

February 16, 2025

Testimony prepared for:
House Judiciary Committee
submitted via written testimony

RE: Testimony in Support of House Bill 1596

Dear Chairman Klemin and Members of the House Judiciary Committee:

I am writing today in support of House Bill 1596.

As the Stark County State's Attorney, I understand how small amount marijuana and marijuana paraphernalia cases can create quite a bit of work for law enforcement, prosecutors, and the courts. In Stark County, if an individual is charged with an infraction level marijuana charge, that individual must make an initial appearance at a set time and date. At the initial appearance the individual can elect to either plead guilty or proceed with a bench trial at a later date. If the case does not get resolved, a bench trial is scheduled, and the citing officer(s) is subpoenaed. My office does attempt to resolve the case prior to the bench trial date, but for many reasons, is not always successful. In my experience, many times the individual either fails to appear or pleads guilty at the bench trial. At this point in the process, court time has been set aside, the officer(s) have been subpoenaed and appeared, and the prosecutor has prepared to put on their case. This all takes time and resources.

In my experience, a good number of the individuals cited for marijuana infractions are individuals that don't reside here and are only passing through North Dakota. When cited, these individuals will have to make arrangements to come back to North Dakota for their initial appearance or attempt to appear via reliable electronic means. If they fail to appear a bench warrant is issued. This again causes more paperwork and more disruption to an already busy court system.

Allowing law enforcement to issue a citation with a set fine amount to an individual found to be in possession of a small amount of marijuana or marijuana paraphernalia promotes judicial efficiency and economy. It will allow that individual to simply pay the set fine and be on their way, while still leaving open the option of a court hearing. Similar to a traffic ticket, in order to proceed with a court hearing, the individual must pay the fine (bond) amount. If the individual then fails to appear for the requested court hearing, the fine (bond) amount is simply forfeited. This will save time and resources.

In conclusion, this bill will free up prosecutor's time, law enforcement's time, and the court dockets. It strikes the right balance between holding an individual accountable for possession of small amounts of marijuana and marijuana paraphernalia, who, may have bought those products legally in another state, while not placing a large burden on the criminal justice system.

Thank you for your time and consideration.

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