

# Final Legislative Report

2015

CAWS North Dakota

**64<sup>th</sup> ND Legislative Assembly**



Thanks to the CAWS North Dakota Legislative Committee:

Lynne Tally, Jamestown

Dena Filler, Minot

Kristi Hall-Jiran, Grand Forks

Lisa Weisz, Beulah

Diane Zainhofsky, Bismarck

Tara Muhlhauser, Bismarck

Special thanks to:

Representative J. Nelson for primary sponsorship of HB 1285 and Senator Rich Wardner for inclusion of domestic violence programs in HB 1176; both bills focus on building, expanding, or renovating domestic violence shelters in five communities.

Additional thanks to Representatives Haak, Delmore, Oversen, Schneider and Senators Bekkedahl and Dever for primary sponsorship of HB 1321, HB 1217, HB 1314, HB 1368, HB 1403, SB 2335 and SB 2199 respectively.

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Compiled by:

CAWS North Dakota

525 N 4<sup>th</sup> St.

Bismarck, ND 58501

701.255.6240

<http://www.cawsnorthdakota.org/>

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## Introduction

The 64<sup>th</sup> North Dakota Legislative Assembly completed its work on April 29<sup>th</sup>, 2015.

In the end, 854 bills (476 in the House and 378 in the Senate), 86 resolutions (62 in the House, 24 in the Senate, and 2 memorial resolutions) were introduced during the regular session. Of the total 940 bills and resolutions introduced, 268 House bills and 217 Senate bills passed and 34 House concurrent resolutions, 17 Senate concurrent resolutions, 1 House resolution, 1 House memorial resolution, and 1 Senate memorial resolution were adopted. The Governor signed 486 bills into law and vetoed 1 bill. Four vetoes were an item veto that did not affect the entire bill. Thus, 484 bills have, or will, become law.

CAWS North Dakota initiated four bills that all passed during the session that includes changes to the reporting requirements for sexual assault cases, consent to emergency medical care for minor victims of sexual assault, orders for domestic violence offender treatment, and funding to build, expand, or renovate domestic violence shelters in five communities. Other bills related to domestic violence, sexual assault, and stalking were initiated by legislators and CAWS North Dakota provided testimony in support of the bills that included expanding the housing protections for victims, adding the use of GPS or electronic devices to the stalking statute, expanding unemployment compensation benefits to stalking victims, enabling state employees to use accrued sick and vacation leave by in cases of domestic violence.

Additionally, CAWS North Dakota worked in partnership with a Force to End hUman Sexual Exploitation (FUSE), the states anti-human trafficking coalition to initiate and pass several pieces of legislation related to increasing penalties for human trafficking and increasing the state's ability to provide victim services.

This report describes our efforts and identifies key legislative changes.

**\*Indicates that this bill was sponsored by CAWS North Dakota**

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

## Domestic Violence

### HB 1217– Relating to the rental of a dwelling to a victim of domestic violence.

- House Bill 1217 was introduced by Representatives Delmore, Kretschmar, and Wallman and Senators Armstrong, J. Lee, and Nelson. Representative Delmore was the primary sponsor of this bill.
- Prohibits a state housing program from denying admission, assistance, termination of participation in, or eviction from housing if the applicant or tenant has been a victim of domestic violence, dating violence, sexual assault, or stalking if this individual would otherwise qualify for admission, assistance, participation, or occupancy (N.D.C.C. 14–02.5–02).
- Supporters of the bill testified that House Bill 1217 is a step towards increasing protections for and providing victims with meaningful safeguards in emergency and potentially lethal situations involving domestic violence. Those in favor of the bill recognized that Section 1, Subsection 3 is important in banning discrimination against victims in state housing programs only. This removes a potential barrier that a victim could encounter, which has been a barrier in several previous victim situations. Other sections of the original bill offered additional options for documentation for lease termination and for victims to seek lock changes when the abuser has access to their private rental residence.
- The push for these protections arise for other examples of state and local domestic violence protections, which include the following:
  - Prohibit housing discrimination based on an applicant or tenant’s status as a survivor of domestic violence;
  - Provide an eviction defense where the landlord tries to evict the victim because the abuser committed a crime or lease violation at the rental unit;
  - Bar landlords from limiting a tenant’s right to call for police or emergency assistance;
  - Require landlords to change locks where tenants have provided documentation of domestic violence; and

