



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

Drew H. Wrigley
ATTORNEY GENERAL

For the record, I am Jeremy Ensrud. I am appearing on behalf of the Attorney General's Office. I am an assistant attorney general in the criminal division. I appear in support of SB 2017.

SB 2017 is a necessary response to the uptick in violent crime in North Dakota, specifically violent crime involving firearms. Attached as Exhibit 1 are the number of incidents of different crimes of violence and drug possession or sales. These numbers track from 1999 to 2021. While these numbers have increased exponentially, this legislation is narrowly targeted at those crimes committed with possessing, brandishing, or discharging a firearm.

Attached as Exhibit 2 are the numbers of individuals incarcerated and serving a minimum mandatory sentence for aggravated assault, robbery, burglary, terrorizing, and reckless endangerment. These numbers are not the number sentenced by year, but rather the cumulative total in the state penitentiary on December 31st of each year. Under the existing law these crimes currently require a 2-year minimum mandatory for C felonies and a 4-year minimum mandatory for B felonies. The second column is the total number of individuals serving minimum mandatory sentences for all crimes, not just firearm related crimes.

At the first hearing, numerous individuals raised concerns as to the effectiveness of increased penalties on criminal deterrence. The only crime in North Dakota that has increased penalties in the last decade that I am aware of is driving under the influence. DUI numbers are included in Exhibit 1 as well. In 2013, the legislature created a new crime for refusing to submit to testing and increased the minimum mandatory penalties. This was done out of concern for the rising number of DUI cases. Immediately after the new legislation went into effect, DUI numbers began dropping. In a period of 8 years, DUI numbers have nearly been cut in half. This is an example of the legislature identifying a worrying trend, increasing the associated minimum mandatory penalties, and having great success.

Thank you for your consideration.

	Homicide	Forcible Rape	Robbery	Aggravated Assault	Burglary	Drugs	Drug Sales	DUI
1999	13	147	70	217	2200	1456	159	5179
2000	8	173	62	319	2004	1501	188	4304
2001	9	159	71	275	2027	1658	118	4301
2002	6	167	71	309	2250	1752	134	4467
2003	12	143	55	289	1814	2045	143	4854
2004	10	181	49	343	1953	2078	318	5783
2005	14	179	53	444	1966	2343	284	5946
2006	9	195	72	532	2302	2256	298	6488
2007	17	202	68	599	2096	2323	217	6085
2008	4	222	71	738	2035	2158	250	5815
2009	15	206	102	795	2180	2063	257	5819
2010	11	222	85	847	1826	2791	338	6050
2011	15	207	91	1040	2227	3344	346	6600
2012	20	243	117	1071	2200	3698	269	7322
2013	14	237	151	1156	2656	4064	325	7086
2014	19	251	166	1145	2490	5154		6705
2015	21	287	157	1185	3212	5648		6189
2016	17	260	181	1132	3051	6086		5406
2017	12	310	183	1216	2673	6453		5597
2018	17	315	158	1304	2505	6884		5148
2019	26	350	176	1251	2525	6444		4828
2020	32	316	145	1371	2832	6095		4175
2021	17	340	186	1521	2899	6451		4040
1999-2001	30	479	203	811	6231	4615		
2019-2021	75	1006	507	4143	8256	18990		
Increase	150%	110%	149%	411%	32%	311%		

	Burglary, AA, Robbery, Terrorizing, RE	All
2004	35 total	135 total
2005	39 total	124 total
2006	28 total	110 total
2007	19 total	70 total
2008	30 total	92 total
2009	25 total	89 total
2010	25 total	105 total
2011	31 total	117 total
2012	26 total	114 total
2013	32 total	99 total
2014	25 total	82 total
2015	17 total	68 total
2016	36 total	121 total
2017	49 total	128 total
2018	54 total	115 total
2019	67 total	122 total
2020	63 total	120 total
2021	72 total	149 total

	Avg. Prison Population	Simple Drug Dealing	Violent	Sexual	Property	
2004	1252	14.30%	20.20%	28.40%	14.70%	25.80%
2005	1335	17.50%	20.00%	29.70%	13.80%	21.80%
2006	1402					
2007	1408					
2008	1436					
2009	1451					
2010	1505					
2011	1440					
2012	1536					
2013	1576					
2014	1718					
2015	1795					
2016	1791					
2017	1723	10.45%	16.13%	34.82%	17.06%	19.15%
2018	1695	10.38%	16.87%	34.75%	17.76%	18.47%
2019	1794	10.37%	15.44%	36.12%	16.89%	19.23%
2020	1401	6.28%	14.85%	41.97%	20.91%	14.42%
2021	1689	7.20%	14.45%	40.60%	18.18%	18.47%