

North Dakota State's Attorneys' Association

March 6, 2023

Senate Judiciary

RE: House Bill No. 1459

Chairman Larson, Vice-Chair Paul, Vice-Chair Sickler, and Members of the Senate Judiciary:

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter to express a concern with House Bill 1459 as written and to request clarification.

The proposed amendment to N.D.C.C. 19-03.1-23.1 provides increased penalties for certain drug offenses occurring in, on, or within three hundred feet of a public park, but it does not define what a public park is. Our concern is that in trying to enforce this law, there will be too much ambiguity as it is currently written.

Does a baseball diamond owned by Parks & Rec qualify as a public park? Does a communal play area located between four buildings in an apartment complex qualify? As written, there is no clarification for what the intent of the Bill is and we would appreciate clarification and definition before any action is taken on this Bill.

Thank you for taking the time to hear our concerns.

On behalf of the North Dakota State's Attorneys:


Ashley L. Lies, Executive Director