- Permit early lease termination without further obligation to pay the rent where tenants provide landlords with documentation of domestic violence.
- The Political Subdivisions Committee gave a do pass recommendation for this bill, and after amendments made by a conference committee, the House passed the bill with a 88–4 vote, and the Senate followed by passing as amended, 47–0.  
<http://www.legis.nd.gov/assembly/64-2015/documents/15-0607-06000.pdf?20150715141137>

**\*HB 1285– A Bill for an Act to provide an appropriation to the Department of Commerce to provide grants to organizations that provide domestic violence shelters.**

- House Bill 1285 was introduced by Representatives J. Nelson, Monson, Sanford, Schneider, and Streytle, and Senators Bekkedahl, Oehlke, and Robinson.
- Appropriates a sum of \$650,000 to the Department of Commerce to provide grants to domestic violence sexual assault organizations for the construction of, renovation of, or purchase of facilities to provide shelter for victims of domestic violence. Grant specifics vary by geographical location (non-oil-producing county with population over 10,000 or non-oil-producing county with a population of less than 10,000).
- Supporter of House Bill 1285 testify that safety is and will always be a first priority for victims of domestic violence. Shelter is essential to providing the safety for victims who are fleeing violence. However, domestic violence shelters in North Dakota are at or above capacity; the facilities are old and in need of repair, and some communities have had to close facilities due to accessibility and safety issues. Lack of affordable housing has also caused another strain to resources and the ability to provide shelter for all victims, as the average stay has increased to 60 days to a year. Of the 20 crisis centers defined under N.D.C.C. § 14-07.1-01, nine operate shelters that are located in Bismarck, Dickinson, Williston, Beulah, Minot, Belcourt, Mandaree, Grafton, and Grand Forks. Of those nine shelters, at least five are in need of new shelter or expansion of the current facility. With the average cost and number of victims sheltered doubling, the budgets of the shelters have not increased to meet the need.

- The Human Services Committee gave a do pass recommendation on HB 1285, and passed in the House 92–1. On April 10, 2015, the Senate also passed this bill with a 43–1 pass vote with a total appropriation of \$2,650,000 (\$2,000,000 in oil impact grants in HB 1176 and \$650,000 from the Strategic Investment Fund (SIF). <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1285.html>

**HB 1338–Relating to required disclosure of records to the domestic violence fatality review commission.**

- House Bill 1338 was introduced by Representatives Thoreson, Muscha, and Seibel, and Senators J. Lee, Nelson, and Poolman.
- A request or investigative demand from a representative of the domestic violence fatality review commission to any hospital, physician, medical professional, medical facility, mental health professional, or mental health facility must include disclosure of all records of the individual with respect to a death that has occurred resulting from domestic violence (as this is determined by the DVFRC).
- Representative Delmore testified that four years ago, the Attorney General’s Office was tasked with creating a Domestic Violence Fatality Review Commission. This testimony stated that there is a need for access to records; to identify patterns and to understand why the domestic violence fatality occurred. Representative Delmore also stated that breaching these records under HB 1338 would be punishable by a Class C Felony, and that the timing for review must be changed from December 31 to March 31 of the following year (this allows for a more complete report and investigation).
- Senator Armstrong testified that access to these records is prohibited under HIPAA unless a state law exists to require the access to records. In this case, House Bill 1338 is necessary for the commission to fully complete the investigation.
- The Judiciary Committee amended and recommended a do pass on HB 1338 on January 28, 2015. The House voted 89–1 in favor of the bill, and the Senate voted on March 24, 2015 to pass the bill with a 46–0 vote.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1338.html>

**\*HB 1368- Relating to the minimum guidelines for domestic violence offender treatment programs.**

- House Bill 1368 was introduced by Representatives Delmore, Keiser, Kretschmar, and Oversen, and Senators Carlisle, Casper, Grabinger, and Poolman. Representative Delmore was the primary sponsor of this bill.
- Prohibits the court from ordering an offender to attend an anger management class or individual counseling if a domestic violence offender treatment program is reasonably available to the defendant. If the court does order an offender to such a program, there must be findings on the record for why completion of a domestic violence offender treatment would be inappropriate (N.D.C.C.12.1-17-13).
- Supporters of House Bill 1368 testified stating that there is a wide variation in content, style, and length of batterer's treatment programs from small group treatment to universal prevention efforts, but they all have the same goal: to hold offenders accountable for their violence and to keep victims safe from future harm. There are three programs in North Dakota (Grand Forks, Bismarck, and Dickinson) that meet the standards of such a treatment program, and several additional communities with batterer's treatment programs in development. Supporters stressed that offenders can change (although this is a difficult and gradual process), but adherence to the Domestic Abuse Intervention Project model has revealed that 68% of offenders who complete the classes have not reappeared in the criminal justice system over the course of eight years.
- Supporters suggested that several additions and changes be made to HB 1368, which include:
  - Promoting the idea of a team rather than an individual, as difficulties may arise from leading this type of group alone.
  - Concern that an individual would state that he or she has attended basic domestic violence training and that suffices for training.
  - Identification that the victim may no longer be living with the offender and there could be a different partner; whereas it could be helpful to reach out to he/she also, even if they may not be the "victim".

