

## **Testimony in Support of House Bill 1194 as it relates to 12.1-11-03. False information or report to law enforcement officers or security officials.**

Good afternoon Madam Chair Larson and members of the Senate Judiciary Committee,

My name is Jesse Jahner, and I am the elected Sheriff in Cass County North Dakota currently serving in my second year of my second term. I have worked with the Cass County Sheriff's Office since May of 1998. During my time at the Sheriff's Office, I have worked in Corrections, Patrol, Investigations, Narcotics Investigations, Street Crime Investigations and in Special Operations. I have served as the Dakota Territories (North and South Dakota) Sheriff's Association President and currently serve as a National Sheriff's Association Board Member.

I testify before you today in favor of House Bill 1194, if the language is amended to

- c) Falsely identifies or refuses to identify themselves upon request by a law enforcement officer under the following circumstances:
  - i. The officer reasonably suspects the individual is committing, has committed, or is about to commit a criminal offense.
  - ii. The officer reasonably suspects the individual is committing or has committed an infraction offense.
  - iii. The officer reasonably suspects the individual is committing or has committed a non-criminal offense.

as it pertains to false representation of Identification and/or not providing an Identification upon request by a law enforcement officer who has a reasonable belief that an individual is committing or about to commit a criminal offense, infraction, or non-criminal offense. Recently law enforcement has struggled in some situations with identifying individuals when they provide a false identification or do not provide their identification during traffic violations or misdemeanors that do not occur in the officer's presence. There is no mechanism in place that gives law enforcement the ability to compel someone to identify themselves if there is reasonable suspicion or a reasonable belief that they have committed certain misdemeanor crimes or for individuals refusing to identify themselves during a lawful traffic stop. Law enforcement has relied on utilizing state statute 12.1-08-01 Physical Obstruction of a Governmental Function but recently some States Attorneys have stated that they do not believe the statute applies because the offender isn't physically obstructing the officer. With not being able to compel the offender to produce an identification or identify themselves the officer cannot complete their investigation. There

are potentially other statutes that could apply but they are specific to certain situations, and they do not have penalties. Adding this additional language to this bill would allow officers the ability to identify the offender and complete their investigation. If the offender refused to comply, the officer could then make an arrest because the offense happened in the officer's presence. That would allow the officer to arrest and escort that person to jail where we would have additional tools such as fingerprinting or having to gather their personal information before they are able to bond out of jail. If the offender still refused to identify themselves, they would have to visit with a judge where further probable cause could be established to hold the person until they were identified.

Madam Chair Larson and members of the Senate Judiciary Committee, please give House Bill 1194 a do pass recommendation upon the suggested language change. Thank you.

Respectfully,

Jesse Jahner  
Cass County Sheriff