

2025 HOUSE JUDICIARY

HB 1047

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1047
1/8/2025

A BILL for an Act to create and enact a new section to chapter 29-22 of the North Dakota Century Code, relating to juror counseling.

10:25 a.m. Chairman Klemin called the meeting to order.

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

Discussion Topics:

- Cost of juror counseling service
- Juror and witness trauma

10:26 a.m. Sally Holewa, North Dakota State Court Administrator, testified in favor and provided testimony #28111

10:43 a.m. Greg Kakowski, Director of the Children's Advocacy Center, testified in favor and provided testimony #28184

10:45 Travis Fink, Executive Director for the North Dakota Commission on Legal Counsel for Indigents, testified in favor and provided Testimony #28153

Additional written testimony:

O'Neill, Seth, North Dakota Domestic and Sexual Violence Coalition, submitted testimony in favor #28147

10:46 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

HB 1047**House Judiciary Committee
January 8, 2025
Testimony of Sally Holewa
State Court Administrator**

Chair Klemin and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

HB 1047 was introduced at the request of the Supreme Court. It is a relatively simple bill to address a serious issue. If enacted, this bill would allow the state to provide up to 10 hours of counseling services to jurors who have served on a trial involving extraordinarily graphic, gruesome or emotional evidence or testimony. The types of cases in which that kind of testimony or evidence might be present are listed in section two of the bill. In 2023, there were 244 trials held, of which 38 would have met the criteria to offer counseling. In 2024, there were 224 trials held, of which 33 would have met the criteria to offer counseling.

Section 3 of the bill specifies that the counseling would need to be done within 180 days after the jury is discharged, and includes options for how the services would be provided and the type of services covered.

There is a whole body of evidence that demonstrates that jurors can experience post-traumatic stress syndrome or symptoms of vicarious trauma for up to two years following jury service that involves having to listen to victim testimony or see or hear graphic evidence of crimes that include 911 calls, photographs and videos of acts involving child sexual abuse, severe abuse, mutilation, burning or murder.

Jurors are especially prone to trauma from exposure to these types of things because they are required to commit the testimony and evidence they hear to long-term memory in order to be able to fully participate in juror deliberations at the end of the trial.

In the past, we have been able to offer critical incident de-briefing through our Employee Assistance Program to jurors if the assigned judge has requested those services in advance and if our EAP provider had someone who would be available to provide the service when the court called. Our EAP provider notified us last summer that they would longer provide this service. Although de-briefing services are helpful, the individual counseling that would be available through this bill is a more effective method of addressing trauma because an individual may not realize until a few weeks after trial that the unwanted images, intrusive thoughts, and emotional ups and downs are not likely to go away on their own. We also know that midwestern stoicism makes it difficult for individuals to publicly admit to needing help.

This bill is modeled after a program that has been successfully used in Alaska for the past 5 years. Less than 1% of the jurors who were offered counseling services chose to utilize them. Guided by Alaska's experience, we estimate that the biennial cost for the program will be \$10,000.



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House Bill No. 1047
House Judiciary Committee
Written Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
January 8, 2025

Chairman Klemin and members of the House Human Services Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in support of HB1047.

This bill would provide up to 10 hours of psychological counseling to jurors who have served on a jury trial involving extraordinary graphic, gruesome, or emotional evidence or testimony. The individual would not be charged for accessing this service. Serving on a trial of this nature can be traumatic for the individuals involved and be difficult for individuals to process in a healthy manner.

This bill would give potential jurors peace of mind knowing that they have access to resources to support them after the experience. Ten hours of psychological counseling is equivalent to about 10, one-hour sessions which is plenty of time for the individual to be able to process some of the trauma resulting from their experiencing serving on a jury. This bill would encourage the citizens of North Dakota to uphold their civic duty by ensuring that individuals will have the necessary supports in place after their jury service.

Due to these reasons, we encourage the committee to give HB 1047 a Do-Pass Recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank You.



HB 1047
69th Legislative Assembly
House Judiciary Committee
January 8, 2025
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1047.

House Bill 1047 provides post-trial counseling to a juror or alternate juror in certain situations. Juror counseling provides a safe space for jurors to process and address emotional distress they may experience after serving on a particularly difficult trial, especially in cases involving graphic or traumatic evidence, allowing them to cope with potential psychological impacts and move forward from their civic duty without lasting negative effects. By addressing the potential psychological impact on jurors, courts can demonstrate a commitment to their well-being and maintain public confidence in the legal process. The Commission believes this program will encourage jury participation. This serves to strengthen the legal process and move the legal system in this state forward.