- Broadening the focus to include the criminal justice system and domestic violence agencies, and narrowing the focus to disclosing information on the offender rather than the victim.
- Additional call to work closely with prosecution and probation through an informational exchange process.
- Additional guidelines for maintaining confidentiality of the offender and his/her partner's communication with the program, unless:
  - Offender or partner consent to release of information;
  - Facilitator determines that an individual is in imminent danger based on disclosure by the offender; the facilitator then must warn the individual of the safety concerns.
  - A court of competent jurisdiction orders the disclosure of an offender's information.
  - The facilitator has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by N.D.C.C. § 50-25.1-02.
- This bill was introduced to the Judiciary Committee, which recommended a do pass on HB 1368. After amendments, the Senate voted 47-0 in favor of HB 1368, and the House followed suit on April 16, 2015 with a 92-0 passing vote.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1368.html>

**HB 1403– Relating to state employee use of sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.**

- House Bill 1403 was introduced by Representatives Schneider, Boschee, Guggisberg, Hawken, Hogan, Kading, Mooney, Oversen, and Strinden, and Senator Nelson.
- Creation and enacting of N.D.C.C. §54-06-14.5, which defines when the employing unit must grant an employee's request to use sick leave for legal or law enforcement assistance or remedies; treatment for injuries cause by domestic violence, sex offense, stalking, or terrorizing; obtaining of or assistance to an immediate family member seeking mental health counseling for such circumstances; participation in safety planning, relocation, or other safety measures; and if the total leave is under forty hours per year.

- Supporters of House Bill 1403 testified that domestic violence impacts every part of a victim's life, including work, to protect themselves, their families, and their coworkers in order to seek protections from the court, receive medical treatment, and/or seek services or counseling from an advocate at a North Dakota crisis center. According to CAWS North Dakota, in 2014 4,300 victims of domestic violence received services from one of the 20 crisis centers in North Dakota. Supporters urge to take a step towards work protections, just as thirty-five other states, the District of Columbia, and the United States Virgin Islands have done to include additional provisions in regard to domestic violence and the work place.
- The state of Washington has recently enacted a law very similar to House Bill 1403, and includes the following provisions (Domestic Violence Leave law (RCW 49.76), 2008):
  - Victims of domestic violence may take reasonable leave from work for legal or law enforcement assistance, medical treatment, or counseling.
  - Family members may also take reasonable leave to help a victim obtain needed treatment or services.
  - Employees may use sick leave or other paid time off, compensatory time, or unpaid leave time.
  - "Family member" includes a child, spouse, parent, parent-in-law, grandparent or person with whom the employee is dating.
  - All employers, public or private, as covered, regardless of size.
- Legislators worked to amend the bill to state that after 40 hours of sick leave, the employee's supervisor will have discretion and control over if the hours can continue to be documented as sick leave.
- House Bill 1403 was introduced to the Judiciary Committee on January 19, 2015 and was recommended as a do pass. This bill passed in the Senate with a 47-0 vote and in the House with a 88-2 vote. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1403.html>

## Sexual Assault

\*HB 1314– Relating to consent for emergency medical care for a minor who has been sexually assaulted.

