

69th Legislative Assembly
ENGROSSED HB 1229
March 27th, 2025
Fort Totten Room

Mr. Chairman, Members of the Committee:

My name is Jonathan Byers, and I am the lobbyist for the N.D. States Attorney's Association. The States Attorneys believe that the crime HB 1229 establishes is unconstitutional and ask for a do not pass vote.

There are two important constitutional rights that may be infringed by the passage of Engrossed House Bill 1229. The first is the presumption of innocence. The first sentence of the offense, outline in section 3 of the bill, reads "The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section." What could be a clearer infringement of the right to be presumed innocent?

The second constitutional right that is infringed is the right to remain silent. In order to avoid prosecution for this offense, an owner is required to:

- Report a vehicle as stolen [3(b)]
- Assist or cooperate with a peace officer to demonstrate the owner was not the one who operated the motor vehicle... [3(c)]
- Provide information that demonstrates the owner was not the driver....[3(d)]
- As a lessor, provide a peace officer with the motor vehicle registration number and the name, address, and operator's license number of the renter

The owner's invocation of his right to remain silent subjects the owner to criminal prosecution for this fleeing offense. This simply can't pass constitutional muster. All this bill will do is require the first State's Attorney who prosecutes one to be involved in a legal battle the State's Attorney can't win.

The ND State's Attorney's Association asks for a do not pass on Engrossed House Bill 1229.