



# NORTH DAKOTA HOUSE OF REPRESENTATIVES

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## Representative Zachary Ista

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**COMMITTEES:**  
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Chairman Klemin and Members of the Judiciary Committee:

I write in **support** of HB 1176, which empowers juvenile authorities to cancel a minor's driver's license in appropriate circumstances but does not require such cancellation without regard to the underlying facts of any given offense. I urge the Committee to recommend a **DO PASS** on this bill.

I will keep my testimony brief. I encourage the Committee to give substantial weight to the testimony of attorney Mark Friese, which eloquently sets forth the myriad policy reasons why passage of this bill makes good sense. But I want to separately address a circumstance I encounter in my career as a prosecutor assigned to the juvenile court docket.

Under current law, juvenile court personnel have no discretion at all with regards to license cancellation when a juvenile is cited for an alcohol or drug offense that occurred within a vehicle. The same juvenile justice system also rightly encourages resolution of offenses without involving district courts and judges by allowing informal adjudication for many offenses. However, if a juvenile admits to the drug or alcohol offense at this informal adjudication phase, the juvenile court director (via the DOT) must cancel the juvenile's license if the offense occurred in the vehicle. The juvenile also would likely participate in some other sort of rehabilitative programming like online education courses or informal probation.

Sometimes, though, the juvenile declines to admit to the violation at the informal adjudication stage. If so, the juvenile court will ask the state's attorney to consider a formal juvenile petition be filed in the district court. Once that happens, a juvenile may choose to retain counsel (or qualify for a court-appointed counsel). On more than one occasion, such counsel has advised me (in my role as assistant state's attorney) that their client does not dispute the allegation but cannot admit to it due to the extreme consequence of license cancellation. Since I am likely asking the district court only to order treatment and rehabilitation in the form of a few months of probation upon a finding of delinquency, I generally agree to amend the petition to remove any allegation involving a vehicle. Frankly, inviting protracted litigation on a comparatively minor charge is neither an efficient nor prudent use of prosecutorial or law enforcement resources, particularly for first-time juvenile offenders. Thus, the juvenile ends up admitting to the amended allegation, is placed on probation, and does not face license cancellation.

This creates an unfair result as compared to the juvenile who admitted the allegation at the informal setting. By "lawyering up" and delaying accountability, one juvenile got a benefit not available to another who more quickly accepted responsibility. I don't believe we should continue a system that encourages such a result. Under HB 1176, juvenile courts would still retain the necessary ability to cancel licenses in appropriate circumstances but not be forced to do so when the facts do not support such a remedy. For these reasons, Mr. Chairman and members of the Committee, I urge you to **support** HB 1176 with a **DO PASS** recommendation.