- House Bill 1314 was introduced by Representatives Delmore, Hawken, and Maragos, and Senators Luick, Nelson, and Oban. Representative Delmore was a primary sponsor of this bill.
- Allows for a physician or health care provider to provide emergency medical care or forensic examination services to a minor who is a victim of sexual assault without the consent of the minor’s parent or guardian (N.D.C.C. 14–10–17.1).
- According to the National Juvenile Justice Center, adolescents between 12–17 years old are the largest group of sexual assault victims and they are twice as likely to be sexually victimized as adults (Snyder, 2000; Snyder & Sickmond, 2006). Thirty-two percent of the sexual assault victims surveyed in the National Violence Against Women Survey (NVAWS) were first assaulted between the ages of 12–17. In North Dakota in 2014, over 900 victims of sexual assault sought services from one of the twenty domestic violence and rape crisis centers: 40% of those victims were under the age of 18 at the time of the assault. Some adolescent sexual assaults are reported to the police, either by the victim themselves or by someone he or she disclosed it to, such as a parent. In North Dakota 70% of sexual assault victims report the assault to law enforcement.
- Supporters of the bill testified to the SANE nurse programs, which provide 24-hour-a-day, first response crisis intervention and medical forensic exams for adolescent and adult sexual assault victims. The SANE nurse is an important part of the team of those responding to the sexual assault. Supporters were concerned that North Dakota victims under the age of 18 could not consent to or decline a forensic exam after a sexual assault. CAWS North Dakota testified to the incidences where victims have chosen not to complete a forensic exam, yet a parent or guardian has required them to do so, and other cases where victims have selected to go forward with the exam but the parents did not consent. Supporters recognized that rape and sexual assault are about power; with

victims feeling powerless and responsible for the assault, they are limited in the ability to decide what happens to them and their body after the assault. House Bill 1314 would change this, and serve as an important step to allow the victim to decide what is right for him or her.

- House Bill 1314 was introduced to the Human Services Committee on January 13, 2015, and passed in the House 62–30 on February 20, 2015. The Senate also voted 42–4 to pass this bill on March 26, 2015.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1314.html>

**\*SB 2335– Relating to the duty of a physician to report certain injuries.**

- Senate Bill 2335 was introduced by Senators Bekkedahl, Dever, Hogue, and Representatives Boschee, Fehr, and K. Koppelman. Senators Bekkedahl and Dever were primary sponsors of this bill.
- Amended N.D.C.C. 43–17–41 was amended to create an exception for a physicians’ duty to report a physical injury in cases of a sexual offense, as defined in N.D.C.C. 12.1–20 so that the individual’s name, address, and any other identifying information doesn’t need to be stated in the report to law enforcement when the individual’s physical injury resulted from a sexual offense. This information can only be included in the report with the individual’s written release.
- Supporters of Senate Bill 2335 testified on the many reasons that victims choose not to come forward; which included fear, embarrassment from feelings they may not be believed, and desire to stay anonymous when reporting. These reasons stem from statistics provided by testimony from CAWS North Dakota and the National Guard. CAWS North Dakota’s member programs provided services to 913 sexual assault victims, with forty–percent of those victims being assaulted by an acquaintance, friend, or relative. In these cases, non–reporting or delayed reporting occurs frequently. SB 2335 addresses this by allowing a victim’s name to remain confidential. Supporters included information from Chiefs and Sheriffs Association, Attorney General’s office, and the Administrator for the Violence Against Women Act (VAWA) funds and stated that this bill will not change the following:

- Law enforcement's ability to respond to the hospital and ask to talk to the victim. The victim is able to share information in regard to the case, including the details of the offender and location of the assault so they can investigate the crime. The victim's name can only be included through a signed release.
- The name of the victim will still be on the forensic kit and law enforcement can still pick this kit up and store the kit until the victim chooses to move forward with the case.
- Hospitals can still submit the request for payment even if the victim chooses not to have his or her name in the report.
- Senate Bill 2335 was introduced to the Judiciary Committee where it received a do pass recommendation. This was followed by a passing vote (47-0) in the Senate on February 12, 2015, and an 86-0 passing vote in the House.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2335.html>

**SB 2284– Relating to hospital treatment of victims of sexual assault; to provide a penalty; to provide an appropriation; and to provide for reports.**

- Senate Bill 2284 was introduced by Senators Nelson, Anderson, and Grabinger, and Representatives Boschee, Delmore, and Maragos.
- Creation of N.D.C.C. §23-16-16, defining “victim of sexual assault”, and stating that a hospital cannot require a victim of sexual assault to undergo a forensic examination or to report the alleged sexual assault to law enforcement. A hospital without any specifically trained staff may coordinate with a community-based sexual assault examiner nurse program to allow all victims wanting a sexual assault examination or sexually transmitted infection treatment to receive those services.
- Supporters of Senate Bill 2284 testified to the need for immediate and appropriate care for sexual assault victims. The SANE nurse plays a very important role in working with the team of law enforcement and advocates that respond to a sexual assault. Yet, there are challenges standing in the way of this important response team: hospitals often do not allow nurses to take off time for training, hospitals do not want to or do not have space to set aside for a separate exam room off of the emergency room, and there is very little funding

to support SANE nurse programs. With over 900 victims of sexual assault in North Dakota in 2014, the need for first response crisis intervention and medical forensic exams for sexual assault victims is a great need.

