2025 HOUSE JUDICIARY

HB 1134

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1134
1/14/2025

A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the dissemination of personally identifying information; to provide a penalty; and to declare an emergency.

9:31 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Olson

Discussion Topics:

- Definition of doxing
- Doxing penalties and criminal conduct
- Law enforcement involvement in doxing

9:32 a.m. Matt Heilman, North Dakota State Representative District 7, testified in favor and provided testimony #28893.

9:35 a.m. Lexi Duppong, North Dakota Citizen, testified in favor and provided testimony #28869.

9:42 a.m. Todd D. Kranda, Attorney and Verizon lobbyist (#58), testified in favor and provided testimony #29025.

9:50 a.m. Terry Effertz, TechND, testified in favor.

9:52 a.m. Donnelle Preske, North Dakota Sheriffs Association, testified in opposition.

9:56 a.m. Jeremy Ensrud, Attorney with the North Dakota Attorney General's Office, provided neutral testimony.

10:11 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Legislative Assembly

North Dakota
House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Matt Heilman
District 7
5501 Flatrock Drive
Bismarck, ND 58503-8929
mheilman@ndlegis.gov

COMMITTEES:
Education
Political Subdivisions

January 14th, 2025

Chairman Klemin and members of the Judiciary Committee,

I am Representative Matt Heilman from North Dakota's seventh legislative district in Bismarck. I come before you today to testify in favor of HB 1134. This legislation is to ensure people are protected from the dangerous act known as doxing. This is known as publishing private or identifying information on the internet with malicious intent. A friend of mine dealing with this issue is what prompted me to bring this legislation forward. You will hear her story after my testimony.

Mr. Chairman and members of the committee, the bill is straight forward and to the point. The purpose is to protect people against others who disseminate sensitive information with malicious intent to intimidate, abuse, threaten, harass, or frighten an individual who resides in this state. A person in violation of this section is guilty of a class A misdemeanor. The penalties on page two lines 16-22 gradually become tougher based on the results of disseminating personally identifying information. I will gladly stand for any questions.

Strike page one lines 15-17 and insert the following to avoid conflicting languages in NDCC. The following definition is in green from NDCC 12.1-17-07.1B:

~~"Immediate family member" means a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild.~~

"Immediate Family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

Insert the following starting on page two line 23:

"5. This section does not impose liability upon the following entities:

a. An interactive computer service, as defined in 47 U.S.C. § 230;

b. An internet service provider, cloud provider, or telecommunications network; or

c. A radio or television broadcaster, including a streaming platform, cable or satellite television operator, programmer, or producer."

Chairman and Members of the Political Subdivisions Committee,

My name is Lexi Duppong, I am a born and raised North Dakotan and it is my first time speaking to people that hold such high importance to the future of our great state. It is an honor for me to stand before you today to testify on behalf of House Bill 1134.

Imagine waking up one morning to find your most private details — your phone number, home address, even information about your family — published online for anyone to see. Imagine receiving a flood of calls from strangers, some threatening, some predatory, all invading your sense of safety. This is not just a hypothetical scenario; it is the grim reality of a practice known as doxxing.

Doxxing is the deliberate act of publishing someone's private information online without their consent. It is a form of harassment that can upend lives, leaving victims fearful, exposed, and unsafe. This crime thrives on the ease of access to personal information in our digital age, weaponizing it against innocent people. And yet, here in North Dakota, we lack the specific legal protections to hold perpetrators accountable. That is why House Bill 1134 is not just necessary but urgent.

Today, I testify before you my own personal experience, not for myself but on behalf of all past, present, and future victims of doxxing. For several months of 2024, my private life was invaded by someone I had never even met—a new resident of North Dakota with a violent criminal history. This individual, a complete stranger to me, targeted me in a deliberate campaign of harassment. It started with my phone number and home address being posted in fabricated Craigslist ads, and them posing as me in messages to men across the country seeking sexual encounters. I started to receive predatory phone calls and text messages from these men, not knowing if they also had my home address. But it didn't stop there. They escalated their efforts by sending religious missionaries to my home and signing me up for spam calls, emails, and countless online services, resulting in a relentless daily onslaught of unwanted communication that made me feel constantly exposed and vulnerable.

This harassment didn't stop with me. It extended to my family and their small businesses, causing further disruption and anxiety. The impact of these actions was profound—physically, financially, and mentally.

Physically, I lived in a perpetual state of fear. The stress caused me to lose my appetite, and I dropped a significant amount of weight. Sleepless nights became the norm, and the constant anxiety took a toll on my overall health. I developed other health issues as a result of this unrelenting fear.

