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**House Bill No. 1268**  
**House Judiciary Committee**  
**Testimony Presented by Seth O'Neill, JD, MSW**  
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Chairman Klemin and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in support of HB1268. CAWS North Dakota is the statewide coalition of the domestic violence and sexual assault programs in North Dakota. In 2021, our programs served 5,417 new victims of domestic violence.

This bill would add our current definition of stalking to domestic violence for the purposes of a domestic violence protection order. These orders allow victims of domestic violence to be physically safe from their abusers.

In order for an individual to receive a domestic violence protection order they need to petition the Court. The Court must schedule a hearing within fourteen days to determine actual or imminent domestic violence has occurred. If the Court makes a finding of domestic violence, then the Court may order that the respondent refrain from contacting the petitioner and other additional remedies. If a petitioner alleges immediate and present danger of domestic violence, a court may order an ex-parte temporary order. This order remains in effect until the hearing is held. Currently, for a petitioner to receive a protection order they must prove they have experienced physical harm, bodily injury, sexual activity compelled by physical force, assault, or the threat of these things. What we are finding is domestic violence abusers are intentionally avoiding physical harm but using other methods to control their victims. Or in other situations physical harm was used in the past but is no longer needed to control the victim. By doing this,

they avoid court involvement while still gaining control over their victims life. One of the most common methods of doing this is through stalking. As our current definition states, stalking is “an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose.” This behavior can look different depending on the situation. Perhaps one of the most glaring examples is an individual repeatedly making threatening statements to a victim but not enough to count as “imminent physical harm.” I have represented victims in cases where respondents have repeatedly told the victim they will kill her if something doesn’t go his way. In these situations, the Court has found that although the behavior is concerning, the threat is not imminent enough. The problem with this is it can be difficult to determine the imminency of a threat like this and if an order is not granted in this situation someone could die.

This bill would change that by including stalking within the domestic violence protection order process. In the situation I described above, an individual could petition that this conduct is frightening them due to the legitimate fear for their life. January is National Stalking Awareness Month and I have included with my testimony factsheets with recent statistics regarding stalking. One of the most glaring statistics is the fact that stalking increases the risk of intimate partner homicide by three times.

Due to these reasons, we encourage the committee to increase public safety for domestic violence victims by giving HB1268 a do pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.