For the reasons states herein, the Commission supports HB 1047 and respectfully requests a do pass recommendation.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI



CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

House Judiciary Committee
Testimony In Support of House Bill #1047
1-8-24

Chairman Klemin and Members of the House Judiciary Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of House Bill 1047.

Each year across North Dakota, more than 3,000 victims of child sexual abuse, child physical abuse, and other forms of child maltreatment receive services from a Children's Advocacy Center.

Every single day at Children's Advocacy Centers, we witness firsthand the devastating impacts that these cases have on so many individuals—first and foremost the child victims and their families. Secondly, these cases take an emotional toll on our staff and partners involved in the case—law enforcement, human services, medical, mental health, and victim advocates.

This secondary traumatic stress or vicarious trauma may even be experienced by those involved in the justice process—attorneys, judges, advocates—and community members who serve on a jury may certainly be affected as well.

House Bill 1047 is a compassionate answer to help jurors who hear graphic descriptions in child abuse cases. Anecdotally, it could potentially:

- Increase the willingness of jurors to serve, reducing jury pool exclusions
- Help jurors better focus on the facts of the case, leading to more informed and just verdicts

Mr. Chairman and Members of the Committee, thank you the opportunity to testify today, and I am happy to try and answer any questions.

Sincerely,

Greg Kasowski
Executive Director

Children's Advocacy Centers of North Dakota

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2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1047
1/8/2025

A BILL for an Act to create and enact a new section to chapter 29-22 of the North Dakota Century Code, relating to juror counseling.

3:20 p.m. Chairman Klemin opened the hearing.

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

Discussion Topics:

- Fiscal note procedure
- Juror counseling provider
- The jury duty process
- Juror responsibility and trauma

3:21 p.m. Representative VanWinkle moved a Do Pass.

3:21 p.m. Representative Satrom seconded the motion.

3:32 p.m. Roll Call Vote

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

3:34 p.m. Motion passed 11-3-0.

3:34 p.m. Representative Hoverson will carry the bill.

3:35 p.m. Chairman Klemen closed the hearing.

House Judiciary Committee
HB 1047
Jan 8, 2025
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Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1047 ([25.8026.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar.

2025 SENATE JUDICIARY

HB 1047

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1047
2/18/2025

Relating to mediation agreements.

10:30 a.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Counseling for traumatic trial experiences
- Individual counseling
- Jurors face graphic case details

10:31 a.m. Sally Holewa, North Dakota Court System of North Dakota Court System, submitted testimony in favor #37730.

10:37 a.m. Greg Kasowski, Executive Director of Children's Advocacy Centers of North Dakota, submitted testimony in favor #37921.

10:41 a.m. Travis Finck, ND Commission on Legal Counsel for Indigents, testified in opposition and submitted testimony #37934.

10:46 a.m. Chair Larson closed the hearing.

10:46 a.m. Senator Castaneda moved a Do Pass.

10:46 a.m. Senator Braunberger 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	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 6-1-0.

10:47 a.m. Senator Castaneda will carry the bill.

10:47 a.m. Chair Larson closed the hearing.

Senate Judiciary Committee

HB 1047

2/18/2025

Page 2

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1047 ([25.8026.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1047 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

HB 1047**Senate Judiciary Committee
February 18, 2025
Testimony of Sally Holewa
State Court Administrator**

Chair Larson and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

HB 1047 was introduced at the request of the Supreme Court. It is a relatively simple bill to address a serious issue. If enacted, this bill would allow the state to provide up to 10 hours of counseling services to jurors who have served on a trial involving extraordinarily graphic, gruesome or emotionally devastating evidence or testimony. The types of cases in which that kind of testimony or evidence might be present are listed in section two of the bill. In 2023, there were 244 trials held, of which 38 would have met the criteria to offer counseling. In 2024, there were 224 trials held, of which 33 would have met the criteria to offer counseling.

Section 3 of the bill specifies that the counseling would need to be done within 180 days after the jury is discharged, and includes options for how the services would be provided and the type of services covered.

There is a large body of evidence that demonstrates that jurors can experience post-traumatic stress syndrome or symptoms of vicarious trauma for up to two years following jury service that involves having to listen to victim testimony or see or hear graphic evidence. Some examples are 911 calls that include audio of an individual being abused or killed, finding the murdered body of a loved one, or self-reporting a murder; photographs and videos of acts involving child sexual

abuse, severe physical abuse, torture and mutilation of children or adults; burned or dismembered bodies; and the torn bodies of murder or accident victims.

