

**2025 HOUSE JUDICIARY**

**HB 1059**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1059  
1/8/2025

A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

11:05 a.m. Chairman Klemin opened the hearing.

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

## **Discussion Topics:**

- Classification and clarification of felonies
- Classification and clarification of misdemeanors

11:07 a.m. Tom Erhardt, Chief Parole and Probation Officer, testified in favor and provided testimony #28130.

11:23 a.m. Chairmen Klemin closed the hearing.

11:23 a.m. Representative Vetter moved a Do Pass.

11:23 a.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
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	N
Representative Christina Wolff	Y

Motion Passed 12-2-0.

House Judiciary Committee

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Jan 8, 2025

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Representative Vetter will carry the bill.

11:31 a.m. Chairman Klemin adjourned the meeting.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1059 ([25.8054.01000](#))**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar.

**HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR  
JANUARY 8, 2025**

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**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER  
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1059**

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Chairman Klemin and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised by probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of House Bill 1059.

House bill 1059 would clarify North Dakota Century Code 12.1-32-02. This section of code provides for a defendant convicted of a felony who is sentenced to imprisonment for three-hundred sixty (360) days or less to be convicted of a misdemeanor. This is a great benefit to the defendant, as it allows the individual the chance to keep a felony off his or her record and avoid experiencing sometimes life-long consequences for being a convicted felon. The current statute does not clarify the level of misdemeanor, class A or B. This

amendment would clarify the reduction to a class A misdemeanor. As well, it would provide further clarification to the court that the penalties for which the defendant is subject to would be those of the misdemeanor A class.

We are asking for this clarification because there are times when the court sentences the defendant to felony-level supervised probation time, even after a misdemeanor disposition. For most felonies, the maximum amount of time a court can sentence a person to supervised probation at initial sentencing is three (3) years. There are violent felonies where it is five (5) years. For class A misdemeanors it is two (2) years. The most recent schedule for supervision lengths was implemented in 2015 by the 64<sup>th</sup> Legislative Assembly, and this amendment seeks to provide consistency to the intent of that change. As well, this clarification would shorten supervision periods for misdemeanants resulting in in parole and probation staff time focused on higher risk, more dangerous individuals.

Please consider this amendment to support the statute clarification.

I will stand to answer any questions I can. Thank you.

**2025 SENATE JUDICIARY**

**HB 1059**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

HB 1059  
2/19/2025

Relating to sentencing alternatives.
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10:00 a.m. Chair Larson opened the meeting.

Members present:

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

### Discussion Topics:

- Clarifies felony to misdemeanor conversion
- Ensures classification as class A misdemeanor
- Reduces supervised probation durations
- Judicial sentencing options

10:02 a.m. Tom Erhardt, Chief Parole and Probation Officer of ND DOCR, testified in favor and submitted testimony #38015.

10:14 a.m. Chair Larson closed the hearing.

10:15 a.m. Senator Braunberger moved a Do Pass.

10:15 a.m. Senator Castaneda seconded the motion.

10:18 a.m. Travis Finck, ND Commission on Legal Counsel for Indigents, testified as neutral.

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

Motion Failed 3-4-0.

10:28 a.m. Senator Luick moved a Do Not Pass.

10:28 a.m. Senator Myrdal seconded the motion.



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

Motion Passed 4-3-0.

10:29 a.m. Senator Luick will carry the bill.

**Additional written testimony:**

Chad Kaiser, Stutsman County Sheriff's Office, submitted testimony in opposition #37985.

10:29 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1059 ([25.8054.01000](#))**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1059 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

02/17/2025

Senate Judiciary Committee

HB 1059

Chad Kaiser Stutsman County Sheriff

Madam Chair Diane Larson and members of the Judiciary Committee, my name is Chad Kaiser I am the Sheriff of Stutsman County.

I am in opposition to HB 1059 and hope that you will give this a DO NOT PASS recommendation.

This bill at first glance doesn't seem like much, until you really think about it. Someone can get charged with a Felony and if the courts sentenced them 360 days or less, the Felony charge would be reduced to an A misdemeanor if they don't get revoked during probation. This bill is saying an A misdemeanor, the maximum the courts can give is TWO years' probation.

This bill ties the court's hands, the court should be able to have discretion and give more probation, if they get through probation the Felony goes away, you can't beat that incentive. Not to mention how many times they can violate parole before they get charged for a violation. This bill wants to give them a maximum of 2 years' probation?! For an original FELONY CHARGE.

I feel this section of law was put in place for this reason to give discretion as it doesn't specify type of felony or misdemeanor. So, could someone have a violent felony, and their probation is 5 years (typical) now the court can only give 2 years as this amendment is written?

Lots of problems with this amendment, please give this a DO NOT PASS.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Kaiser', with a stylized flourish at the end.

Chad Kaiser

Stutsman County Sheriff

**SENATE JUDICIARY COMMITTEE  
SENATOR DIANE LARSON, CHAIR  
FEBRUARY 19, 2025**

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**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER  
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1059**

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Chair Larson and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervision on probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of House Bill 1059.

House Bill 1059 would clarify North Dakota Century Code §12.1-32-02. This section of code provides for a defendant convicted of a felony who is sentenced to imprisonment for three-hundred sixty (360) days or less to be convicted of a misdemeanor. This is a great benefit to the defendant, as it allows the individual the chance to keep a felony off his or her record and avoid experiencing sometimes life-long consequences for being a convicted felon. The current statute does not clarify the level of misdemeanor, class A or B. This

amendment would clarify the reduction to a class A misdemeanor. It also clarifies to the court that the penalties for which the defendant is subject to would be those of the misdemeanor A class.

We are asking for this clarification because there are times when the court sentences the defendant to felony-level supervised probation time, even after a misdemeanor disposition. For most felonies, the maximum amount of time a court can sentence a person to supervised probation at initial sentencing is three (3) years. There are violent felonies where it is five (5) years. For class A misdemeanors it is two (2) years. The most recent schedule for supervision lengths was implemented in 2015 by the 64<sup>th</sup> Legislative Assembly, and this amendment seeks to provide consistency to the intent of that change. This clarification also would shorten supervision periods for misdemeanants resulting in in parole and probation staff time focused on higher risk, more dangerous individuals.

Please consider this amendment to support the statute clarification. I will stand to answer any questions. Thank you.