

**Senate Bill 2106**  
**House Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**January 10, 2022**

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2106.

Senate Bill 2106 amends sections 29-16-01 and 29-22-33 and repeals section 29-21-16. These sections discuss a plea of once in jeopardy. This is an antiquated term which is rarely asserted and, essentially, precludes double jeopardy. However, the North Dakota Constitution in Article I, Section 12, already precludes double jeopardy. The plea of once in jeopardy is unnecessary and more confusing than helpful. Therefore, we are seeking to remove reference to a plea of once in jeopardy. Thank you for your consideration and we urge a do pass.