



**North Dakota Association for Justice**

PO Box 365

Mandan, ND 58554

*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director

[jaclyn@ndaj.org](mailto:jaclyn@ndaj.org)

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall, Executive Director of the North Dakota Association for Justice. Today, I am opposed to HB326.

HB1326 will restrict the ability for someone to use self-defense as if they are an armed felon.

It is a widely accepted principle that a person has the legal right to protect themselves and defend others. However, self-defense is an affirmative defense. This means the defendant must present evidence to show they acted in self-defense AND the use of force was justified and in response to an immediate threat.

HB1326 will create an exception where those who illegally use a firearm to protect themselves cannot claim self-defense.

Proponents of the bill claim this will protect North Dakotans from the 'bad guys' and it makes it sound like we have gang shootouts daily here in North Dakota. According to the ND Attorney General crime data, in 2023, we only had 14 homicides in ND where a firearm was used.

Even in these scenarios, does the bad guy deserve to die by the hands of the other bad guy with a gun because he is not supposed to carry a firearm?

How about the woman being sexually assaulted by a man with a gun? If she would have had a drug charge on her record from nine years ago – does she not have the right to do everything she can to get the gun from her assailant and use it?

What happens if someone breaks into your home. You may not own a firearm due to a past conviction, but if you can protect your family from eminent danger or harm – would you?

In closing, HB1326 is not needed and should receive a Do Not Pass. I urge this committee to not support HB1326 and I will stand for questions.