

HB 1228  
House Judiciary Committee  
January 25, 2021  
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today to provide neutral testimony on behalf of the Commission regarding HB 1228.

HB 1228 will effectively end presumptive probation in North Dakota. Presumptive probation is a tool created through justice reinvestment which this body crafted. Four short years ago, the 65<sup>th</sup> Legislative Assembly passed this very provision with final vote tally of 88 yeas, 2 nays in the House and 42 yeas, 0 nays in the Senate. North Dakota was heralded for taking steps to curve the burgeoning prison population. In 2017 it was expected prison populations would increase by approximately 36% by FY 2022 at a cost of more than \$100 million dollars to the taxpayers. News articles at the time reported how the research conducted by the Council of State Government Justice Center indicated 62% of prison admissions each year were for low level felonies.

This legislation seeks to add “any other factor determined by the court to be appropriate” as an override to presumptive probation. This language no longer makes presumptive probation presumptive. The way this bill is written, it serves the same as if the whole section was just removed from code.

Mr. Chairman, members of the committee, the Commission on Legal Counsel will continue to monitor this bill for potential implications on the delivery of indigent defense services.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read 'Travis W. Finck', with a stylized, sweeping flourish extending to the left.

Travis W. Finck

Executive Director, NDCLCI