

2025 HOUSE JUDICIARY

HB 1044

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1044
1/8/2025

A BILL for an Act to amend and reenact section 31-13-04 of the North Dakota Century Code, relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an emergency.

1:31 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Lawrence R. Klemin, Vice-Chairman Karen Karls, Vice-Chairman Steve Vetter, Representatives Nels Christianson, Donna Henderson, Jeff Hoverson, Daniel Johnston, Carrie McLeod, SuAnn Olson, Bernie Satrom, Bill Tveit, Lori VanWinkle, Christina Wolff, Mary Schneider

Discussion Topics:

- DNA for testing
- Certified correctional officers
- DNA testing process

1:32 p.m. Jennifer Penner, North Dakota Crime Laboratory Director, testified in favor and provided verbal testimony.

1:49 Chairman Klemin closed the hearing

Wyatt Armstrong, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1044
1/14/2025

A BILL for an Act to amend and reenact section 31-13-04 of the North Dakota Century Code, relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an emergency.

2:47 p.m. Chairman Klemin called the opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Olson

Discussion Topics:

- Previous DNA bills
- Effectiveness of DNA samples

2:48 p.m. Representative McLeod moved to amend and delete the word "certified" on line 13.

2:48 p.m. Representative Wolff seconded the motion.

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

Motion passed 13-0-1

2:51 p.m. Representative McLeod moved for a Do Pass as Amended.

2:51 p.m. Representative Vetter seconded the motion.

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

2:52 p.m. Motion passed 13-0-1.

Representative Johnston will carry the bill.

2:53 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

January 14, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1044

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact section 31-13-04 of the North Dakota Century Code,
2 relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an
3 emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 31-13-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **31-13-04. DNA testing - Procedure - Immunity.**

- 8 1. Samples of blood or other body fluids for DNA testing may be obtained in a medically
9 approved manner by a physician, registered nurse, licensed practical nurse,
10 phlebotomist, or medical technologist, and packaged and submitted in kits approved or
11 provided by the laboratory and in accordance with rules adopted by the laboratory.
- 12 2. Samples of saliva for DNA testing may be obtained by a licensed peace officer or a
13 certified correctional officer, and packaged and submitted in kits approved or provided
14 by the laboratory and in accordance with rules adopted by the laboratory. Samples
15 may be collected and submitted by personnel from an agency outside the state with
16 approval of the laboratory.
- 17 3. Civil or criminal liability may not attach to any individual authorized to draw or obtain a
18 sample of blood or other body fluids from any individual for DNA testing if the sample
19 of blood or other body fluids was drawn or obtained according to sampling techniques
20 approved by the laboratory.

21 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Rev 1/14/25
1 of 1

**REPORT OF STANDING COMMITTEE
HB 1044**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.8017.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1044 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1044

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1044
2/18/2025

Relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an emergency.

9:01 a.m. Chair Larson opened the meeting.

Members present:

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

Discussion Topics:

- Focus on DNA testing procedures
- Correctional officers to collect DNA
- DNA collection process

9:02 a.m. Emily A. Hoge, Quality Assurance Manager and DNA Analyst, ND Office of Attorney General- Crime Laboratory, submitted testimony in favor #37752.

9:05 a.m. Chair Larson closed the hearing.

9:05 a.m. Senator Myrdal moved a Do Pass.

9:05 a.m. Senator Castaneda seconded the motion.

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

Motion Passed 6-0-1.

9:05 a.m. Senator Myrdal will carry the bill.

9:06 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1044 ([25.8017.02000](#))**

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

SENATE JUDICIARY COMMITTEE
02 18 25
TESTIMONY OF EMILY HOGE
OFFICE OF ATTORNEY GENERAL-CRIME LABORATORY

Chairwoman Larson, members of the Committee,

I am Emily Hoge, Quality Assurance Manager and DNA analyst for the Crime Laboratory Division for the Office of Attorney General.

I am here today on behalf of the Attorney General's Office to present a bill to enact and amend section 31-13-04 of the North Dakota Century Code which relates to DNA testing, sampling, and procedure. The Attorney General's office is asking for an amendment to Section 2 regarding DNA testing and procedure. The Attorney General's Office would like to make an amendment to allow for a correctional officer to collect samples of DNA for inclusion into the State and National DNA databases. As section 2 is written right now, it only allows for a licensed peace officer to collect those samples and the majority of the samples we receive at the crime lab for the database are collected at correctional facilities during arrest and booking of the individual. By adding correctional officer as a qualified collector, this would make the collection process simpler for those individuals. I ask for the committee to vote a Do Pass on this bill and I stand for any questions.