

Robert Vallie-Resident District 46

Concerning House Bill 1229

March 27, 2025

Chairman Clemens and members of the Senate Transportation Committee, My name is Robert Vallie. I am a resident of District 46 in Fargo and in my everyday work, I serve as an Assistant State's Attorney with the Cass County State's Attorney's Office. I have been a licensed attorney in North Dakota since September of 2017 and have spent my entire legal career in criminal prosecution, serving as an ASA in Ward and Cass Counties. While I am testifying today in my individual capacity, it is with those years of experience and my belief in good public policy that I provide this testimony in opposition to House Bill 1229.

HB 1229 creates greater concerns than it solves

Under the provisions of this Bill, a law enforcement officer, who chooses not to pursue a fleeing vehicle may prepare a traffic citation with a fine of one hundred or five hundred dollars and serve that citation as required under the Rules of Civil Procedure. The registered owner can escape the penalties of that citation through a number of relief valves. Those include the driver who fled being charged with the offense, reporting the vehicle stolen in a reasonable amount of time, providing proof that the owner was not the driver of the vehicle, or cooperating with law enforcement. While we would all hope a vehicle owner would cooperate with law enforcement right away to ensure the person responsible is held to account, that is not always the case. Unfortunately, we live in an era where portions of the population have a distrust of law enforcement and have grown up being taught that you do not divulge information freely. For others, the answers may be a "I don't know" or only have a part of the information law enforcement needs. Sometimes the vehicle was lent in good faith, only for it to be passed on to multiple individuals in a short time. Other folks may borrow an individual's vehicle as a community rideshare, with no one being aware of who is driving it at the time. For others, they do not wish to become involved because the driver is a family member or friend facing difficulties already. Regardless of the circumstances, HB 1229 presumes the owner to be guilty of the offense and to not face a penalty would be required to waive their right to remain silent, just to be able to show they were not driving. For these individuals, they would either be required to waive that most sacred of constitutional rights or cooperate with law enforcement and then the State in the prosecution of the individual.

Mr. Chairman and members of the Committee, the decisions here is by no means an easy one. However, in my mind making assumptions of guilt and placing citizens in a position to waive their rights, with the hope we can find the true culprit appears a step too far.

Robert Vallie

2320 34th Ave South

Fargo, ND 58104