

To: **Hon. Chairman Larson**
Hon. Vice-Chair Paulson
Members of the Senate Judiciary Committee

From: **Wade G. Enget, Mountrail County State's Attorney**

Re: **HB 1364**

I am submitting this testimony in SUPPORT of HB 1364, along with a proposed amendment.

I am currently serving as the Mountrail County State's Attorney, and have been in that position since November 1, 1985. I have had the privilege of being a member of the North Central Judicial District's Drug Court Program since October of 2020.

N.D.C.C. §39-08-01.5(3) currently provides that individuals who successfully complete drug court, mental health court or veterans treatment docket shall have their alcohol-related court conviction dismissed and the file sealed. Subsection 3 was added to N.D.C.C. §39-08-01.5 by action of the North Dakota Legislature in 2019 (introduced and passed as HB 1164), which was signed into law and became effective on August 1, 2019. I believe that it was the intent of the 2019 Legislature to provide relief both in the court system and the driver's license system to those individuals who successfully complete drug court, mental health court or veterans treatment docket, as the 2019 Senate approved it by a vote of 45-0.

The impetus behind the changes envisioned by HB 1364 is to insure that individuals who successfully complete drug court, mental health court or veterans treatment docket have their *conviction and suspension order based upon an alcohol-related conviction removed from their driving record, which record is under the control of the North Dakota Department of Transportation.* Currently, there are no provisions in North Dakota law that require such action be taken by the North Dakota Department of Transportation.

Today, I am here to today to request consideration of an amendment to HB 1364. My amendment would provide relief envisioned when the 2019 Legislature approved the addition of Subsection (3) to N.D.C.C. §39-08-01.5. I know that my amendment would provide for retroactive application of removal of an individual's conviction and suspension order based upon an alcohol-related conviction removed from that individual's driving record by North Dakota Department of Transportation. However, I truly believe that the retroactivity proposed in my amendment is simply to fulfill the original intent of the 2019 legislation that became law and to give to those individuals who have successfully completed the program what they were promised.

Thank you for your time. I would request adoption of my proposed amendment and then ask for a **DO PASS** recommendation from this Committee on HB 1364.

Wade G. Enget (04165)
Mountrail County State's Attorney
101 N. Main St.
P.O. Box 69
Stanley, ND 58784
(701)628-2965