

2025 HOUSE JUDICIARY

HB 1033

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1033
1/21/2025

A BILL for an Act to create and enact section 54-01-09.4 of the North Dakota Century Code, relating to concurrent federal jurisdiction on military installations.

10:12 a.m. Representative Karls opened the hearing.

Members Present: Chairman Klemin, Vice-Chair Karls, Representatives Christianson, Hoverson, McLeod, Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Vice-Chair Vetter, Representative Henderson Johnston, and VanWinkle

Discussion Topics:

- State authority limitations on military installations
- Military installations exemptions

10:12 a.m. Lawrence Klemin, North Dakota Representative for District 3, introduced the bill, testified in favor and provided testimony #29975.

10:14 a.m. Michelle Richart, Midwest Regional Liaison at the Department of Defense-State Liaison Office, testified in favor and provided testimony #29804.

10:19 a.m. Jay Sheldon, Administrator of the North Dakota Military Commission, testified in favor and provided testimony #30415.

10:26 a.m. Representative Schneider moved a Do Pass.

10:26 a.m. Representative Karls seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	A
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A

Representative Christina Wolff	Y
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10:27 a.m. Motion passed 10-0-4.

Representative Tveit will carry the bill.

Additional written testimony:

10:29 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1033 ([25.0271.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

January 21, 2025

Chairman Lawrence R. Klemin
Chair, House Judiciary Committee

Remarks of
Michelle Richart
Midwest Regional Liaison
United States Department of Defense-State Liaison Office

Support of: HB1033 – Relating to a concurrent federal jurisdiction on military installations.

Testimony

Chairman Klemin and honorable members of the House Judiciary Committee, the Department of Defense is grateful for the opportunity to support the policies reflected in HB1033, an act relating to concurrent jurisdiction on military installations.

My name is Michelle Richart. I am the Midwest Regional Liaison at the DoD-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness.

We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

We support the policy changes reflected in HB1033, which supports the Department's efforts to remove barriers to the appropriate investigation and adjudication of juvenile matters by civilian authorities. Thank you for considering this important issue.

North Dakota has no mechanism in state code for the federal government to offer concurrent jurisdiction back to the state. This proposal does not automatically confer concurrent jurisdiction, but would establish a permissive, streamlined process for concurrent jurisdiction between North Dakota and the Federal Government with terms agreed to by both parties.

Serious juvenile misconduct on military installations and federal property subject to exclusive federal legislative jurisdiction can only be adjudicated in the federal court system, which is designed for adults. States' juvenile courts can adjudicate juvenile offenses when concurrent jurisdiction is established between state and federal authorities, allowing for more appropriate sentencing and case management outcomes.

Utilizing only a memorandum of understanding for the referral of cases in areas of exclusive federal jurisdiction, particularly when there is not current jurisdiction, does not create enforceable law, nor is there legal support for transferring jurisdiction through such means. HB 1033 solves these concerns by providing statutory authorization for the state to accept federal relinquishment.

The broader mission to support children, youth, and families remains a high-priority item for the Department. Clarifying that North Dakota authorities may assert jurisdiction over juveniles on military installations in areas of exclusive federal legislative jurisdiction, enables state law authorities to enforce laws on base with respect to civilian family members with validity.

In closing, let me say that we are grateful for the tremendous effort that North Dakota has historically given in supporting our service members and their families. Thank you to Representative Klemin for introducing this policy change. On behalf of the Department of Defense, we urge a Do Pass recommendation on HB1033.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Michelle Richart", written in a cursive style.

MICHELLE RICHART

Midwest Regional Liaison

Defense-State Liaison Office



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Lawrence R. Klemin

District 47
3929 Valley Drive
Bismarck, ND 58503-1729
lklemin@ndlegis.gov

COMMITTEES:

Judiciary, Chairman
Political Subdivisions

TESTIMONY OF REP. LAWRENCE R. KLEMIN HOUSE BILL NO. 1033 HOUSE JUDICIARY COMMITTEE JANUARY 21, 2025

Members of the House Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1033. This bill relates to concurrent jurisdiction between the State of North Dakota and the federal government on military installations. The bill was considered by the interim Juvenile Justice Committee and approved for introduction by Legislative Management.

