

Testimony Before the Judiciary Committee

Robert Garza

Chairperson and members of the committee, my name is Robert Garza. I previously attended the last hearing on this bill, and I want to take this opportunity to address and clarify some misconceptions.

It has been stated that law enforcement does not enforce court orders—this is completely false. Law enforcement actively enforces:

1. **Child Custody Violations – Parental Kidnapping** (N.D.C.C. § 12.1-18-05)
 - Classified as a **Class C felony only if the child is taken out of state.**
 - This is precisely why this bill is needed—to address in-state violations that currently go unenforced.
2. **Protective & Restraining Orders** (N.D.C.C. § 14-07.1-06, § 12.1-31-01.2)
 - **First Violation:** Classified as a **Class A misdemeanor** and constitutes contempt of court.
 - **Second or Subsequent Violations:** Elevated to a **Class C felony.**
3. **Child Support Enforcement** (N.D.C.C. § 12.1-37-01)
 - Failure to pay child support exceeding the greater of \$2,000 is classified as a **Class C felony.**

If we enforce financial obligations and protective orders, why would we not enforce violations that deprive a child of their rightful time with a parent in state?

Regarding concerns about false child abuse reports, this bill only penalizes accusations that an individual **knows to be false**. There is no risk of prosecution for honest reports made in good faith. Fear of prosecution for honest reports is baseless.

Another misconception is that law enforcement lacks the ability to track violations. This is incorrect. Police records are linked to driver's licenses and can easily show prior offenses, including outstanding warrants and traffic violations—even those from other states. They are fully capable of identifying repeat offenders.

A vote **against** this bill supports interference in a child's relationship with both parents and allows false allegations to go unpunished. Passing this bill ensures accountability and upholds the integrity of our legal system.

I appreciate your time and consideration. I will be available online tomorrow to discuss these issues further.

Respectfully,
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