

HB 1269
68th Legislative Assembly
House Judiciary Committee
January 23, 2023
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, Vice Chair Karls, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for delivery of public defense services in North Dakota. On behalf of the Commission, I offer this testimony in opposition to HB 1269.

The Commission's concern is twofold: 1) the addition of criminal mischief to the crimes requiring domestic violence offender assessment and intervention; and 2) the inequities in treatment.

First, this bill adds several new charges to the list of offenses requiring domestic violence assessment and intervention. The biggest concern regards the addition to criminal mischief in NDCC 12.1-21-05. Criminal mischief only requires "willfully damaging tangible property of another". Thus, if you damage the property of a family or household member, which includes persons who are residing together, you could be required to undergo this assessment and treatment. Thus, I am not sure criminal mischief provides the same level of domestic violence concern that the other included offenses do.

Second, the Commission represents indigent individuals. Domestic Violence intervention programs can be incredibly expensive. These programs can be up to 26-27 weeks. Whereas, anger management is often a much shorter treatment.

Chairman Klemin, members of the House Judiciary, for the reasons stated herein, the Commission on Legal Counsel urges a DO NOT PASS recommendation.

Respectfully Submitted:



Travis W. Finck

Executive Director, NDCLCI