

House Bill No. 1160
Senate Judiciary Committee

Testimony Presented by
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For the record, my name is Karen Kringlie and I am the Director of Juvenile Court in the East Central and Southeast Judicial Districts of North Dakota. I am appearing today on House Bill 1160 to offer neutral testimony from the prospective of the juvenile court.

In addition to other statutorily assigned duties and case types, the juvenile court has jurisdiction over youth up to the age of 20 for alleged delinquent acts that occurred prior to the child's 18th birthday. North Dakota juvenile courts have had that upper limit of the age of 20 years, because the legislature recognized that it would be unjust to allow a youth to commit a delinquent act shortly before their 18th birthday and simply "age out" of the court's jurisdiction without being held accountable. These two additional years has given young people the age-appropriate protections of the juvenile court process while allowing the juvenile court staff time to work with the young adult. For example, a youth found to have committed a drug related offense very close to their 18th birthday can continue on juvenile probation and participate in a juvenile drug court up to their 20th birthday. This is good for the youth and allows them to continue to receive juvenile rehabilitative services while holding them accountable for their actions in a way that recognizes that they were a kid when the law violation occurred. Keep in mind that current law allows youth to be transferred to adult court for extremely serious acts and nothing in this bill would change that ability for serious crimes to be addressed through a transfer to adult court.

What this bill does is remove the upper limit of the age of 20 in determining juvenile court jurisdiction. It unifies the concept long held that child acts should be handled by a specialized juvenile court by basing the jurisdictional age on the age at the time of the offense instead of the age at the time of the legal proceedings. Other states have ensured this method of conferring jurisdiction. Kentucky and Missouri are two recent examples. These states created statutes that clearly create juvenile court jurisdiction over all individuals alleged to have committed a delinquent act prior to reaching the age of 18, regardless of their age at the time the legal case is filed.

The states attorney would still have the ability to file a motion for transfer to adult court in cases where they believe the individual is not amenable to treatment in the juvenile system. The bill lays out that the court has the authority to have the Department of Corrections perform the probation supervision for individuals age 20 or more, which makes sense as the Department is more experienced in supervising older, young adults than the court's juvenile probation staff who are experts in youth age 20 and younger.

From the court's perspective, we would anticipate a small number of cases would fall into this category of individuals over the age of 20.

Thank you for the opportunity to provide testimony. I stand for any questions.