

January 10, 2023
Testimony to the **House Judiciary Committee**
By Jackson J. Lofgren
Testimony in Opposition to H.B. 1121

Chairman Klemin and Members of the House Judiciary Committee:

My name is Jackson Lofgren and I reside in District 35. I have had the pleasure of practicing law in North Dakota for sixteen years. The first seven years of my career was spent working as a Special Assistant Attorney General and Assistant Morton County State's Attorney. For the last nine years I have been in private practice in Bismarck. My law practice is focused almost entirely on criminal defense. I am a past president of the North Dakota Association of Criminal Defense Lawyers. **I oppose H.B. 1121.**

There have been several prior attempts to make it a felony to commit simple assault on a health care worker. Doing some quick research, I was able to find S.B. 2268 from the 2021 session and S.B. 2193 from the 2015 session. These bills failed for good reason.

I do not deny health care workers must deal with difficult people. They have to deal with people who are stressed, under the influence of drugs, and those who suffer from mental illness. But, this bill does not help anything. A person in a drug induced blackout or a schizophrenic person is not going to know or care about the level of offenses in the Century Code. What is the criminal justice system supposed to do with an elderly person in the nursing home who is suffering from dementia and becomes aggressive with staff? If this bill passes the assumption will be they should be taken from the nursing home to the county jail because now the offense is a felony.

This is also a slippery slope. If you make it a felony to commit simple assault on a health care worker some other group will be here next session asking for enhanced criminal penalties.

For these reasons I urge you to vote **DO NOT PASS** on House Bill 1121.

Thank You,

Jackson J. Lofgren

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