

HB 1425
69th Legislative Assembly
House Judiciary Committee
February 5, 2025
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1425.

The Commission has followed the efforts of the interim legislative committee working on these important issues. We have had an opportunity to collaborate with other stakeholders in the criminal legal system. This bill and others you will hear related to the interim study are bills that are researched to North Dakota data, are methods that have shown positive results in addressing issues North Dakota is facing. Additionally, this bill is a result of discussion and collaboration in the interim.

The Commission supports efforts of the interim committee and now the 69th Legislative Assembly to work towards implementing smart reforms to address issues in our criminal legal system. Section 1 sets up a program to allow for prosecution led diversion programs. According to a report from the National Conference of State Legislatures, 19 states have now implemented prosecution led diversion programs.ⁱ These programs allow those in the trenches to establish programs that work best in their jurisdictions.

Section 2 of HB 1425 establishes deflection programs. According to the National Conference of State Legislatures, Research has shown eight benefits to deflection programs:

- Breaking the costly cycle of justice-system involvement for eligible individuals.
- Increasing cross-system collaboration to create new pathways to community-based services.
- Enhancing relations between community members and law enforcement.
- Decreasing crime, incarceration and recidivism rates.

- Lessening the burden on justice systems.
- Improving public health and safety.
- Ensuring equal access to deflection programs regardless of race, income or geography.
- Saving taxpayer dollars.ⁱⁱ

The final sections of HB 1425 deal with pre-trial supervision and supervision on the diversion and deflection programs. The Commission has been a partner with the Department of Corrections and Rehabilitation since the beginning in establishing pre-trial service programs in North Dakota. These programs are vital and should be expanded in North Dakota. Research shows even a single day of detention on a pre-trial status can destabilize employmentⁱⁱⁱ, can lead to longer sentences^{iv}, distrust in the legal system and increase in the likelihood of future criminal involvement^v.

For the reasons states herein, the Commission requests a DO PASS recommendation on House Bill 1425.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI

ⁱ Widgery, Amber; The Legislative Primer Series for Front-End Justice: Deflection and Diversion, National Conference of State Legislatures (August 2023). Found at <https://documents.ncsl.org/wwwncsl/Criminal-Justice/Deflection-Diversion-f02.pdf>

ⁱⁱ Id.

ⁱⁱⁱ Smith, Sandra Susan; Federal Probation 86.3 (December 2022):p. 11-18

^{iv} Digard, Leon and Elizabeth Swavola; Justice Denied: The Harmful and Lasting Effects of Pretrial Detention, Vera Institute of Justice (April 2019). Found at <https://vera-institute.files.svdcn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

^v Id.