It is important to remember that jurors are not volunteers. They are compelled by law to report for service. They do not have the options of looking away, not listening or quickly distracting themselves, which are the natural defense mechanisms the rest of us can employ when we encounter something unpleasant. Jurors are especially prone to trauma from exposure to these types of things specifically because they are required to commit the testimony and evidence into their long-term memory in order to be able to fully participate in juror deliberations at the end of the trial.

In the past, we have been able to offer critical incident de-briefing through our Employee Assistance Program to jurors if the assigned judge has requested those services in advance and if our EAP provider had someone who would be available to provide the service when the court called. Our EAP provider notified us last summer that they would longer provide this service. Although de-briefing services are helpful, the individual counseling that would be available through this bill is a more effective method of addressing trauma because an individual may not realize until a few weeks after trial that the unwanted images, intrusive thoughts, and emotional ups and downs are not likely to go away on their own. We also know that midwestern stoicism makes it difficult for individuals to publicly admit to needing help. Proactively recognizing the lingering effects of jury service erases that step. Having a provider who can offer the choice of tele-health counseling services will further enhance the privacy of the juror since they would need to take less time off from work or spend time in a waiting room where they may be leery of encountering neighbors or co-workers.

Juror counseling services for high-stress cases has been available in the federal district courts since 2005. Alaska, Florida, Massachusetts, Minnesota, New York, Oregon, Texas, Washington and the courts in Canada make juror counseling available for jurors experiencing vicarious trauma. The specifics of this bill are modeled after a program that has been successfully used in Alaska for the past 5 years. Less than 1% of the jurors who were offered counseling services chose to utilize them. That low number doesn't mean the services are not necessary. It is proof that the program is necessary and that it is not being misused. Guided by Alaska's experience, we estimate that the biennial cost for the program will be \$10,000.

I believe this is a necessary, cost-controlled, and effective service that recognizes the service of those who have stepped up to perform the hard and unpleasant work that an orderly society sometimes demands of its citizens.

I urge a Do Pass recommendation and will stand for any questions.



Senate Judiciary Committee
Testimony In Support of House Bill #1047
2-18-25

Chairman Larson and Members of the Senate Judiciary Committee,
My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of House Bill 1047.

House Bill 1047 is an innovative idea. Secondary traumatic stress and vicarious trauma are real issues for those who deal with cases containing graphic evidence—cases of child sexual abuse being a prime example.

Our Children's Advocacy Center staff, along with partners in law enforcement, human services, prosecution, and medical, deal with this horrific, disturbing content on a daily basis. Many professionals in these fields are adopting strategies to manage their exposure to traumatic information.



One example is the “No Slime Zone” sticker, which signals a need for professionals to focus on essential case details and to limit the re-telling of traumatic information to protect mental and emotional well-being.

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**CHILDREN'S
ADVOCACY
CENTERS**
OF NORTH DAKOTA

However, jurors are not able to be shielded from the graphic details during a jury trial. As they serve their civic duty, their exposure to this material is required. House Bill 1047 is a novel solution which offers secondary traumatic stress or vicarious trauma counseling to jurors who might benefit from it. Anecdotally, it could:

- Increase the willingness of jurors to serve, reducing jury pool exclusions
- Help jurors better focus on the facts of the case, leading to more informed and just verdicts

Madame Chair and Members of the Committee, thank you for the opportunity to testify today, and I will stand for any questions.

Sincerely,

Greg Kasowski
Executive Director

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HB 1047
69th Legislative Assembly
Senate Judiciary Committee
February 18, 2025
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1047.

House Bill 1047 provides post-trial counseling to a juror or alternate juror in certain situations. Juror counseling provides a safe space for jurors to process and address emotional distress they may experience after serving on a particularly difficult trial, especially in cases involving graphic or traumatic evidence, allowing them to cope with potential psychological impacts and move forward from their civic duty without lasting negative effects. By addressing the potential psychological impact on jurors, courts can demonstrate a commitment to their well-being and maintain public confidence in the legal process. The Commission believes this program will encourage jury participation. This serves to strengthen the legal process and move the legal system in this state forward.

For the reasons states herein, the Commission supports HB 1047 and respectfully requests a do pass recommendation.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI