



Clayton M. Pederson
Retired NRA Sr. Field Representative – ND/SD
ND GOP District 31 Executive Board Member
Grant/Sioux County ND Farm Bureau Board Member
Sioux County Rancher

Date: January 25th, 2021

Mr. Chairman and Members of the Judiciary Committee:

My name is Clayton Pederson and I reside in Rural Sioux County ND, just north of Morristown, SD. I am a Retired National Rifle Association Sr. Field Representative and currently also own/operate our cattle ranch with my wife and 2 sons in rural Sioux County.

I am here today in SUPPORT of House Bill 1193 – The Family and Personal Protection Act, which will restore the rights of North Dakotan’s to protect themselves and their families.

Currently, NDCC 12.1-05-07 does not recognize the right of a person to properly protect themselves, their families, or others with the use of and/or deadly force if needed, rather it empowers and enables violent criminals who have no fear of the law, their own well being, or posses a moral compass of right verses wrong, to instead leave a trail of unnecessary victims and even at times, more often than is should, deny innocent people their unalienable right to life.

Right now there are a total of 34 states that have similar laws as to what is being asked of now with the introduction of the Family and Personal Protection Act before you today. One such state is South Dakota in which it became law February 17th, 2006 after it was signed by SD Governor Mike Rounds. The 1st such legislative change was passed and signed into law in 2005 and of course the others followed over the course of 15 years. When these laws were enacted, the only arguments from the opponents seemed to favor the violent criminals and worry about their “rights” with little regard for those the crimes were being perpetrated upon and the families that had to deal with the aftermath of such a crime like the murder of a loved one. Another argument was that this would create a “Wild West” type of environment, making states less safe and more dangerous. What has happened in most cases is the opposite. In fact take a look at some of the major cities like Chicago right now and see how denying the rights of innocent people to protect themselves has resulted in the highest murder rates in the United States today.

According to FBI UCR (Uniform Crime Reporting) reporting data for SD in 2010, the murder rate was 2.8 per/100,000 people and then dropped to 1.4 per/100,000 in 2018, which was a DECREASE of 1.4 per/100,000. In North Dakota where “Duty to Retreat” is required by NDCC, we see the opposite affect for the same time frame with an INCREASE of 1.3 per/100,000 people.

We saw a good example a few years ago when the Dakota Access Pipeline riots were taking place and an influx of people who were coming into the area, and many with little to no regard for the rule of law. You read many of those testimonies that are still on record today as they were given during the hearings of Senate Bill 2315 last session on another issue of rights in North Dakota, those being private property. There was illegal trespass, illegal slaughter of rancher’s livestock, actual threats of violence toward landowners, threats of destruction to private property, and more. In our rural areas of North Dakota a “Duty to Retreat” could turn tragic as so many, live 20, 50, even 70 miles or more away from any kind of law enforcement resources and it could take literally an hour for any kind of response. Seconds are everything in a threatening conflict and it really could mean life of death of an innocent North Dakotan if they were to have to basically run and hide from a violent criminal. There is also limited to no cell service in many of the western areas in North Dakota where a person could not even phone for help, and I can tell you from personal experience as a VFD member, even the “emergency system” that allows pretty much any message

to come into my phone from the fire department, doesn't allow make it, nor is a call able to be made, there just are places that will always be "out of range" of services, and one more reason those of us that live remotely and rural need to have the right to protect ourselves, family and property restored, as taking care of ourselves is a way of life and a necessity. The fear of going to jail for doing what is right and having our very rights infringed upon by a violent criminal is something nobody should have to think about in those split second moments as it could cost an innocent person their life.

Another issue I was interested in was the percent of females vs. males in North Dakota and I found that we are pretty "even" in that regard with 48.8% of the population being female, and 51.2% as male, this according to the last North Dakota US Census data available in 2010. This was of particular interest to me, as I had introduced many ladies to the world of shooting and self defense through my time with the NRA. It is actually the largest and fastest growing segment of new shooters and has been for the past 15 years. Much of this has to do with self defense and protection, particularly "college" aged young woman who will be sometimes hundreds of miles away from their homes, family, friends and safety while these predatory violent criminals have been targeting their victims now more often in those settings.

Woman are also more independent today and according to that same census bureau data from 2010, both men and woman are waiting much longer to get married. These trends are just one more reason to fix the NDCC and help our young ladies protect themselves against violent criminals who would bring harm to them.

I can attest that these young ladies, who are taking courses, learning to use their protection firearms properly, are becoming very skilled and efficient in their chosen disciplines. This is why it is so hard to imagine that even after all the training, preparation, practice, and skills learned for a situation one never wants to face, it could all be for nothing or even worse result in the death of an innocent person at the hands of a violent criminal because we failed to fix this flaw in the NDCC that required that innocent person, to forfeit their rights, forfeit their safety, or even forfeit their lives because they were supposed to stand down with a "duty" to retreat.

Mr. Chairman and Members of this committee, we are not here today to ask for you to legalize "murder", that is a crime, punishable by law to the most extreme as it should be.

Instead we are here today to ask for the restoration, to protect our God given, unalienable right to life, using everything we have at our disposal and our capabilities, with which to protect it, as well as the lives of those we hold dear to us.

We also would be able to, if needed, answer the call of a stranger in need of help, even saving their life, from the violent criminals that have zero regard for anything, yet alone the innocent, and continue on their path of taking whatever they want, whenever they want, no matter what cost, including the threat or taking of another person's life.

I would ask all of you, to ask yourselves, what would you do if violently threatened? What would you do if someone was coming at you with the intent to take your life or that of a loved one? Would you defend yourself with "Deadly Force" even though we have "Duty to Retreat" and could have severe consequences? It really is a horrible decision to have to make, one that would stay with you your entire life, but one that you can not hesitate to make and wonder to yourself, in defending your LIFE from the THREAT of Death by the hand of a violent criminal, will I end up being charged with murder and sitting in jail myself for protecting your unalienable right to life or that of others? I know what choice I would make.....do you?

I would request you cast a yes vote and recommend a DO PASS on the Family and Personal Protection Act House Bill 1193 today!

Thank you and God Bless.