



# North Dakota Senate

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## COMMITTEES:

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### SB 2326 Testimony - Senate Judiciary Committee - February 3, 2025

Chair Larson and fellow Members of the Senate Judiciary Committee,

I bring to you SB 2326, which adds the same new language in two important sections of Century Code. Section 1 of 2326 has to do with sexual assault restraining order hearings and records and Section 2 has to do with domestic violence protection order hearings and records.

The origins of this legislation came about from someone who has worked in the juvenile justice system and is familiar with our state's online court records reaching out to me about the ability to see victim's records of a protection order on the [publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov) page. I reached out to the ND Domestic and Sexual Violence Coalition to see if they were aware of this and any knowledge, they may have of legislation to address the issue. They shared that they were seeking to have legislation proposed to formally close the hearings on a petition for a sexual assault restraining order and domestic violence protection order, since this is already the current practice of the Court. So I combined the two solutions into what is SB 2326 in front of you today.

Madam Chair and members of the committee, the Violence Against Women Act (VAWA) states that "A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order."<sup>1</sup> It's important to note that VAWA applies to both criminal and civil protection orders.

I believe the Courts have been good partners with those who have provided support and advocacy to victims of domestic violence and sexual assault as evidenced in their current practice of having hearings closed. It's my desire that we close these loopholes by giving victims assurances that closed hearings continue and ensure we are in compliance with VAWA by not having the filings of petitions for domestic violence protection orders and sexual assault protection orders accessible to the public.

Finally, an amendment may be appropriate to further align with VAWA. This would entail replacing the word "victim" with "protected party" which is used in VAWA to be encompassing of when the victim entails more than just one person, such as a parent and their children who are collectively seeking the appropriate protection order. This would occur on page three lines 18 and 21, as well as on page seven, lines one and three.

I hope you'll provide SB 2326 your support and I'm happy to stand for any questions or comments you may have.

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<sup>1</sup> USC Ch. 11A: Domestic Violence and Stalking 2265.d.3  
<https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter110A>

# Overview

## What is the Violence Against Women Act (VAWA)?

Enacted in 1994, and amended in 2000 and 2005, VAWA recognizes the severity of domestic violence, sexual assault, stalking, and dating violence to women, families, and society as a whole and provides federal funding to help communities address the needs of survivors and hold offenders accountable.

## What is the Full Faith and Credit Provision of VAWA?

The Full Faith and Credit provision of VAWA requires every jurisdiction in the United States to recognize and enforce valid protection orders issued in any jurisdiction in the United States (see 18 U.S.C. § 2265(a) on the Back Cover).

## What is a Protection Order under VAWA?

Under VAWA, a protection order is broadly defined to include “any injunction, restraining order, or any other order issued by a civil or criminal court” for the purpose of preventing violence and includes “any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order pursuant to state, tribal, territorial, or local law” (see 18 U.S.C. § 2266(5) on the Back Cover for the full definition).

Please Note: The terms “protection order” and “order” are used interchangeably on these bench cards to refer to orders issued by civil and criminal courts.

## What is the Intent of Full Faith and Credit?

### For Judges

- Requires interstate recognition and enforcement of the valid protection orders they enter.
- Requires enforcement of valid protection orders they may encounter from other jurisdictions.

### For Victims

- Provides cross-jurisdictional protection afforded by valid protection orders.

### For Abusers

- Provides cross-jurisdictional accountability for violation of valid protection orders. For Law Enforcement

to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds. For more information on no-cost provisions, see Frequently Asked Questions on STOP Formula Grants available at [http://www.ovw.usdoj.gov/docs/FAQ\\_FINAL\\_nov\\_21\\_07.pdf](http://www.ovw.usdoj.gov/docs/FAQ_FINAL_nov_21_07.pdf).

## **How can I Create a Safe Climate in the Judicial System?**

- Provide leadership to ensure the establishment of clearly defined, user-friendly procedures for processing requests for issuance and enforcement of protection orders and incorporate the procedures into regular training.
- Provide protected parties with the National Domestic Violence Hotline number ((800) 799-SAFE, TTY (800) 787-3224) and information on local victim services.
- Participate in your local community coordinated response to develop user-friendly forms for issuance and enforcement of protection orders.
- Provide information on the face of protection orders about how the court can be contacted (including the court's telephone number and address) and be willing to contact courts of other jurisdictions to clarify issues and questions if they arise.