

HOUSE BILL No. 1124

January 25, 2021

Good morning, Chairman Klemin and members of the House Judiciary Committee.

My name is Don Hager. I am the presiding judge for the Northeast Central Judicial District, chambered in Grand Forks.

Thank you for the opportunity to address House Bill No. 1223.

As a district judge, I and all trial judges are in a unique position, to view daily, the overall effect and fairness of our evolving criminal statutes. North Dakota passed criminal justice reform in the last session that lessened the possession of less than a half-ounce of marijuana to an infraction. North Dakota Century Code, Section 12.1-32-01(7) penalizes that as a fine up to \$1,000, and no incarceration. If a person has a third offense in a one-year period, the prosecution can charge the third one as B misdemeanor, which carries a penalty of up to 30 days incarceration and a fine up to \$1,500. Now, House Bill No. 1201 is asking for even greater leniency to change possession of less than an ounce to a \$50 fine, no infraction, and to make possession of an ounce and less than 250 grams an infraction. Another bill is for legalization of marijuana.

By comparison, a minor person in possession or consumption of alcohol is subject to a B misdemeanor penalty under North Dakota Century Code, Section 5-01-08(3). In addition, Subsection 3 was supplemented to include mandatory participation in an evidence-based alcohol and drug education program. House Bill No. 1124 asks to make participation discretionary with the trial judge. There is no such program requirement for marijuana possession or consumption.

House Bill No. 1223 is a request to this legislature to consider bringing more fairness to our young citizens, comparable to the current marijuana law, notwithstanding approval of even greater leniency for this federally controlled substance. The conviction of a minor in possession charge carries lifetime consequences for occupational reasons. I advise defendants it may affect licensure in certain occupations, and for a class of individuals who are becoming, or will soon become, the core of our society. For students, it can mean attending a course of study for three years and incurring great financial indebtedness, only to find out they cannot qualify for that occupation.

Many people like me served, or are serving, in our armed forces as a teenager. It seems grossly unfair to place such heavy trust and responsibility on them while in service to this country, and at the same time, brand them as criminals for possession or consumption of a substance which unlike marijuana, is not federally controlled. House Bill No. 1223 is reducing the charge from a B Misdemeanor to an infraction, which is still considered a criminal offense in North Dakota, but is not in other jurisdictions nor by many in the employment sector. I would further urge you to consider the same \$50 fine and characterization as marijuana if you pass House Bill No. 1201.

Thank you for your time, and your service to the State of North Dakota.