



Protection & Advocacy Project

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House Judiciary Committee
House Bill 1341 - January 28, 2025
Testimony of Brad Peterson, P&A Legal Director

Greetings Chairman Klemin and members of the House Human Services Committee. I am Brad Peterson, the Legal Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work, and play.

P&A opposes HB 1341. HB 1341 amends the definition of simple assault 12.1-17-01(2)(a) to add hospital worker to the list of individuals who when victims of a willful or negligent assault automatically result in a person causing the assault to be charge with a class C felony instead of a class B misdemeanor.

P&A is concerned the expansion of 12.1-17-01(2)(a) will result in individuals with significant mental health or behavioral issues being charged with a felony simply because they were not fully aware of their surrounding environment such as a local emergency room or the North Dakota State Hospital. A person voluntarily seeking out help during an event should not be punished at a felony level as it would likely dissuade the individual from seeking emergency care resulting in the person becoming a danger to themselves and their community.

P&A also is concerned about the negative impact a felony conviction under 12.1-17-01(2) would have on an individual being able to secure certain services to ensure the individual receives services in the most integrated settings appropriate to their needs as envisioned in the Americans with Disabilities Act and Olmstead v. L.C.

Thank you for your time and consideration.

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