

**Testimony Presented on HB1537 to the  
House Judiciary Committee  
Representative Lawrence R. Klemin, Chairman**

**Arlette Preston  
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Chairman Klemin, Members of the Judiciary Committee – My name is Arlette Preston. I am here to voice my support for HB 1537. I am a member of the Fargo City Commission but I am here as an individual, as a mother and as a concerned citizen.

Examples exist of crimes committed against individuals in our community due to their race, religion, gender identity, sexual orientation. I would like to focus on one in particular. You may be familiar with this incident – which happened in the fall of 2021. The perpetrator was a white male who recently pled guilty to charges of aggravated assault and simple assault.

The man was a nextdoor neighbor of a black family in a twin home in south Fargo. The children of the black family were playing on a shared driveway, when the man came out of his home angry and approached the children. He called the children a racist slur before slapping the 11yo girl in the face, after which he picked her up by the neck, choking her. When her sister tried to intervene, he also attacked the sister.

This and other incidents cut close to home for my family. My husband and I were fortunate enough to adopt our daughter, who is black, in 1989. She grew up in south Fargo less than a block from where this incident happened. All I could think of was the type of impact that incident would have had on my daughter – indeed what trauma was inflicted on these two young children, not only from the assault, but also by the derogatory term assigned to them because of their skin color.

The City of Fargo has hate crime ordinances in place. However, since this was aggravated assault, the crime was charged out at the state level. The City of Fargo is unable to pursue charging him with a hate crime due to double jeopardy restrictions.

The ordinances we put in place require reporting of these incidents, identified as potential hate crimes, to the Commission on a regular basis. It has provided a more clear way for the elected officials and the public to track their incidence. Our police department has provided additional training on recognizing and reporting hate crimes. They continue to clarify for both their employees and the public what a hate crime is.

The implementation of our ordinances is ongoing. It is definitely not a panacea in dealing with crimes targeted at classes of people. However, it is a step forward and has communicated to the vulnerable populations in our community that targeted crimes are not tolerated.

Our ability to effectively deal with crimes of this sort requires a similar approach at the state level. This is just one more tool for law enforcement. I hope you will see your way to supporting this effort.

Thank you for listening.