

January 18, 2021

House Judiciary Committee

HB 1123

Rep. Lawrence R. Klemin, Chair

For the record, I am Stephanie Dassinger. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in opposition to HB 1123 because the Chiefs of Police believe the bill will have large negative impacts on the criminal justice system.

Section 1 of HB 1104 applies to all infraction and misdemeanor offenses, except for domestic violence offenses. That section requires that someone who is taken into custody for committing a misdemeanor offense, except domestic violence, be released on their own recognizance, in other words, without posting any bail.

In practice, what this means is that no one will be arrested for misdemeanor offenses, except for domestic violence offenses. Offenders will be issued a summons to appear in court for their offenses and sent on their way. This is essentially what has been happening during the COVID-19 pandemic and it has been very frustrating for the public who does not understand why offenders are not being arrested for committing offenses against them or their property, such as assaulting them, harassing them, or stealing from them. It is also very frustrating for law enforcement who are dealing with emboldened offenders, who know they will not be arrested, so they continue to commit crimes knowing they will not be taken to jail.

One such example occurred over the weekend in Jamestown. Law enforcement received two separate calls in an eight-hour period regarding an individual breaking into numerous cars and garages. Law enforcement was able to identify the subject of the calls. Upon identification, police realized this individual had been cited twice for shoplifting and had an active county warrant. Due to COVID-19 restrictions at the jail, the jail will not take the offender. That left the police and the public without a remedy to stop or slow down this person from

continuing to commit crimes. This is just one story, every police chief in the state could tell you multiple similar stories.

Another impact of COVID-19 has been that the number of individuals, who have not been required to post bail, failing to appear in court has increased dramatically. The requirement to post bail provides incentive for someone to appear in court. If someone does not appear for court, a warrant is issued for that person's arrest and law enforcement is faced with finding that person and arresting him or her. Additionally, if that person is arrested in another jurisdiction, the jurisdiction that issued the warrant must pay the costs to return the arrestee to the original jurisdiction to face charges. This increases the workload and, ultimately the costs which is born by the taxpayers in the state.

For the reasons state above, the Chiefs of Police request a Do Not Pass recommendation on HB 1123.

Thank you for your consideration.