I was asked to present this bill to the interim Juvenile Justice Committee by the U.S. Department of Defense. The bill would allow the State of North Dakota and the federal government to enter into an agreement for the State to handle the prosecution of juvenile offenses committed on military installations, such as the Grand Forks Air Force Base and the Minot Air Force Base. At this time, the State has no authority to handle juvenile offenses committed on military installations. The federal government does not have an effective system to handle such cases in the United States District Court. If an agreement is made, then these juvenile offenses can be handled through the State Juvenile Court. The bill does not require the State to do anything, but is enabling legislation where no such State authority currently exists.

HB 1033 is modeled on the law passed in Colorado. Michelle Richart, a representative of the U.S. Department of Defense, is here today to explain the bill and to answer any questions you may have. I request the House Judiciary Committee to recommend "Do Pass" on House Bill No. 1033.

Thank you.

Rep. Lawrence R. Klemin
District 47, Bismarck

TESTIMONY OF
LIEUTENANT COLONEL JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE JUDICARY COMMITTEE
21 JANUARY 2023
HOUSE BILL 1033

Chair Klemin and Members of the Committee my name is Jay Sheldon, Administrator of the North Dakota Military Commission. Thank you for the opportunity to provide testimony in support of House Bill 1033, which seeks to establish concurrent jurisdiction between state and federal governments over military installations in North Dakota, particularly in cases involving juvenile offenders.

Military installations subject to exclusive federal jurisdiction currently address juvenile offenses through the federal court system. However, this approach often lacks access to the specialized resources and rehabilitative programs available through state juvenile court systems. Adopting policies that allow for concurrent jurisdiction provides a unique opportunity to leverage state resources, enabling tailored interventions for juveniles. These interventions focus on rehabilitation and reducing recidivism rather than punitive measures, which aligns with both state and federal goals of fostering responsible and productive citizens.

House Bill 1033 enables North Dakota to establish the necessary legal mechanisms for concurrent jurisdiction through local agreements. These agreements would allow juvenile offenders on military installations to be adjudicated in state courts, providing them with access to local services, including counseling, education programs, and community-based alternatives to detention. These resources are often better equipped to address the unique needs of juveniles and are more readily accessible at the state level.

In conclusion, House Bill 1033 represents a step toward modernizing the jurisdictional framework governing military installations in North Dakota. It reflects a commitment to justice, collaboration, and the well-being of all citizens, including those in military communities. I ask the committee to support HB 1033.

Thank you for your time and consideration. I am happy to answer any questions you may have.

2025 SENATE JUDICIARY

HB 1033

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1033
2/17/2025

Relating to concurrent federal jurisdiction on military installations.
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11:14 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Jurisdiction for juvenile offenses
- Memorandum of understanding processes
- Legislative management involvement
- Quality of life for military families
- Interstate compacts for juvenile justice
- Rehabilitation versus punitive measures

11:14 a.m. Representative Lawrence R. Klemin, Representative of NDLA, introduced the bill and submitted testimony in favor #37786.

11:17 a.m. Sam Sliney, speaking for Michelle Richart, submitted testimony in favor #37722 and #37723.

11:25 a.m. Jay Sheldon, Admin of North Dakota Military Commission, submitted testimony in favor #37744.

11:36 a.m. Chair Larson closed the hearing.

11:36 a.m. Senator Luick moved a Do Pass.

11:36 a.m. Senator Paulson seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

11:39 a.m. Chair Larson will carry the bill.

11:39 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1033 ([25.0271.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1033 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

Concurrent Jurisdiction on Military Property

Background:

North Dakota has no mechanism for the federal government to offer jurisdiction back to the state on areas that have exclusive federal jurisdiction a process known as **retrocession of jurisdiction**. Most states have a general retrocession statute in their state code, but North Dakota does not.

Federal exclusive jurisdiction means only federal entities may prosecute offenses committed in that territory. **Concurrent jurisdiction** allows **either** the state or federal authorities to do so. **Without concurrent jurisdiction on military installations there is no access to the state juvenile justice system and the federal government lacks an equivalent juvenile system.**

The Need:

