



North Dakota Association for Justice

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Madam Chair Larson and members of the Senate Judiciary Committee. My name is Jaci Hall, Executive Director of the North Dakota Association for Justice. NDAJ did not take a position on HB1588 in the House, but a concern has come up that we would like addressed in this proposed legislation.

HB1558 provides for restitution in a vehicular homicide case for minor children if a parent is killed.

This legislation has gone through many revisions, but today I ask for one more.

Notwithstanding any other provision of law, if the court orders an individual loss restitution payments under this section and the surviving parent or guardian subsequently obtains a civil judgement resulting from the criminal vehicular homicide incident, the court may not consider the parental loss restitution amount in determining the amount to be awarded in the civil judgement.

The concern is that when criminal restitution is awarded, the commencing civil judgement could be reduced by the amount awarded. This amendment would not impact the criminal judgment, because the judgement awarded is not admissible in civil proceedings. The civil proceedings do not begin until after the criminal trial, so this amendment would ensure the child receives all the judgement.

Thank you and I will stand for questions.