



# Hettinger County Sheriff's Office

Sheriff Sarah D. Warner

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03/09/2023

House Transportation Committee  
North Dakota State Capitol  
600 East Boulevard  
Bismarck, ND 58505

RE: Support for Senate Bill 2285

Mr. Chairman, and members of the House Transportation Committee, my name is Kyle Christenson, Chief Deputy of Hettinger County Sheriff's Office.

I support Senate Bill 2285 because it will allow law enforcement officers investigating crashes, and states attorneys prosecuting the offenders, to better enforce reasonable penalties for so-called "hit and run" crashes. North Dakota Century Code § 39-08-05 currently reads, in part, *"The driver of any vehicle involved in a crash resulting only in property damage to the driver's vehicle or any other vehicle shall immediately stop[...]"*

The implication of this language leads to an interpretation that one can only be found guilty of a violation of this subsection if the damage resulting from the crash is limited to ONLY vehicles.

- The inclusion of the word "*only*", when taken in context with the statute as a whole, states that a person may be charged with a class B Misdemeanor if they fail to return to the scene of a crash *only* if they caused damage to their vehicle or another vehicle.
- If any other object is damaged, not *only* has a vehicle been damaged. Thus, § 39-08-05 and the class B Misdemeanor penalty cannot apply to that incident. The prosecutor must then defer to § 39-08-09 which states a fine of fifty dollars is to be assessed.
- Use of the word "*only*" creates a broad opportunity for people who are otherwise guilty of a "hit and run" offense to avoid a class B Misdemeanor offense and, instead, simply be found guilty of an infraction and be required to pay a fifty-dollar fine.
- A potential \$50 fine is little incentive to encourage drivers to report a crash which caused property damage.
- SB 2285's proposed changes to § 39-08-05 removes the word "*only*" so as to give more teeth to Peace Officers and prosecutors when a defendant has fled the scene of a reportable crash.
- For example, an intoxicated driver may fail to report a crash to avoid being arrested for DUI (a class B Misdemeanor). The proposed change would still hold the same level of offense for failing to report said crash.
  - Say the driver strikes a fence, or any other fixed object, resulting in damage to that object. If they leave the scene and are found later they may only be fined \$50 since the damage was not only to their vehicle. The driver has evaded a class B Misdemeanor and less incentive to flee the scene of a crash in the future.



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In summary, SB 2285 amends language in North Dakota Century Code in order to correct what is likely a simple, but significant, oversight. However, it is an oversight which allows a driver to get away with a hit and run crash and face little penalty. Our Bill proposal was reviewed and is fully supported by the Hettinger County State's Attorney's Office.

Prior to Senator Schaible entering this Bill, Hettinger County Sheriff Sarah Warner and I had a meeting with Attorney General Drew Wrigley and Deputy Attorney General Claire Ness in the Attorney General's Office. We discussed the issue at hand and both agreed that it needs to be changed to close this loophole.

There is a great deal of support for this bill from local and state law enforcement officers, local prosecutors, and even the North Dakota Attorney General.

I respectfully recommend a "Do Pass" vote on this Bill.

Respectfully,

A handwritten signature in black ink, appearing to read "K.C.", followed by a long horizontal line extending to the right.

Kyle Christenson  
Chief Deputy  
Hettinger County Sheriff's Office