

January 23, 2023

The Honorable Lawrence R. Klemin  
Chair, North Dakota House Judiciary Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

Chairman Klemin and Members of the House Judiciary Committee,

My name is Nick Samuelson. I am an assistant state's attorney for Cass County and serve on the multi-disciplinary team for one of Cass County's two adult drug courts. I write in favor of House Bill 1280.

A lot is asked of drug court participants. They must attend regular court appearances before a district court judge, attend treatment, submit to random drug testing, maintain regular attendance at community support meetings, and maintain full time employment or be enrolled in educational or vocational training. The program's length is determined by the participant's progress but cannot take less than 12 months.

For a variety of reasons, many participants enter the program with suspended, revoked, or otherwise cancelled driving privileges. One of the most common barriers to success in drug court is transportation. With treatment, meetings, and work attendance requirements, a reliable way to get around is a must. For this reason, current law allows the Department of Transportation to issue temporary restricted driver's licenses to active drug court participants. N.D.C.C. § 39-06.1-11(3)(b).

Those who graduate drug court have successfully participated in the program for at least 12 months. They have demonstrated at least 90 consecutive days of verified abstinence from alcohol and controlled substances. They have set and met individual goals in treatment and have developed a relapse prevention plan. Research shows that court graduation is statistically significant in reducing recidivism.

Reinstatement of a drug court graduate's driving privileges is an appropriate incentive for the graduate's hard work. It is also in line with existing policy

favoring reinstatement. *See* N.D.C.C. § 39-06-42(3) (allowing a court to dismiss a charge of driving under suspension upon proof of reinstatement). It is better for society to have licensed drivers on the road because they are able to register their vehicles and obtain insurance.

Graduation from drug court is significantly more difficult than simply serving a prison sentence. Everyone wins—the participant, the public, law enforcement, taxpayers, etc.—when someone successfully completes drug court. Because drug court graduates demonstrate remarkable resolve to reach graduation, reinstatement of driving privileges is an appropriate reward. I respectfully ask the Committee recommend “do pass.”

Respectfully submitted,

*/s/ Nick Samuelson*

Nick Samuelson