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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

January 21, 2025

Chairman Lawrence R. Klemin
Chair, House Judiciary Committee

Remarks of
Michelle Richart
Midwest Regional Liaison
United States Department of Defense-State Liaison Office

Support of: HB1033 – Relating to a concurrent federal jurisdiction on military installations.

Testimony

Chairman Klemin and honorable members of the House Judiciary Committee, the Department of Defense is grateful for the opportunity to support the policies reflected in HB1033, an act relating to concurrent jurisdiction on military installations.

My name is Michelle Richart. I am the Midwest Regional Liaison at the DoD-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness.

We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

We support the policy changes reflected in HB1033, which supports the Department's efforts to remove barriers to the appropriate investigation and adjudication of juvenile matters by civilian authorities. Thank you for considering this important issue.

North Dakota has no mechanism in state code for the federal government to offer concurrent jurisdiction back to the state. This proposal does not automatically confer concurrent jurisdiction, but would establish a permissive, streamlined process for concurrent jurisdiction between North Dakota and the Federal Government with terms agreed to by both parties.

Serious juvenile misconduct on military installations and federal property subject to exclusive federal legislative jurisdiction can only be adjudicated in the federal court system, which is designed for adults. States' juvenile courts can adjudicate juvenile offenses when concurrent jurisdiction is established between state and federal authorities, allowing for more appropriate sentencing and case management outcomes.

Utilizing only a memorandum of understanding for the referral of cases in areas of exclusive federal jurisdiction, particularly when there is not current jurisdiction, does not create enforceable law, nor is there legal support for transferring jurisdiction through such means. HB 1033 solves these concerns by providing statutory authorization for the state to accept federal relinquishment.

The broader mission to support children, youth, and families remains a high-priority item for the Department. Clarifying that North Dakota authorities may assert jurisdiction over juveniles on military installations in areas of exclusive federal legislative jurisdiction, enables state law authorities to enforce laws on base with respect to civilian family members with validity.

In closing, let me say that we are grateful for the tremendous effort that North Dakota has historically given in supporting our service members and their families. Thank you to Representative Klemin for introducing this policy change. On behalf of the Department of Defense, we urge a Do Pass recommendation on HB1033.

Very Respectfully,

A handwritten signature in cursive script, reading "Michelle Richart".

MICHELLE RICHART
Midwest Regional Liaison
Defense-State Liaison Office