh order on the calendar.

2023 SENATE JUDICIARY

HB 1277

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1277
3/29/2023

A bill relating to suspension of the electronic alcohol monitoring and sobriety breath testing requirement during drug court program participation.

8:59 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson, and Braunberger are present.

Discussion Topics:

- Incentives
- Chemical addiction
- Alcohol monitoring bracelets
- Drug patches

9:00 AM Bernie Satrom introduced the bill.

9:03 AM Travis Finck, Executive Director, North Dakota Commission on Legal Counsel for Indigents, testified in favor of the bill and provided written testimony #26935.

9:07 AM Cynthia Feland, District Court Judge, Southcentral Judicial District, spoke in favor of the bill.

9:35 AM Chairman Larson called for a recess.

9:38 AM Senator Myrdal moved to Do Pass the bill.
Motion seconded by Senator Luick.

9:32 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

9:38 AM Senator Myrdal moved to Reconsider the action previously taken by the committee.
Motion is seconded by Senator Luick.

9:39 AM Roll call vote is taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

9:40 AM Senator Myrdal moved to adopt amendment LC 23.0112.02001.
Motion seconded by Senator Luick.

9:40 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

9:40 AM Senator Myrdal moved to Do Pass as amended.
Motion seconded by Senator Luick.

9:40 PM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

Senator Larson will carry the bill.

This bill does not affect workforce development.

9:43 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

March 29, 2023

at
3-29-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1277

Page 1, line 3, after "participation" insert "; and to declare an emergency"

Page 2, after line 2, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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REPORT OF STANDING COMMITTEE

HB 1277: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1277 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, after "participation" insert "; and to declare an emergency"

Page 2, after line 2, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

TESTIMONY

HB 1277

To the honorary members of the North Dakota Legislative committee. Let me introduce myself and my background. My name is Tyler Falk. I've been employed with the ND Dept of Corrections and Rehabilitation for 23 years. I started at the James River Correctional Center from 1999-2009 as a correctional officer. I held several positions to include correctional case worker and correctional case manager, supervising the housing units within the institution. I started as a parole/probation officer in 2009. I helped start the Stutsman/Barnes County Adult Drug Court program in 2019 and currently serve as the drug court coordinator for the program. The drug court program is a minimum 14 month program of intensive supervision with treatment services combined with intensive supervision and monitoring of compliance within the program. The clients must successfully complete 4 phases of the program and meet weekly with the drug court judge. The program overall is proven through research to work very well for repeat drug and alcohol offenders.

I'm here to present my views on the HB1277. Our drug court has been in operation for 3+ years and we are noticing a trend among our clients sentenced through drug court with DUI offenses. As per the DUI law, offenders are sentenced to 2 years on the 24/7 SCRAM or alcohol monitoring breathalyzers. Majority of our DUI clients have successfully graduated from the drug court programs throughout the state. Many of them have graduated without any real issues from day one to graduation. We've had DUI clients successfully complete treatment, complete Drug Court, removed from probation and the 24/7 SCRAM bracelet, only to have substantial relapses leading to new felony DUI arrests as recent as a couple of months from graduation. This has caused a lot of internal discussion among our team and treatment providers.

We believe the reason clients are struggling post Drug Court is the individual's thought process starts to change, almost immediately when the 24/7 SCRAM bracelet is removed. To put in simple terms, consuming alcohol becomes an option again when the bracelet is removed. The addict's mind is a tricky thing to comprehend. I believe the majority of our clients do not plan on drinking when done with drug court. Living a sober lifestyle for almost a year and a half brings clarity to their thought process just how destructive using alcohol has been to their livelihood. While I know some clients are only biding their time until they can drink again, many have voiced consistently from day one, and validated it with their own actions, they truly do not want to drink again. For whatever reason, when the structure and accountability of drug court is removed from their lives, they slowly make their way back to alcohol. We feel we are not seeing our clients in their truest form during their time in drug court when the SCRAM bracelet is on. The clients convince themselves they have succeeded in defeating their disease and complacency and overconfidence take hold.

We are requesting this bill pass so we have the ability to observe, monitor, and most importantly treat the client without the 24/7 monitoring of the SCRAM bracelet. A huge part of the process of treating addiction is having the client understand how they must treat their disease every single day of their life moving forward. We would like to have the ability to remove the SCRAM bracelet during the middle of their time in Drug Court. We have the ability to closely monitor for potential substance abuse throughout the program. We will have safeguards in place to ensure safety to the community, to include putting the SCRAM bracelet back on if needed. I have the ability to do random home visits 7 days a week, 365 days a year. I am able to test for alcohol usage within 72 hours of usage with the use of UA's.

In conclusion, we are constantly striving to make our drug and alcohol programs better. We have identified this issue over last couple of years and are in agreement our program is not as effective treating DUI clients when the clients have the SCRAM bracelet on for entire time while in the drug court program. Thank you for your time.

HB 1277
House Judiciary Committee
January 23, 2023
Testimony of Todd N. Ewell, Deputy Director, NDCLCI

Good Morning Chairman Klemin, members of the Committee, my name is Todd Ewell and I am the Deputy Director of the North Dakota Commission on Legal Counsel for Indigents (hereinafter "the Commission").

I rise today to in support of HB 1277. The Commission believes that enabling drug court judges and staff to suspend the requirements of the twenty-four seven program allows drug courts to meet the treatment needs of drug court participants. On behalf of the Commission, I request a Do Pass recommendation for HB 1277.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Todd Ewell", is written over a horizontal line.

Todd N. Ewell, Deputy Director
N.D. Comm. on Legal Counsel for Indigents

ENGROSSED HB 1277
Senate Judiciary Committee
March 29, 2023
Travis W. Finck, Executive Director, NDCLCI

Good Morning. Madam Chair Larson, members of the Committee, my name is Travis Finck and I am the Executive Director of the North Dakota Commission on Legal Counsel for Indigents (hereinafter "the Commission"). The Commission is the state agency that provides indigent defense services when there is a constitutional, statutory or constitutional right to counsel. The Commission rises in support of HB 1277 and urges a DO PASS recommendation.

The Commission believes by enabling drug court judges and staff authority to suspend the requirements of the twenty-four seven program, we provide those teams important tools to incentivize completion. Drug Courts have been an invaluable tool in North Dakota in an effort to rehabilitate non-violent offenders who struggle with addiction. The attorneys and those who provide services on behalf of the Commission have seen the great work and impact drug courts have had on our clients' lives. HB 1277 is just another incentive to complete the drug court program while continuing to meet the treatment needs of drug court participants.

In addition to incentivizing the participants, this option would allow them to test their sobriety tools while still under the close eye and supervision of the drug court. Allowing them to put into practice the tools they have obtained prior to being released from the Drug Court. Therefore, on behalf of the Commission, I request a Do Pass recommendation for HB 1277.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI