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For some months I have been promoting a plan for a comprehensive statewide plan to deal with drug activity in North Dakota, dealing in particular with the explosion of methamphetamine manufacturing and trafficking.

This plan includes eight goals, which I reiterate here:

Goal 1: Stop the importation of illegal drugs, especially finished-product methamphetamine, from Mexico and the Southwestern United States;

Goal 2: Stop the clandestine manufacture of methamphetamine in North Dakota;

Goal 3: Create a broad and deep general public awareness and understanding of the state's illegal drug problem, and the harmful effects of illegal drugs;

Goal 4: Identify and target vulnerable groups for increased education, awareness, and enforcement of drug dealers that prey on vulnerable groups;

Goal 5: Ensure that all North Dakota citizens have resources to assist them or their families with problems associated with drug abuse;

Goal 6: Ensure all possible measures are taken to keep experienced, high quality, police officers in North Dakota to combat the drug problem;

Goal 7: Ensure all drug control programs are coordinated between entities working to reduce the drug problem in North Dakota;

Goal 8: Provide public accountability for drug control programs and laws that have objective results so the public, legislature, and administrators can measure what programs are working to reduce our drug problem, and what programs do not work effectively and should have their resources redirected.

In formulating this plan, I have worked closely with police officers, states attorneys, BCI, legislators and officials from the Hoeven administration and others. I have maintained that most of these goals can be met without the need for additional legislation; however there are several changes in state law that will enhance our ability to deal with the problem, and I am here to explain those changes that have been introduced:

1. A bill draft to improve the drug paraphernalia law already on the books. This bill will provide more certainty that materials used in the illegal manufacture of drugs can be successfully prosecuted. The bill provides a list of examples of items that fall within the drug paraphernalia category – including anhydrous ammonia, cold capsules, and other items that can be used to manufacture meth. It will include, as well, containers used to transport anhydrous ammonia. Under the bill, there will be no burden placed on those who legally possess these materials, but the law would allow a judge or jury to consider the "totality of the circumstances" for those who possess such material. For example, a farmer may legally possess a quantity of anhydrous ammonia. However, if a person is caught with a supply of anhydrous, together with a recipe for the manufacture of meth, various test tubes and other chemicals commonly used for manufacturing meth, and has no logical explanation for its possession, a jury may reasonably conclude the person is engaged in illegal drug activity.
2. The bill moves all drug related offenses into one chapter of the code, for ease in enforcement.
3. The bill provides for notification of a juvenile's school principal following violation of the paraphernalia law, and allows a court to order a drug abuse evaluation and follow-up.

In an effort to help recruit and retain qualified law enforcement officers, I propose an interim study on the feasibility of including local law officers in the state retirement program, and enacting a plan for them similar to that enjoyed by the state Highway Patrol. We are frequently losing trained and experienced law enforcement officers to other states that offer better pay and benefits, and we must address this critical issue, or our efforts will fall behind.

Public accountability of these programs will be provided by requiring regular reports to the legislature of the effectiveness of our efforts to stem the tide of illegal drug use. We further need to take an in-depth look at our chemical dependency commitment laws to determine if new standards are needed to deal with the treatment of those addicted to meth. The effects of addiction to this substance are different than nearly any other substance, and our commitment statute must keep abreast of the reality of this substance. I am proposing an interim study of changes that must be made of these laws, as well as a study of the effectiveness of current sentencing statutes. We need to determine whether our minimum mandatory sentencing laws, and other approaches are working or whether different approaches might better meet the needs of our citizens.

These bills are the result of collaboration with many entities. They are no magic fix - but an ongoing effort is required.

There are three components that must be addressed in this plan:

1. Education;
2. Enforcement;
3. Treatment.

I have convened a special panel, working in collaboration with various agencies, to further develop this three-part plan.

I'd like to thank the legislators who stepped up to co-sponsor these pieces of legislation: Senator Gary Nelson, Senator Carolyn Nelson, Senator Stan Lyson, Representative Duane Dekray, Representative Ron Carlisle, and Representative John Mahoney.

I'd also like to thank Governor Hoeven for dedicating some of his top staff to helping to develop and implement this plan.

Wayne Stenehjem
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