

HB 1104 Reduction of Time Served for Violent Offenders from 85% to 65%
Testimony of Representative Gretchen Dobervich
January 12, 2021

Good Morning Chairman Klemin and Members of the House Judiciary Committee,

For the record my name is Representative Gretchen Dobervich, I represent District 11 in Fargo. I come before you with a constituent requested amendment to section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing violent offenders. This bill was heard and passed by the House Judiciary Committee in the 2019 Legislative Session. It failed to pass the House Floor vote.

Currently, a citizen serving a sentence for a violent crime committed in North Dakota must serve 85% of their sentence before they are eligible for a hearing before the parole board. This bill seeks to reduce the time served to 65%.

When the House Chamber voted on the bill in the 2019 Session, I voted against the bill. My vote was based on wanting a safe community for all of us, I was also naïve. This Summer a constituent called me regarding her son, who is currently serving a prison sentence for a violent crime in which four of fifteen people involved in a physical altercation were charged with various crimes, including murder related to the tragic death of one of the people involved. Her story compelled me to look deeper into sentencing and parole eligibility.

Research has shown that "hard on crime" maximum penalty sentencing has not deterred crime in the United States. While our best approaches are addressing the social determinants of health and prevention, early intervention and continued supports for behavioral health, this will take time and investment of resources, and we will not see instant change.

HB 1104 does not guarantee someone who has committed a violent crime will be released from prison, it provides the opportunity for earlier consideration. This in turn offers the Department of Correction time to appropriately assist individuals in the process of reentry into communities increasing chances of community safety and personal success, versus good time/earned early release, which occurs prior to the 85% sentencing, and shortens the time period for transition services.

Thank you for the opportunity to come before you today and for your consideration of HB 1104. Mr. Chairman and member of the committee I stand for questions.