- Legislators explained that the funding for programs under SB 2284 would come through HB 1176, but to clarify that the money would be available for statewide distribution, not limited to oil-impact areas.
- Senate Bill 2284 was introduced to the Judiciary Committee, amended, and recommended as a do pass. After several different amendments were made to the bill, SB 2284 passed in the Senate with a 45-0 vote, and passed in the House with an 88-0 vote. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2284.html>

## Stalking

### HB 1212- Relating to eligibility for unemployment compensation benefits for victims of stalking.

- House Bill 1212 was introduced by Representatives Delmore, P. Anderson, Hawken, and Oversen, and Senators Grabinger and Luick.
- Added stalking as a reason for separation from a job, which is provided by Job Service North Dakota to the most recent employer, in order to be eligible for unemployment compensation. Also clarifies what documentation is required in cases of domestic violence or sexual assault and stalking in order to be make a claim through Job Service North Dakota (N.D.C.C. 52-04-07(2) 56-06-02(1)).
- Representative Lefor testified on January 30, 2015 that many victims of domestic violence, stalking, and sexual assault must leave their jobs in order to protect themselves, their families, and coworkers. If one is harassed by harassing calls at work, or need to leave work due to injuries or attempts to seek legal. In addition to these reasons, a perpetrator may stalk an individual at his or her workplace due to this being the only place where he/she knows where to find the victim.
- In 2011, domestic Violence and sexual assault were added to the North Dakota Statute as non-disqualifying items to receive unemployment benefits. House Bill

1212 pushes for stalking to be added to the above list of items. Job Service North Dakota furthered this claim by stating that the financial impact was minimal (only 13 individuals have received this since 2011), and supported the addition of stalking to the non-disqualifying items to receive unemployment insurance and benefits.

- To receive these benefits, North Dakota requires that:
  - File a Police Report
  - Written affidavit from an individual who has helped the claimant, and can be as follows:
    - Licensed Counselor
    - Licensed Social Worker
    - Member of Clergy
    - Director of Domestic Violence Center
    - Licensed Attorney
- House Bill 1212 was introduced to the Industry, Business, and Labor Committee where it received a do pass recommendation. The House passed the bill 75-15, and HB 1212 passed in the Senate with a 46-0 vote.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1212.html>

#### **HB 1321– Relating to stalking and the use of electronic devices.**

- House Bill 1321 was introduced by Representatives Haak, Bradandt, Delmore, M. Johnson, and Klemin. Representatives Haak and Delmore were primary sponsors of this bill.
- Added the unauthorized tracking of an individual’s location or movement through a global positioning system (GPS) or other electronic device to the definition of “stalk”. These electronic means include anything that causes a reasonable person to become frightened, intimidated, or harassed without a legitimate purpose (N.D.C.C. 12.1-17-07.1).
- House Bill 1321 was introduced to the Judiciary Committee, where it was amended and recommended as a do pass. This was followed by several amendments; where the House passed the bill with an 88-0 vote. Further, the Senate voted on April 20, 2015 47-0 do pass for HB 1321.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1321.html>

## Human Trafficking

### HB 1347–Relating to the inclusion of human trafficking in the definition of disorderly conduct and the definition of a deprived child.

- House Bill 1347 was introduced by Representatives Meier, P. Anderson, and Hawken, and Senators Davison, Heckaman, and Krebsbach.
- Expansion of the definition of disorderly conduct now includes human trafficking or attempted human trafficking.
- Testimony asserted that through recognizing a human trafficking victim as a deprived child, this would allow the victim to further receive services from the juvenile court system.
- Further testimony from legislators also ensured that through classification of human trafficking victim as a deprived child, the document could be used in the proceeding for parental right termination.
- House Bill 1347 was introduced to the Judiciary Committee and recommended as a do pass piece of legislation. This was followed by a House passing vote of 92–0 and a Senate vote of 46–0. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1347.html>

### SB 2107– Relating to the Uniform Act on Prevention of and Remedies for Human Trafficking; to amend and reenact subsection 1 of section 12.1–32–15 of the North Dakota Century Code, relating to definitions; to repeal chapter 12.1–40 of the North Dakota Century Code, relating to human trafficking; and to provide a penalty.

