



North Dakota House of Representatives

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COMMITTEES:
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January 23, 2023

Mr. Chairman and Members of the Judiciary Committee:

For the record, Zac Ista from District 43 in Grand Forks.

HB 1269 is another bill to expand protections for victims of domestic violence and to provide additional intervention programming for those who engage in domestic violence to help prevent reoccurrences and break the dangerous cycle of domestic abuse.

Under current law, a conviction for certain crimes committed against a person's family or household member—which again we define in 14-07.1-01(4) to mean “a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time”—triggers an automatic requirement for the court to sentence the offender to a domestic violence treatment program.

This bill would expand the list of crimes that trigger such a requirement and renames “domestic violence offender treatment program” to “domestic violence offender intervention program,” which better reflects the type of programming provided to offenders.

Under current law, sentences following convictions for these crimes against a family or household member must include a mandatory order to complete domestic violence offender programming:

- Simple assault
- Assault
- Aggravated assault
- Domestic violence
- Reckless endangerment
- Terrorizing
- Menacing

HB 1269 proposes to require mandatory intervention programming upon conviction for these additional crimes when the victim is a member of the offender's family or household:

- Harassment
- Stalking
- Felonious restraint
- Unlawful imprisonment
- Criminal mischief
- Interference with an emergency call
- Violation of a disorderly conduct restraining order (DCRO)
- Violation of an order prohibiting contact (OPC)
- Violation of a domestic violence protection order (DVPO)

The reason for adding these additional crimes is to better implement the intent of why we require domestic violence offender intervention programming in the first place, which is to stop the cycle of domestic violence. Each of the proposed additional crimes are substantially similar to those already listed in the statute and are common offenses that may be the ultimate crime of conviction in a domestic incident. By including mandatory intervention programming for this broader swath of crimes, we will better serve our communities by providing rehabilitative services to more offenders and protection for more victims and potential victims. Supporters testifying behind me will elaborate on what exactly this programming does and how important this programming is to changing behaviors of offenders, which in turn means more safety for potential victims.

Of course, though, providing this programming is not without a finance cost, and I recognize there may be questions regarding how much this expansion would cost, how it would be funded, and whether adding additional crimes would result in a sort of unfunded mandate to the local agencies providing these services.

Currently, local domestic violence agencies cover the cost for court-ordered domestic violence programming, with most programs requiring participants to pay for the programming on a sliding scale fee. To help with the cost of this programming, local agencies do receive state funds through the Department of Health and Human Services. For the last few budget cycles, approximately \$300,000 per biennium has been appropriated for these programs. This budget cycle, the Governor's executive budget proposal includes an increase up to \$700,000 per biennium (which you can find in HB 1004), meaning it is reasonable to expect that our local agencies will see a significant increase in funding to use for this very important programming. But beyond that—as they will explain in further testimony—our local agencies are committed to providing this vital service to an expand class of offenders even if the state funding is not increased, because they know it will help alleviate future violence across North Dakota communities.

Therefore, members of the Committee, I urge favorable consideration of HB 1269 because it will help to stop the dangerous—and sometimes deadly—cycle of domestic violence. In doing so, we will rehabilitate more offenders and protect more potential victims.

Thank you for your consideration, and I look forward to your questions.