- Without concurrent jurisdiction on military installations there is a **black hole for juvenile justice on military installations**.
- Federal prosecutors routinely decline to prosecute **juvenile-on-juvenile sexual assault**, and local prosecutors lack legal authority to apply state laws to juvenile criminal conduct committed on federal lands. **While these cases are rare**, when they do occur, it is important to have a mechanism to deal with them appropriately and ensure juvenile cases can be adjudicated.
- Each time a military installation wishes to offer jurisdiction back to North Dakota on any parcel of land, a separate statute must be passed.
- This bill **does not automatically confer jurisdiction**, but rather permits it to occur through a specific process which involves both State authorities and military installation participation.
- While the majority of the active-duty installations will not be impacted, there are small areas on Minot AFB and other properties and buildings throughout the state that remain exclusive federal jurisdiction. This retrocession statute streamlines the process and **offers flexibility to both the State and military to negotiate the terms of an offer and acceptance of jurisdiction, to include juveniles**.
- **The State can always decline to accept retrocession through the Governor's office, and even where accepted, local law enforcement and county attorneys would retain autonomy to decide what cases to investigate and prosecute.** This would typically be codified in a statutorily supported memorandum of understanding between law enforcement, prosecutors, and the military installation.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

February 17, 2025

Chairperson Diane Larson
Chair, Senate Judiciary Committee

Remarks of
Michelle Richart
Midwest Regional Liaison
United States Department of Defense-State Liaison Office

Support of: HB1033 – Relating to a concurrent federal jurisdiction on military installations.

Testimony

Madame Chair and honorable members of the Senate Judiciary Committee, the Department of Defense is grateful for the opportunity to support the policies reflected in HB1033, an act relating to concurrent jurisdiction on military installations.

My name is Michelle Richart. I am the Midwest Regional Liaison at the DoD-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness.

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The broader mission to support children, youth, and families remains a high-priority item for the Department. Clarifying that North Dakota authorities may assert jurisdiction over juveniles on military installations in areas of exclusive federal legislative jurisdiction, enables state law authorities to enforce laws on base with respect to civilian family members with validity.

In closing, let me say that we are grateful for the tremendous effort that North Dakota has historically given in supporting our service members and their families. Thank you to Representative Klemin for introducing this policy change. On behalf of the Department of Defense, we urge a Do Pass recommendation on HB1033.

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MICHELLE RICHART

Midwest Regional Liaison

Defense-State Liaison Office

TESTIMONY OF
LIEUTENANT COLONEL JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE JUDICIARY COMMITTEE
17 FEBRUARY 2025
HOUSE BILL 1033

Chair Larson and Members of the Committee my name is Jay Sheldon, Administrator of the North Dakota Military Commission. Thank you for the opportunity to provide testimony in support of House Bill 1033, which seeks to establish concurrent jurisdiction between state and federal governments over military installations in North Dakota, particularly in cases involving juvenile offenders.

Military installations subject to exclusive federal jurisdiction currently address juvenile offenses through the federal court system. However, this approach often lacks access to the specialized resources and rehabilitative programs available through state juvenile court systems. Adopting policies that allow for concurrent jurisdiction provides a unique opportunity to leverage state resources, enabling tailored interventions for juveniles. These interventions focus on rehabilitation and reducing recidivism rather than punitive measures, which aligns with both state and federal goals of fostering responsible and productive citizens.

Concurrent jurisdiction is not just a matter of procedural change; it represents a strategic enhancement to our national defense framework. The Secretary of Defense has emphasized the importance of teamwork in achieving defense objectives. This includes fostering collaboration between state and federal entities. By enabling state courts to handle juvenile cases from military installations, North Dakota can contribute to a more cohesive system that supports military families and communities.

House Bill 1033 enables North Dakota to establish the necessary legal mechanisms for concurrent jurisdiction through local agreements. These agreements would allow juvenile offenders on military installations to be adjudicated in state courts, providing them with access to local services, including counseling, education programs, and community-based alternatives to detention. These resources are often better equipped to address the unique needs of juveniles and are more readily accessible at the state level.

In conclusion, House Bill 1033 represents a critical step toward modernizing the jurisdictional framework governing military installations in North Dakota. It reflects a commitment to justice, collaboration, and the well-being of all citizens, including those in military communities. I ask the committee to support HB 1033.

Thank you for your time and consideration. I am happy to answer any questions you may have.



North Dakota House of Representatives

STATE CAPITOL
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Representative Lawrence R. Klemin

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COMMITTEES:

Judiciary, Chairman
Political Subdivisions

TESTIMONY OF REP. LAWRENCE R. KLEMIN HOUSE BILL NO. 1033 SENATE JUDICIARY COMMITTEE FEBRUARY 17, 2025

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HB 1033 is modeled on the law passed in Colorado. Smantha Sliney, a representative of the U.S. Department of Defense, will explain the bill and answer any questions you may have. I request the Senate Judiciary Committee to recommend "Do Pass" on House Bill No. 1033.

Thank you.

Rep. Lawrence R. Klemin
District 47, Bismarck