



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Opposition to House Bill 1231

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 20, 2025

Dear Chairman Klemin and honorable members of the House Judiciary 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 1231 and respectfully request that you render a “DO NOT PASS” on this bill.

HB 1231 is intended to allow for reductions in sex offender registration periods. Current time periods for registration are a minimum of 15 years, which is the registration period this bill addresses. The bill would permit the reduction of this period to 7 years, with court approval.

North Dakota Family Alliance Legislative Action has three significant problems with this bill. The first is directly related to the inherent nature of the crime and proportionality of the punishment. The following table is taken from the North Dakota Offender Registration Procedures Manual and lists the crimes for which those found guilty must register.¹

¹ <https://sexoffender.nd.gov/Content/Documents/OffenderRegistrationManual.pdf>

APPLICABLE OFFENSES

The following lists identify those offenses to which registration applies.

SEXUAL OFFENDER STATUTES

<u>NDCC Section</u>	<u>Offense</u>
12.1-20-03	Gross Sexual Imposition
12.1-20-03.1	Continuous Sexual Abuse
12.1-20-04	Sexual Imposition
12.1-20-05	Corruption or Solicitation of Minors
12.1-20-05.1	Luring Minors by Computer
12.1-20-06	Sexual Abuse of Wards
12.1-20-07	Sexual Assault (Class C felony and Class A misdemeanor)
12.1-20-11	Incest
12.1-20-12.1	Indecent Exposure
12.1-20-12.2	Surreptitious Intrusion
12.1-27.2	Sexual Performance by Children (All Offenses)
12.1-27.1-03.3	Creating, possession, or dissemination of sexually expressive images prohibited
12.1-40	Sex Trafficking

OFFENDERS AGAINST CHILDREN STATUTES (offenses in which the victim is a child)

<u>NDCC</u>	<u>Section Offense</u>
12.1-16	Homicide (All Offenses)
12.1-17-01.1	Assault (Felony only)
12.1-17-02	Aggravated Assault
12.1-17-04	Terrorizing
12.1-17-07.1	Stalking (Felony only)
12.1-18-01	Kidnapping
12.1-18-02	Felonious Restraint
12.1-18-05	Removal of Child from State in Violation of Custody Decree
12.1-29	Prostitution (All Offenses)
14-09-22, Subdivision a. of Criminal Child Abuse subsection 1, or subsection 2	

Note: A person must also register if that person has pled guilty or nolo contendere to, or been found guilty of, an offense in a tribal court, municipal court, or a court of another state, country, or the federal government, which is equivalent to those offenses set forth above.

At a very personal level, we fail to find any one of these offenses on a prima facia basis warranting a reduction of registration. This can be confirmed with a few simple lookups of particular crime definitions in the Century Code. We fail to see why registration reduction would be warranted, particularly for these types of crimes.

Second, the possible reduction of sentence essentially “second guesses” the initial sentencing handed down for the crime. However, we would contend that when the initial sentencing occurred, *the judge already assumed that the items in Section 1-(4) would occur (e.g., no parole violations, no felony offense, no sexual offense)*. It does not make sense to “reward” a criminal for something that was already presumed in their initial sentencing.

Our final objection to this bill is the level of involvement of the victim in this process. While this is formally optional in the bill, the practical matter is that almost no victim will want the registration period for their perpetrator reduced and therefore, they will be induced to become involved in the process. Simply recalling this event, and in particular, finding that the perpetrator of the sexual offense against them wants a reduced punishment is another source of trauma for a victim who is trying to put the incident behind them. In effect, the victim is being asked to explain why their suffering should overrule the good behavior of the offender. Do we really want to put victims of sexual assault through this? It seems exceptionally cruel and unfair.

While I’m sure that the creation of this bill was based upon noble intentions, it has too many significant issues: not fully considering the severity of these crimes, second-guessing initial sentences, and re-traumatizing victims. For these reasons, North Dakota Family Alliance Legislative Action requests that you render a “DO NOT PASS” on House Bill 1231. Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action