



Hettinger County Sheriff's Office

Sheriff Sarah D. Warner

01/26/2023

Transportation Committee
North Dakota State Capitol
600 East Boulevard
Bismarck, ND 58505

RE: Testimony in support of Senate Bill 2285

Mr. Chairman, and members of the Transportation Committee, my name is Kyle Christenson. I am Chief Deputy of Hettinger County Sheriff's Office.

I support SB 2285 because it will allow peace officers investigating crashes, and the states attorneys prosecuting the offenders, to better enforce reasonable penalties for so-called "hit and run" crashes.

North Dakota Century Code § 39-08-05 currently reads, in part, "*The driver of any vehicle involved in a crash resulting only in property damage to the driver's vehicle or any other vehicle shall immediately stop[...]Any person failing to stop or comply with the requirements in this section is guilty of a class B misdemeanor.*"

The inclusion of the word "*only*", when taken in context with the statute as a whole, leads to the implication that a person may be charged with a class B Misdemeanor if they fail to return to the scene of a crash *only* if they caused damage to their vehicle or another vehicle. If any other object is damaged, no longer has *only* a vehicle been damaged. Thus, § 39-08-05 cannot apply to that incident and avoids the class B Misdemeanor penalty that goes along with it. The prosecutor must then defer to § 39-08-09 which states a fine of fifty dollars is to be assessed.

A potential fifty-dollar fine under § 39-08-09 is little incentive to encourage drivers to report a crash which caused property damage.

Say for example, an intoxicated driver may fail to give notice of a crash involving other property to avoid being arrested for DUI. Perhaps they struck a fence or a pet dog. If they are found later, they may be fined just fifty dollars, since the total damage caused by the crash was not *only* to their vehicle. That driver has successfully evaded a class B Misdemeanor penalty and has more incentive to flee the scene of a crash in the future.

In summary, the proposed changes to § 39-08-05 in SB 2285 provide a stronger penalty for peace officers and prosecutors when a defendant has fled the scene of a crash resulting in damage to other property without first giving proper notice as required. I urge you to support this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "K. Christenson".

Kyle Christenson
Chief Deputy
Hettinger County Sheriff's Office