- Creation of and enacting of N.D.C.C. §12.1–41–01, which defines and clarifies human trafficking. This includes trafficking of an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, patronizing of a minor for commercial sexual activity, business entity liability, aggravating circumstances, restitution, victim confidentiality, immunity of minor, affirmative defense of a victim, motion to vacate or expunge conviction, civil action, display of public awareness, eligibility for benefit or service, law enforcement protocol, grants or contracts with service providers, and the prohibition of public funds for

abortions. The penalty for trafficking an adult is an A felony, while the penalty for trafficking a minor is an AA felony.

- \*For full description of this section, please visit the following link:
  - <http://www.legis.nd.gov/assembly/64-2015/documents/15-0227-05000.pdf?20150507142617>
- Senate Bill 2107 was introduced to the Judiciary Committee, amended, and decided as a do pass piece of legislation. This was amended several times, and passed in the House with a 93-0 vote. The Senate voted to pass the bill with a 46-0 vote.

**SB 2199**—A Bill for an Act to provide appropriation to the Department of Human Services for a human trafficking victims treatment and support services pilot project; and to provide for a report to the legislative management.

- Senate Bill 2199 was introduced by Senators Dever, Armstrong, and Nelson, and Representatives Haak, Oversen, and Sanford.
- This emergency act appropriates grant money for both non-oil-producing counties and oil-producing counties for the general purpose of providing grants to organizations who are involved with providing prevention of and treatment services to human trafficking victims. The grants can be used for a variety of purposes, which include: development and implementation of direct care, emergency or crisis services, residential care, training for law enforcement, advocacy services, and programs promoting positive outcomes for victims.
- Supporters of Senate Bill 2199 testify to the need to develop and implement a victim centered comprehensive response to human trafficking victims. Local crisis centers, law enforcement, community partners, and CAWS North Dakota have all felt ill equipped to offer resources or provide appropriate services to victims seeking help. The number of victims is often unknown, as these victims do not identify themselves as a victim for several reasons. There are strengths with the service providers providing crisis services, assisting with court orders or offering emergency shelter victims, but human trafficking victims have more complex and unique needs that many advocates are not trained to provide. Supporters urged for training and funds for human trafficking victim treatment and prevention pilot projects. Further, supporters even testified with concerns

that they are doing more harm than good, and that proper allocation of resources for victim services is needed for cooperative victims.

- Senate Bill 2199 was referred to the Human Services Committee, where it was referred to several different committees (Judiciary and Appropriations) and received a do pass recommendation. This bill was given an emergency clause, and passed in the House 93–0 and within the Senate with a 47–0 vote with a total appropriation to the Attorney General’s office for \$1,250,000 (\$750,000 from law enforcement funds in oil impact grants in HB 1176 and \$500,000 in state general funds). <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2199.html>

**SB 2219–A Bill for an Act to establish a statewide human trafficking commission.**

- Senate Bill 2219 was introduced by Representatives Beadle, Hogan, and K. Koppelman, and Senators Poolman, Casper, and Grabinger.
- Establishes a human trafficking commission, with members from state, local, and tribal agencies which have contact with victims or perpetrators; nongovernmental organizations (representing or working with victims; and individuals, including victims offering expert knowledge of benefit. This commission develops a plan for provision of services; collects and evaluates data on human trafficking for an annual report; promotes human trafficking awareness, victim’s services, and prevention public awareness; creation of a public–awareness sign and hotline; and coordination of training (on investigation and prosecution).
- Senate bill 2219 was referred to the Judiciary Committee, where it received a do pass recommendation. This was passed in the Senate with a 46–0 vote and in the House with a 93–0 vote. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2219.html>

**SB 2232–Relating to the statute of limitations for the crime of human trafficking.**

- Senate Bill 2232 was introduced by Senators Armstrong, Carlisle, and Nelson, and Representatives Mooney, Sanford, and Zubke.
- Clarification for the statute of limitations for human trafficking against an adult is seven years from the commission of the offense, and for a minor (defined

here as under the age of fifteen) the time does not begin to run until the victim has reached age fifteen.

