



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Opposing House Bill 1373

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Good morning Chairman Ruby and honorable members of the House Human Services Committee. My name is Mark Jorritsma, and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in opposition to House Bill 1373 and respectfully request that you render a “DO NOT PASS” on this bill. I would also like to refer you to the final page of this testimony, which contains our organization’s formal position on this issue, which was issued in April of 2024.

This bill has been called, “Equal protection under the law for pre-born persons.” While that sounds noble and equitable, this bill has become fundamentally about criminalizing women for their abortion, as well as all others tangentially related to the abortion.

Biblical Basis

As a Christian organization, we believe in protecting life at all stages. We also believe that the mother is often the abortion’s second victim. Similar to women who are victims of human trafficking, we believe the focus should be on punishing the source of the criminal activity, in this case the abortionists who profit from killing innocent children by providing abortion drugs, and not the women who suffer because of it.

From a biblical standpoint, the issue is about balancing justice with mercy. Numerous biblical texts clearly point to situations when it is more important to side with mercy over justice (Zechariah 7:9, Matthew 5:7, James 2:13, John 8:3-11). Each side in this debate can quote bible verses and debate theological arguments forever, and yet at the end of the day, will likely hold the same viewpoints as they did at the beginning. As Christians in America, we seek to be salt and light in a fallen world. It should not be Christian against Christian or mother against child, but Christian values against our country’s abortion complex.

Practical Basis

Using figures from the ND Department of Health and Human Services, 743 women received pills for abortions at the Red River Women’s Clinic in 2020. It’s safe to assume that the same number of women, maybe more, would be getting abortion pills elsewhere now,



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particularly since they don't have to even visit with a doctor at an abortion clinic. This means that 743+ women could have an abortion in ND and be charged if this bill were to become law.

But that's not the end. Consider those other people associated with the abortion act who would also be guilty, presumably as accomplices. It's reasonable to assume that if a young lady were to become pregnant and consider an abortion, she will have at least told one other person; perhaps her best friend, her mom, or the father of the child. That's a minimum of one more person (probably more) who would know about the abortion and be implicated. Now we are up to almost 1,500 (743x2) ND citizens who have committed a crime and must be prosecuted. Further, if this crime is premeditated and classified as a AA Felony, which it likely would be for the mom, she could receive a sentence of life in prison without the possibility of parole for at least 30 years. If she is not caught, she will be looking over her shoulder for the rest of her life, because there is no statute of limitations for a AA Felony in our state.

There is still more. Law enforcement would be diverted from other tasks in order to arrest 18-year-old girls and throw them in prison. The courts would be clogged with criminal trials and the North Dakota Department of Corrections and Rehabilitation would experience a 73% increase in their total prison population.¹

Why did I go through this whole scenario? Because on solely a pragmatic/workability perspective, the numbers clearly show how impractical and unworkable this bill is.

Legal Basis

I am not a lawyer, so while I would love to testify on this basis, I am not sufficiently qualified and I will leave that to other individuals.

Strategic Basis

As we've seen over the past 50+ years, the fight for human life in our country is a marathon, not a sprint. The solution is not short-term public policy that provides additional ammunition for the other side to continue falsely asserting that Christians hate women who have abortions. Instead, the pro-life movement should be committed to saving the life of the child and showing the love of Christ to these women needing our grace and mercy.

¹ 1,500/2,043 current DOCr prisoners. <https://dashboard.docr.nd.gov/us-nd/narratives/prison/2>



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Other Issues

From a political perspective, this type of legislation would be fraught with significant public policy problems. It does not account for coercion of the mother, nor does it differentiate between chemical abortifacients and spontaneous miscarriages. There are critical HIPAA concerns, and the burden of proving intent for the mother and “co-conspirators”. There is also the very real possibility that pregnant mothers will be driven “underground” and stop visiting pregnancy resource clinics, meaning that ultrasounds would be performed on far fewer women, and this very important tool might no longer influence pro-life decision-making.

Final Thoughts

As I stated at the beginning, our organization provided its formal position on this issue in April of 2024. It was provided to delegates of the NDGOP convention, as well as via email to every one of our thousands of constituents across North Dakota. Since that time, we have never received a single negative email or other communication from them on our position, but we have had quite a few constituents and others praising our stance on the issue. Pro-life North Dakotans don’t want mothers to be criminalized for abortions.

I’m sure that the authors and supporters of this bill sincerely believe that it would stop abortions in North Dakota – I am not questioning their motives or belief in this approach. However, North Dakota Family Alliance Legislative Action strongly believes that passage of HB 1373 in its current form would not be consistent with biblical teachings, would undermine decades of work by the pro-life movement in our country and state, would represent a logistical and operational nightmare, and would create a host of other problems that alienate these women, rather than help them.

Let me end with this. Our organization clearly has significant issues with this bill, however, we have to acknowledge that proponents of this bill want the same thing we do – no more abortions in North Dakota. With that in mind, we would encourage the committee to consider undertaking a study during the 2025-2027 interim period to determine whether the concepts presented in this bill could be modified to eliminate some of the issues we’ve discussed. While we agree that eliminating abortion in ND is the goal, this bill as it sits simply isn’t the right tool to do it, so let’s see if we can move ahead together using our best ideas and strategy to achieve our shared goal.



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The aforementioned study recommendation notwithstanding, our organization and its constituents must oppose HB 1373 and ask you to render a “DO NOT PASS” on this bill.

Thank you for the opportunity to testify and I would be happy to stand for any questions.



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Statement on Criminalization of Women Who Have Abortions

Recent public policy discussions in North Dakota have focused on the criminalization of women who have abortions. This is a difficult issue, with principled opinions on both sides of the topic. However, North Dakota Family Alliance does not support measures that seek to criminalize or punish these women, and we oppose including such penalties in legislation.

As a Christian organization, NDFA believes in protecting life at all stages. We also believe that the mother is often the abortion's second victim. Similar to women who are victims of human trafficking, we believe the focus should be on punishing the source of the criminal activity, in this case the abortionists who profit from killing innocent children by providing abortion drugs, and not the women who suffer because of it.

From a biblical standpoint, the issue is about balancing justice with mercy. Numerous biblical texts clearly point to situations when it is more important to side with mercy over justice (Zechariah 7:9, Matthew 7:2, James 2:8, John 8:3-11). As Christians in America, we seek to be salt and light in a fallen world. It is not mother against child, but Christian values against our country's abortion complex.

We know that abortion has deep and lasting negative effects on a woman's physical, psychological, and spiritual health. A frightened, pregnant woman needs help, not the threat of criminal prosecution, and as Christians, we *can* help. In a study published by BioMed Central, over 70% of post-abortive women said they had an abortion because of financial or partner-related reasons. To help, we propose considering ways to continue supporting women with additional adoption incentives, more daycare options, additional assistance for women in abusive situations, and similar constructive solutions.

From a political perspective, this type of legislation would be fraught with significant public policy and enforcement problems. It does not account for coercion of the mother, nor does it differentiate between chemical abortifacients and spontaneous miscarriages. There are critical HIPAA concerns, statute of limitations questions, and the burden of proving intent for the mother and "co-conspirators". We would be putting law enforcement into an untenable situation and would end up funding the inevitable court cases arising from such short-sighted legislation.

As we've seen over the past 50 years, the fight for human life in our country is a marathon, not a sprint. The solution is not short-term public policy that provides additional ammunition for the other side to continue falsely asserting that Christians hate women who have abortions. Instead, the pro-life movement should be committed to saving the life of the child and showing the love of Christ to these women needing our grace and mercy.