Financially, I had to take a setback in order to afford legal representation for the permanent restraining order. The costs of hiring an attorney, combined with missed work due to my instability and lack of mental focus, added to the burden. I found myself struggling to maintain the financial stability I once had.

Mentally, the impact was perhaps the most profound. I had to implement therapy and psychological interventions to help me regulate my nervous system and bring myself out of a perpetual fight-or-flight state. The mental health toll of this experience has been immense, and I continue to work on recovering from the trauma.

In response to this harassment, I was forced to seek legal representation and file for a restraining order to protect myself and my family. And yet, even with clear evidence of the perpetrator's actions, navigating the legal system without specific anti-doxxing laws proved to be an uphill battle. The lack of legal protections for victims like myself is a glaring gap in our justice system.

This is not just my story. Across the nation, countless others have faced the devastating consequences of doxxing. Journalists, activists, politicians, and everyday citizens have been targeted, their lives disrupted, their safety compromised.

Currently, there is no specific federal statute that explicitly criminalizes doxxing in the United States. States like California and Illinois have enacted laws to address doxxing under broader harassment and cyberbullying statutes. But in North Dakota, victims are left without clear legal recourse to hold perpetrators accountable for this specific crime.

House Bill 1134 offers us a path forward. This proposed legislation explicitly criminalizes the dissemination of personally identifying information with the intent to intimidate, abuse, threaten, harass, or frighten someone. The bill defines "personally identifying information" to include sensitive data such as home addresses, phone numbers, Social Security numbers, and employment locations. Under this bill, disseminating such information would be classified as a Class A misdemeanor, with increased penalties if the doxxing results in bodily injury, serious bodily injury, or death.

Importantly, House Bill 1134 applies to all electronic communications within or accessible from the state of North Dakota. This means that perpetrators who weaponize digital platforms to harass and endanger others would finally be held accountable under state law. The bill provides much-needed clarity on what constitutes doxxing and ensures that victims have legal recourse to protect themselves and their families from this harmful behavior.

As our dependence on digital platforms grows, so too does the need for laws that address the evolving ways in which these platforms can be weaponized. Doxxing is not just an invasion of privacy; it is an act of terror that can leave lasting scars. By passing House Bill 1134, we can take a decisive step toward protecting our community and ensuring that no one else has to endure what I and so many others have experienced.

Ladies and gentlemen, I urge you to support this bill. Let's stand together against doxxing and for the safety, dignity, and privacy of every North Dakotan.

Thank you for your time, and I'll stand for any questions.

Testimony of Michael McDermott
Senior Director, State Government Affairs
Verizon
House Bill 1134 (Rep. Heilman) - As Amended

Presented by Todd D. Kranda - Verizon Lobbyist (#58)

Chairman Klemin, members of the House Judiciary Committee, thank you for allowing me to submit this written testimony on behalf of Verizon in favor of House Bill 1134, pending an amendment.

I would like to begin by thanking Rep. Heilman for his willingness to accept this proposed amendment that we believe will achieve the ultimate goals of the original bill but also protect those entities, like Verizon, who could be subjected to unintended consequences should this measure be passed without this amendment.

The telecommunications industry takes seriously the shared responsibility of protecting our customers' personal information. We acknowledge the legitimate concerns of consumers and lawmakers in holding accountable those who misuse an individual's personal information to threaten, intimidate or harass them. The amendment we have proposed does not undermine that laudable goal. Rather, it ensures that those who are committing these nefarious acts are the ones held accountable.

As the bill is currently written, a victim may be able to bring legal action against a wireless carrier, a radio or television broadcaster, or an internet service provider, even when that company did not commit the unlawful act.

The purpose of this amendment is to exclude those companies who carry content that, in many cases, they can neither see nor control. By adopting this amendment you will be placing liability solely on the person who deserves it, the bad actor violating the law.

Thank you again for your willingness to consider the proposed amendment as shown below and thank you to Rep. Heilman for bringing forth this important piece of legislation.

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Verizon's proposed amendment is as follows:

Page 2 after line 22 insert:
"(5) This section does not impose liability upon the following entities:
a. An interactive computer service, as defined in 47 U.S.C. § 230;
b. An internet service provider, cloud provider, or telecommunications network; or
c. A radio or television broadcaster, including a streaming platform, cable or satellite television operator, programmer, or producer."

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1134
1/21/2025

A BILL for an act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment of another.

2:07 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representatives Henderson and Satrom

Discussion Topics:

- Electronic harassment
- Malicious intent of doxxing

2:17 p.m. Representative Vetter moved to adopt the Amendments proposed in testimony #44905, hoghouse the bill, and remove the phrase "or e" from page 3 line 13.

