

SENATE JUDICIARY COMMITTEE
MARCH 10, 2025

TESTIMONY OF CLAIRE NESS
OFFICE OF ATTORNEY GENERAL
ENGROSSED HOUSE BILL NO. 1061

Chairman Larson and members of the Committee:

My name is Claire Ness, and I am the Chief Deputy Attorney General. I believe House Bill 1061 was originally introduced at the request of the Department of Corrections and Rehabilitation (DOCR). The Attorney General's Office does not want to step on the toes of DOCR, but I understand DOCR did not wish to introduce the bill today due to its amendment in the House. House Bill 1061 relates to the ND Statewide Victim Information and Notification system (ND SAVIN), which is administered by the IT/CJIS Division of our office. Heidi Smith, Director of the IT/CJIS Division, provided testimony on the original version of the bill to the House Judiciary Committee. My testimony today is in support of the engrossed bill.

ND SAVIN

Victims of crime may – but do not have to – register to participate in ND SAVIN, just as they may or may not choose to invoke their rights under Marsy's Law. ND SAVIN provides crime victims with automated notifications regarding offender incarceration, probation, commitment, and criminal court case status and events. Notifications are provided to registrants as a text, email or automated phone call. Having a tool that assists custodial facilities, courts, and victim service providers fulfill their constitutional and statutory notification requirements allows for more time to be spent on tasks such as making connections with victims, preparing for court, and safety planning.

ND SAVIN is a tool to assist agencies, but it is not intended to replace all personal

interaction between criminal justice agencies and victims. Within the ND SAVIN system, there is an administrator site that allows anyone responsible for providing notifications to log in and see whether someone is registered, whether a notice has gone out, and what that notice is. This helps ensure that if a victim has not registered or did not receive a notice, the custodial authority can meet their burden to ensure they provide the necessary notice through other means such as an in-person phone call. Similarly, the IT/CJIS Division uses many analytical tools and performs many checks to troubleshoot the system.

Section 1 of Engrossed HB 1061

Section 1 of the bill makes a modest addition to the types of releases from custody that would trigger a notice to a victim – either from the ND SAVIN system or through another mechanism such as an in-person phone call. Currently, prompt notice has to be given to a victim for several types of releases, including when an offender is transferred to a work release program, which allows the offender to be employed in the community. Section 1 of the bill would add “education release” programs to the list of releases prompting victim notification. So if an offender is released to attend an education program in the community, the offender’s victim would have to be notified.

Section 2 of Engrossed HB 1061

Section 2 of the bill would allow certain notices from the Parole Board or the Pardon Clerk to victims who are registered with ND SAVIN to be made by an “authorized representative” of either of those entities. Under current law, notice of a pending parole or pardon review must be given to a registered victim by the Parole Board or Pardon Clerk. The addition of “or authorized representative” would allow the Parole Board or Pardon Clerk to designate someone else – such as ND SAVIN – to provide that notice to the victim.