

Industry and Business Committee  
March 19, 2025  
Testimony of Craig Zachmeier  
Office of Attorney General-BCI  
House Bill 1528

Chairman Barta and Committee Members,

My name is Craig Zachmeier, and I'm a Special Agent with the North Dakota Bureau of Criminal Investigations. I have worked the criminal side of fires since 2003, when I attended the National Fire Academy in Maryland, and have since become a Certified Fire Investigator and Certified Instructor through the International Association of Fire Investigators. I am one of four law enforcement officers in the State of North Dakota, including BCI S/A Luke Kapella and two ATF Special Agents, who are Certified Fire Investigators.

In November 2022, State Fire Marshall Doug Nelson and BCI Director Lonnie Grabowska formed a fire response team referred to as the Fire and Arson Strike Team (FAST), to which I am assigned. With the formation of FAST, non-law enforcement fire investigators work in coordination with law enforcement fire investigators who are trained and certified to investigate the origin and cause of fires. By bringing the law enforcement perspective into the investigations of fires, we have identified that North Dakota Century Code sections 12.1-21-01 Arson and 12.1-21-02 Endangering by Fire could be improved to hold arsonists and domestic violence offenders accountable.

House Bill 1528 unanimously passed the House Judiciary committee and the House floor in its current, engrossed version.

As Investigators, we have identified that fire has been utilized as a weapon to burn down a spouse's or significant other's property including homes, vehicles, furniture, and clothing. Under the current statutes, there is an open question whether or not it is illegal to burn and destroy your own property or joint property, which the items in a domestic relationship usually are. The changes to section 12.1-21-01-Arson under House Bill 1528, would clarify that it is a crime to burn and destroy jointly owned property that someone like a spouse, significant other, or financial institution has a legal interest in.

This scenario happens in North Dakota. In a couple recent cases, arsonists allowed the insurance coverage on jointly held properties to expire before burning the properties during domestic violence altercations. It was determined that charges related to arson or related to the mental and psychological anguish caused by the fire, were not prosecutable. In one case, prosecutors were able to charge the suspect with animal cruelty as the wife's cat died in the fire.

The bill also amends section 12.1-21-02-Endangering by Fire by clarifying that our first responders are included in the category of people whose endangerment will trigger criminal liability under the statute. Specifically, if an individual recklessly endangers fire fighters, volunteer fire fighters, law enforcement officers, or emergency medical personnel by **intentionally** starting or maintaining a fire or causing an explosion, the individual is guilty of a felony. With the FAST usually responding after the fire suppression is completed, we have said many times, "Good thing no one got hurt" referring to the fire fighters. Adding this provision will hold arsonists responsible for their actions and ensure that first responders are treated equally to other residents of our state. Their safety and security are just as important, and criminals should not be able to jeopardize them without consequences.

Thank you for time.