



# North Dakota Senate

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## COMMITTEES:

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### SB 2326 Testimony - House Judiciary Committee - March 16, 2025

Chair Klemin and fellow members of the House Judiciary Committee,

I bring to you SB 2326, which adds the same new language in two important sections of Century Code. Section 1 of 2326 has to do with sexual assault restraining order hearings and records and Section 2 has to do with domestic violence protection order hearings and records.

The origins of this legislation came about from someone who has worked in the juvenile justice system and is familiar with our state's online court records reaching out to me about the ability to see victim's records of a protection order on the [publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov) page. I reached out to the ND Domestic and Sexual Violence Coalition to see if they were aware of this and any knowledge, they may have of legislation to address the issue. They shared that they were seeking to have legislation proposed to formally close the hearings on a petition for a sexual assault restraining order and domestic violence protection order, since this is already the current practice of the Court. So I combined the two solutions into what is SB 2326 in front of you today.

Mister Chair and members of the committee, the [Violence Against Women Act \(VAWA\)](#) states that "A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order."<sup>1</sup> It's important to note that VAWA applies to both criminal and civil protection orders.

I believe the Courts have been good partners with those who have provided support and advocacy to victims of domestic violence and sexual assault as evidenced in their current practice of having hearings closed. It's my desire that we close these loopholes by giving victims assurances that closed hearings continue and ensure we are in compliance with VAWA by not having the filings of petitions for domestic violence protection orders and sexual assault protection orders accessible to the public.

Finally, an amendment may be appropriate to further align with VAWA. This would entail replacing the word "victim" with "protected party" which is used in VAWA to be encompassing of when the victim entails more than just one person, such as a parent and their children who are collectively seeking the appropriate protection order. This would occur on page three lines 18 and 21, as well as on page seven, lines one and three.

I hope you'll provide SB 2326 your support and I'm happy to stand for any questions or comments you may have.

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<sup>1</sup> USC Ch. 11A: Domestic Violence and Stalking 2265.d.3  
<https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter110A>