

Senate Bill No. 2037
House Judiciary Committee
Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
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Chairman Klemin and members of the House Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to SB 2037.

This bill would exempt juveniles from the criminal charge of domestic violence with a limited exception. Juveniles could only be charged with domestic violence if the victim is a current or former dating partner or the two have a child in common. This would remove a large amount of people that the juvenile could cause bodily injury or serious bodily injury without being charged with domestic violence.

The current law allows for a charge of domestic violence in the case of a family or household member as defined in N.D.C.C. 14-07.1-1(4):

"Family or household member" means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.



Domestic violence is broader than those who are in an intimate relationship with each other. Domestic violence also includes individuals who are related or reside in a house together. If this law passes as is, prosecutors would not be able to charge a juvenile who causes serious bodily injury to their mother or sibling.

Although there may be other charges a prosecutor could bring this portion of the bill removes another tool in the tool belt for prosecutors to keep our communities and families safe.

Due to these reasons, we encourage the committee to amend this portion out of SB 2037 or give SB 2037 a Do-Not-Pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank You.

