

**Robert Vallie-Assistant State's Attorney  
Cass County State's Attorney's Office  
Testimony Concerning House Bill 1213  
March 27, 2023**

Madam Chair and members of the Senate Judiciary Committee,

My name is Robert Vallie and I am an Assistant State's Attorney with the Cass County State's Attorney's Office. I stand in opposition to the passage of House Bill 1213, which would provide within Century Code an ability for a defendant to be reimbursed by the State, when found not guilty, due to a justification of self-defense.

The first item to address is what problem does this Bill solve? In review of both the written and oral testimony provided by the prime sponsor in the House Judiciary Committee hearing on January 17, 2023, a number of reasons are given as to this Bill being introduced. Those reasons include to stop politically motivated prosecutors from bringing charges against defendants in clear instances of self-defense and to act as a middle ground to protect self defense rights due to the Legislative Assembly failing to pass a stand your ground bill in 2021. While the prime sponsor alludes to this idea of prosecutors using the criminal justice system to score political points or notoriety at the expense of defendant's life and liberty, he fails to give single example of a case in which this has occurred. When questioned by Representative Karls, the prime sponsor acknowledged that he was unable to find an example within North Dakota, where this Bill would have been able to correct such a wrong. At the time of this testimony, no such example, whether in state or out of state has been provided to judge the merits of this Bill. Additionally, when questioned by Representative Roers-Jones, the prime sponsor was corrected that the Legislative Assembly had indeed passed House Bill 1498 during the 2021 Legislative Session concerning self-defense. If no example can be pointed to show such a problem exists and this legislation was proposed based on a misunderstanding of laws passed last session, I believe such a drastic change in public policy is unnecessary.

In review of the Bill itself, there are a number of concerns that become immediately apparent. While the prime sponsor and Lines 9 and 10 of this Bill, indicate crimes such as Assault and Murder are the crimes to be addressed, this Bill covers much more than those crimes. Lines 8 and 9 of the Bill lists "crime of violence" as "a violation of state law in which "an individual causes death or physical bodily injury to another individual." Bodily injury and is encompassed in a number of crimes with Century Code. These include Simple Assault, Simple Assault-Domestic Violence, Assault, Aggravated Assault, Simple Assault on a Peace Officer and Reckless Endangerment, among others. Death is incorporated in crimes, such as Manslaughter, Negligent Homicide and Murder. While some of the crimes listed may be of no surprise to claim self-defense, I believe this bill would provide unintended consequences. Specifically, to allow claims of self defense against law enforcement officers who are assaulted in the line of duty and placing greater difficulties on prosecutions to crimes like Domestic Violence.

Additionally, I believe this proposal fails to appreciate as to the financial implications on our

political subdivisions. HB 1213 reads that a court may order the state to reimburse a defendant for costs for their defense. While one may read this Bill to believe the State of North Dakota to be on the hook for that reimbursement, it is not that simple. The various State's Attorney's Offices across the state, act on behalf of the State of North Dakota in criminal matters, just as it acts on behalf of the state in civil commitments and certain child support enforcement. Given this Bill does not provide for a state funding source to address such reimbursements, I believe this financial obligation would ultimately fall on our counties to pay.

Madam Chair and members of the Committee, while there are additional concerns with this legislation, I will limit my comments to the above and encourage you to review the written testimony of my colleagues. Each of State's Attorneys and Assistant State's Attorney's who have provided testimony, bring their own unique perspective to this debate. Each with years of experience in this field and each public servants working to ensure Justice is achieved. I believe the details they provide would be valuable in your review of this legislation.

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony to this important issue. I urge a Do Not Pass Recommendation and happy to address any questions you may have as you deliberate this matter.

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