

**Testimony of Renata Olafson Selzer, Assistant Cass County State's Attorney  
Judiciary Committee  
Concerning 2015 House Concurrent Resolution No. 3012  
September 17, 2015**

Chairman Hogue and Members of the Judiciary Committee:

My name is Renata Olafson Selzer, and I have worked as an Assistant State's Attorney for Cass County since January of 2008. I am here today to discuss House Concurrent Resolution 3012, concerning the registration requirements for sex offenders and offenders against children in N.D.C.C. § 12.1-32-15. During my time at the Cass County State's Attorney's office, I have handled numerous cases involving sex offenses and crimes against children, as well as failure to register cases.

In preparation for my testimony today, I reached out to the Fargo Police Department and the West Fargo Police Department for statistics on the number of individuals who are required to register with their agencies. West Fargo Police Department has approximately 40 registered offenders. Fargo Police Department currently has 211 individuals who are required to register as sex offenders and 15 individuals who must register as offenders against children. Of the 211 individuals, 13 of them must register because of offenses they committed as juveniles.

Undoubtedly, it is a challenge for law enforcement to track such a large number of individuals. The purpose of the registration statute is to require offenders to maintain contact with law enforcement and to provide certain information, such as their current address, contact information, employer, vehicle information, and computer online identity. The goal, of course, is compliance. However, it has been my experience that many people—including offenders, law enforcement officers, and attorneys—find the statute to be lengthy and complex. The statute should be re-written in a clear, concise, and consistent manner so that it is easily understood.

The statute has 17 different subsections. It includes crimes against children and sex offenses. In order to clarify the statute, it may be helpful to remove the references to crimes against children and enact a separate statute to address those offenses. It is notable that the definition of the term "crime against a child" includes offenses such as child neglect, assault, and terrorizing. These offenses can encompass a variety of conduct, and it may not be desirable to include them within the same statute as sex offenses.

The registration statute also contains varying time requirements, which can lead to confusion. For example, an individual who is required to register must notify law enforcement of a change in vehicle or online identity within 3 days after the change. However, law enforcement must be notified of a change in name, school, residence, or employment at least 10 days before the change. Upon a change of address, the individual must also register within 3 days at the local law enforcement agency in the new place of residence, school, or employment.

Some offenders change jobs frequently, and it may not be realistic to require notification at least 10 days before a change in employment. Moreover, the statute already requires notification within 3 days after beginning new employment.

If offenders are terminated from school or employment, they must inform law enforcement within 5 days. Not only is this time requirement different from others in the statute, but the word “termination” is also undefined. Therefore, it is unclear whether “termination” merely applies to being fired, or whether it extends to other scenarios, such as voluntarily quitting employment or layoffs.

The term “computer online identity” should also be defined. In addition, the statute should include specific requirements to register a change in e-mail address, internet service provider, and telephone number.

Another issue to consider is the penalty for failure to register. The statute does not currently distinguish between an individual who fails to register a change in vehicle and an individual who fails to register a new place of residence. Regardless of the seriousness of the offense, violation of the statute is a class C felony, and the court is required to impose a minimum of ninety days in jail and one year of probation.

Thank you for the opportunity to speak with you today. I am happy to answer any questions you may have.