

TESTIMONY OF

Major Tom Iverson, Chief of Operations

Good afternoon Chairwoman Larson and members of the committee. My name is Tom Iverson and I serve as the chief of operations for the North Dakota Highway Patrol. I am here to provide testimony in opposition of Senate Bill 2385.

This bill amends NDCC 12.1-23-02 relating to theft of property. The language within the bill seeks to define theft of property if a public servant or political subdivision seizes or confiscates private property before providing the owner with due process of law.

As a sworn law enforcement officer, I certainly appreciate the need to protect people's rights, especially the protection of life, liberty, and property. Those are constitutional rights afforded to all.

However, in the event one of our troopers makes a traffic stop on a vehicle and it is discovered the driver is trafficking illegal drugs across our state, the vehicle will be thoroughly searched for additional evidence. Additional items seized as evidence may include such things as smoking devices, scales, baggies, handguns, ledgers, cell phones, etc. Each of these items have a rightful owner, typically the driver or occupant of the vehicle. Law enforcement must be able to seize these items of evidence as they are all crucial to the prosecution of the case. Without said evidence being seized by law enforcement, there will be no prosecution, and these items will be right back on the streets.

This bill makes it nearly impossible for law enforcement to seize evidence of a crime, as most all evidence of a crime may be considered personal property. The owner of the items seized as evidence will in fact be provided due process of law, but the necessary evidence must be seized first in order to provide that due process.

This concludes my testimony. I am happy to answer any questions you may have.