- Concern was raised in the Senate in regard to the “John education program”, which currently does not exist within the state of North Dakota. However, the Senate addressed, identified, and amended the bill to include online education programs.
- Senate Bill 2232 was introduced and referred to the Judiciary Committee where it received a do pass recommendation on February 10, 2015. In the Senate, the bill passed with a 47–0 vote, and passed later in the House with a 93–0 vote.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2232.html>

**SB 2275– Relating to a forced or coerced abortion performed on a victim of human trafficking; and to provide a penalty.**

- Senate Bill 2275 was introduced by Senators Luick, Burckhard, Laffen, Larsen, and Miller, and Representative Ruby.
- Created a new section to 12.1–41 of N.D.C.C., and defines the forces or coercion to commit, attempt to commit, or threat to commit physical harm to the woman, unborn child, of victim of an offense to have an abortion performed against her will. Not only does this law set standard for law enforcement investigation, but also sets a penalty of up to five years of additional imprisonment to the imprisonment prescribed for the offense.
- This bill passed, despite questioning in the Senate to if this was truly even a problem, and if this was necessary even with no evidence supporting this as an issue. However, the Senate moved forward with this being a prevention concern.
- Senate Bill 2275 was introduced and referred to the Judiciary Committee, where it received a do pass recommendation. This was followed by a 47–0 passing vote in the Senate, and on April 1, 2015 a passing vote of 93–0 in the House.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2275.html>

**SB 2250– Relating to facilitating prostitution.**

- Senate Bill 2250 was introduced by Senators J. Lee, Bowman, and Robinson, and Representatives Dockter, Haak, and M. Johnson.

- Clarified the language from “he” to “the person”, as well as adding coercion and deception as ways to cause another to remain a prostitute. The penalty for such an offense increased from an A misdemeanor to a C felony.
- Senate Bill 2250 was referred to the Judiciary Committee where it received a do pass recommendation. This was followed by a 91–1 passing vote in the House and a 47–0 passing vote in the Senate.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2250.html>

**SB 2332**– Relating to an offender education program; to amend and reenact section 12.1–29–06 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity; and to provide a penalty.

- Senate Bill 2332 was introduced by Senators Schneider, Oban, and Oehlke, and Representatives Klemin, Larson, and Maragos.
- Under N.D.C.C. §12.1–29–06, hiring an individual to engage in sexual activity is a B misdemeanor for the first offense, and an A misdemeanor for any second or subsequent offense within ten years. A sentence for such an offense may order the offense to participate in an offender education program, and the court may order the offender to pay for ordered participation in such a program.
- Senate Bill 2332 was introduced to the Judiciary Committee where it was amended and received a do pass recommendation. This was followed by several amendments, and the Senate voted on April 15, 2015 47–0 in favor of this bill. The House voted 90–2 on April 16, 2015 in favor of the bill. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2332.html>

**SB 2266**– Relating to the use of minors in sexual performances; and to provide a penalty.

- Senate Bill 2266 was introduced by Senators Unruh, Campbell, and Oban, and Representatives Delmore, Kempenich, and Rohr.
- Definition of “promote” (under NDCC §12.1–27.2–01(3)) expanded to include “ship” and “transport”. Penalties for use of a minor in a sexual performance and promoting or directing an obscene sexual performance by a minor increased to

an A felony, and promoting a sexual performance by a minor increased to a B felony. An affirmative defense now includes the defendant, in good faith, believing that the person appearing in the performance was eighteen years of age or older, if the minor was actually fifteen years of age or older (NDCC § 12.1-27.2-05(1)).

- Senate Bill 2266 was introduced to the Judiciary Committee on January 19, 2015, where it was amended and recommended as a do pass bill. The House passed the bill with a 93-0 vote, and SB 2266 passed 47-0 in the Senate on April 1, 2015. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2266.html>

## Other Bills of Interest

### HB 1004–Health Department Budget

- Original bill draft included and additional \$500,000 in state general funds for domestic violence services.
- Supporters of House Bill 1004 testified that all of the 20 domestic violence and rape crisis centers in North Dakota have reported being under-funded and short-staffed; which result from decreased federal funding and explosive population growth—stretching these programs to a breaking point. With the addition of a growing population, new challenges have risen, which include: language barriers, human trafficking, and immigration issues. The lack of local resources (including mental health and housing services) adds additional barriers to victims trying to escape abuse. Advocates are limited in traveling to reach different populations, and advocates are hard to hire and retain due to ability to pay competitive wages. Increasing numbers of new victims are served each year, and resources are increasingly stretched thin.
- Supporters of House Bill 1004 proposed that the funds would be distributed in the following manner:
  - Tier 1: \$1,000,000 (\$500,000 per year) to support pay increases among current staff and new hires and additional operational costs for the core services offered by the 20 agencies.
  - Tier 2: \$500,000 (\$250,000 per year) to support long term shelter and transitional housing. This is available to the programs who operate shelters.
- House Bill 1004 was introduced to the Appropriations Committee, and was amended several times with a do pass recommendation. After much Conference Committee work, the bill passed in the House with a 84–5 vote, and the Senate followed with a passing 47–0 vote and an additional \$200,000 for domestic violence services.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1004.html>

