



March 10th, 2025

North Dakota Legislature
600 East Boulevard Ave
Bismark, ND 58505

Representative Lawrence Klemin
House Judiciary Committee Chair

Subject: Statement in support of SB 2128 – “Truth in Sentencing”

I am David Zimmer, Public Safety Policy Fellow with Center of the American Experiment, ND, a position I have held for the past 3 years following a 33-year career as a licensed peace officer with the Hennepin County Sheriff’s Office in Minneapolis.

I write in support of SB 2128 which seeks to improve public safety by ensuring swift and sure punishment for several crimes in North Dakota. The Bill was sent to the house in late February, though it does not appear to have a House bill number assigned yet.

Whether it’s fleeing police in a motor vehicle, interfering in an arrest, or assaulting a peace officer, these crimes are a direct affront to law and order in North Dakota. Failing to properly address these crimes leads to a breakdown in respect for authority and a corresponding weakening of any deterrent effect the system hopes to achieve.

As the Fargo Forum Editorial Board opined in 2022 – *“We cannot allow criminals to flee law enforcement with impunity. That leads to a climate of disregard for the law, which send out dangerous ripple effects.”*

The Forum was correct, and the ripple effects of failing to apply swift and certain consequences for criminal offending are being felt by North Dakotans in 2025.

In the past ten years the number of offenses in the Crimes Against Persons category has increased by 43.4% in North Dakota. Even more troubling is that during that same period the number of arrests for Crimes Against Persons carried out by juvenile offenders increased by 142%. The message being sent to criminal offenders by North Dakota’s criminal justice system is failing to serve as a deterrent. That needs to change, and it can change by adopting the measures proposed in SB 2128.

A long-established truth in public safety is that deterrence is achieved when would be offenders believe that if they commit a crime they will be caught and punished. The severity of a sentence isn’t as important as the certainty of a consequence. SB 2128 moves North Dakota in line with this long-standing truth.



The Bill mandates reasonably light, yet certain, penalties of 14 – 30 days incarceration for interfering or resisting arrest, assault of a peace officer, and fleeing a peace officer in a motor vehicle. This certainty of incarceration, albeit brief, is a proven deterrent to crime, and the provision that mandates these sentences run consecutive to any sentence of an underlying offense only adds to the deterrent effect.

As a seasoned public safety practitioner, SB 2128 has my support. The penalties proposed in the Bill are not overly onerous, yet they send a strong message that disrespect for the law will result in swift and certain consequences.

North Dakotans would benefit from the deterrent effect SB 2128 would have on would be criminal offenders, and from the corresponding reduction in crime and incarceration.

Sincerely,

David P. Zimmer

David P. Zimmer
Public Safety Policy Fellow
Center of the American Experiment