

Dear Members of the Senate Judiciary Committee,

I write today to ask you to issue a DO NOT PASS recommendation for Senate Bill 2385. I am an Assistant State's Attorney in Grand Forks County. I write to you not as a representative of my office, but as a person with experience in this area who has concerns about the negative policy implications of this bill.

Senate Bill 2385 would greatly hinder law enforcement's ability to seize evidence of criminal activity.

This bill is overbroad and does not serve the interests of justice. Further, there are already remedies available for individuals to get their property back if it is improperly seized. Under Rule 41(e) of the North Dakota Rules of Criminal Procedure, "a person aggrieved by an unlawful search and seizure of property or evidence or by the deprivation of property may move the trial court for the return of the property or evidence."

Senate Bill 2385 would turn law enforcement officers doing their jobs by collecting evidence into thieves.

Officers on the street do not have the ability to provide suspects with due process of law before collecting evidence. Due process ordinarily means "notice and an opportunity to be heard" before a court or magistrate. Magistrates are not riding in squad cars, and I doubt our district court judges/magistrates wish to be contacted every time an officer wishes to collect evidence.

I ask you to issue a DO NOT PASS recommendation on SB 2385.

Very respectfully,

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal line that ends in a hook.

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Andrew Eyre  
Assistant State's Attorney  
Grand Forks County