**HB 1176– Relating to mineral revenue received by school districts and oil and gas gross production tax definitions and allocations; to provide appropriations; and to provide and effective date.**

- House Bill 1176 was introduced by Representatives Kempenich, Bradenburg, Dockter, Hatlestad, Owens, Streyle, Toman, Trottier, and Senators Bowman, O’Connell, Oehlke, and Unruh. Senator Wardner pushed for the inclusion of domestic violence programs into this particular bill.
- Allows \$250,000 for grants to Domestic Violence and Rape Crisis Program at the Department of Health for community-based or hospital-based sexual assault examiner programs.
- Allocates \$750,000 of law enforcement funds in the oil impact grants to be used for human trafficking victim services (SB 2199).
- Allocates \$2,000,000 in oil impact grants for the construction, remodel or expansion of domestic violence shelters.
- House Bill 1176 was introduced to the Appropriations Committee and was given a do pass recommendation. This particular bill underwent much Conference Committee work and amendments, but ultimately passed in the House with a 91–1 vote on April 22, 2015. The Senate followed with a 46–1 passing vote.

<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi1176.html>

**SB 2150– Relating to student and student organization disciplinary proceedings at institutions under the control of the State Board of Higher Education.**

- Senate Bill 2150 was introduced by Senators Holmberg, Armstrong, and Casper, and Representatives Delmore, M. Johnson, and Larson.
- Any student or student or student organization (whether the abuser or victim) under the control of the North Dakota State Board of Higher Education has the right to be represented, at person expense, by an attorney or non-attorney advocate. These rights are limited to proceedings that involve a violation that could potentially result in suspension or removal of student or student organization from the

institution. This further defines the right to appeal the institution's decision.

- Senate Bill 2150 was introduced to the Judiciary Committee, was amended, and further recommended as a do pass. After several amendments, the bill passed in the House with a 92-0 vote and in the Senate with a 44-1 passing vote. <http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2150.html>

**SB 2357- Relating to the distribution of graphic or intimate images of someone without consent; and to provide a penalty.**

- Senate Bill 2352 was introduced by Senators Schneider, Armstrong, and Casper, and Representatives Hanson, Kretschmar, and Maragos.
- Creation and enacting of N.D.C.C. § 12.1-17-07.2, which defines and states exceptions to the distribution of intimate images without or against consent. The penalty for this distribution is a class A misdemeanor. Remedies are clarified for this act, which includes the right to private action against each person who distributed the particular image.
- Senate Bill 2357 was referred to the Judiciary Committee and received a do pass recommendation. This was followed by a passing vote of 46-0 in the Senate and a 92-1 passing vote in the House.  
<http://www.legis.nd.gov/assembly/64-2015/bill-index/bi2150.html>

## 2015–2016 Interim Study Resolutions

**SCR 4017** A concurrent resolution urging the United States Senate Committee on the Judiciary to support S. 2536, the Stop Advertising Victims of Exploitation (SAVE) Act, to provide for more stringent inquiry into the age and circumstances of those whose availability is being advertised on websites that facilitate human trafficking.

## How Did They Vote?

After reading the various bills mentioned in this report, you might be struck by one in particular and be interested in how your legislator voted. You may also be curious about who cast the single dissent 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 left of the screen under *Legislative Assemblies* click **64<sup>th</sup> Assembly (2015-16)**, or go to:  
  
<http://www.legis.nd.gov/assembly/64-2015>
- 3) Again, on the left, click "**64<sup>th</sup> Regular (2015)**", or go to:  
  
<http://www.legis.nd.gov/assembly/64-2015/regular>
- 4) On the right side of the screen, under **Session Information**, click on **2015 Major Topic Index to Bills**, or go to:  
  
<http://www.legis.nd.gov/assembly/64-2015/subject-index/major-topic.html>
- 5) OR enter the bill number into the search box in the upper right side of the screen and hit **Enter**.
- 6) For a listing of all actions, each bill has a tab reading "**\_\_\_\_\_ Actions**". Click on this action tab, and there will be a link 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 impact we hope to have.