2:18 p.m. Representative Christianson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	N
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	N
Representative Bernie Satrom	A
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	N
Representative Christina Wolff	N

2:22 p.m. Motion failed 6-6-2

2:22 p.m. Representative Wolff moved to adopt Amendments proposed in testimony #44905.

2:22 p.m. Representative Tveit seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:23 p.m. Motion passed 11-1-2

2:24 p.m. Representative Tveit moved a Do Pass as Amended.

2:24 p.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:25 p.m. Motion passed 10-1-3

2:25 p.m. Representative VanWinkle will carry the bill.

2:26 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

25.0455.02001
Title.03000

Adopted by the Judiciary Committee

January 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

JMB 1-21-25
1 of 3

HOUSE BILL NO. 1134

Introduced by

Representatives Heilman, Henderson, Hoverson, S. Olson, D. Johnston, Wolff, VanWinkle

Senators Cory, Paulson

A BILL for an Act to ~~create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the dissemination of personally identifying information; to provide a penalty; and to declare an emergency.~~amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment of another.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**SECTION 1.** A new section to chapter 12.1-17 of the North Dakota Century Code is created and enacted as follows:~~

~~**Dissemination of personally identifying information prohibited - Penalty.**~~

~~1. As used in this section:~~

~~a. "Dissemination" means electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum.~~

~~b. "Household member" means an individual who:~~

~~(1) Regularly resides in the household; or~~

~~(2) Within the six months preceding the conduct of the offense regularly resided in the household.~~

~~c. "Immediate family member" means a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild.~~

~~d. "Personally identifying information" means information that identifies or reasonably can be used to identify an individual, including:~~

2 of 3

~~(1) Social security number or other government-issued identifier;~~

~~(2) Date of birth;~~

~~(3) Home or physical address;~~

~~(4) Electronic mail address or telephone number;~~

~~(5) Financial account number or credit or debit card number;~~

~~(6) Biometric, health, or medical data, or insurance information; and~~

~~(7) School or employment location.~~

~~2. A person is guilty of disseminating personally identifying information if, with the intent to intimidate, abuse, threaten, harass, or frighten an individual who resides in the state:~~

~~a. The person intentionally disseminates the personally identifying information of an individual or that individual's immediate family member or household member; and~~

~~b. The dissemination would reasonably cause an individual to be in fear of physical injury to themselves, or to the individual's immediate family member or household member.~~

~~3. This section applies to all electronic communications originating within or accessible within the state.~~

~~4. Disseminating personally identifying information is a class A misdemeanor, unless the dissemination results in:~~

~~a. Bodily injury to the individual or to the individual's immediate family member or household member, in which case it is a class C felony;~~

~~b. Substantial or serious bodily injury to the individual or to the individual's immediate family member or household member, in which case it is a class B felony; or~~

~~c. Death of the individual or of the individual's immediate family member or household member, in which case it is a class A felony.~~

~~**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.~~

SECTION 1. AMENDMENT. Section 12.1-17-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
   a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
   b. Makes a telephone call anonymously or in offensively coarse language;
   c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~
   d. Communicates a falsehood in writing or by electronic communication and causes mental anguish; or
   e. Communicates in writing, by electronic communication, or by electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum an individual's personal identifying information.
2. The offense is a class A misdemeanor if it is under subdivision a or e of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.
4. A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.
   a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.
   b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.
5. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

REPORT OF STANDING COMMITTEE
HB 1134

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS (25.0455.02001)** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1134 was placed on the Sixth order on the calendar.

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:

a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;

b. Makes a telephone call anonymously or in offensively coarse language;

c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~

d. Communicates a falsehood in writing or by electronic communication and causes mental anguish~~.~~;or

e. Communicates in writing, by electronic communication, or by electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum an individual's personal identifying information.

2. The offense is a class A misdemeanor if it is under subdivision a or e of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.

3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received

2025 SENATE JUDICIARY

HB 1134

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1134
3/10/2025

A BILL for an act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment of another.

10:59 a.m. Chair Larson opened the hearing.

Members present:
Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Doxing and personal safety
- Definition of harassment

10:59 a.m. Representative Heilman introduced the bill.

11:03 a.m. Terry Effertz, Executive Director, Tech ND, testified in favor.

11:04 a.m. Chair Larson closed the hearing.

11:04 a.m. Senator Cory moved a Do Pass.

11:04 a.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	Y
Senator Claire Cory	Y
Senator Larry Luick	A
Senator Janne Myrdal	Y

Motion Passed 6-0-1.

11:05 a.m. Senator Myrdal will carry the bill.

11:05 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
ENGROSSED HB 1134 (25.0455.03000)

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1134 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.