

2025 HOUSE JUDICIARY

HB 1061

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1061
1/8/2025

A BILL for an Act to amend and reenact subsections 1, 17, and 18 of section 12.1-34-02 of the North Dakota Century Code, relating to fair treatment of victims.

11:31 a.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:

- Communication with victims
- Marsy's Card and Marsy's Law
- Child Victims

11:32 a.m. Charlie Hedden, Grants and Contracts Manager in the North Dakota Department of Corrections and Rehabilitation's Victim Services Team, testified in favor and provided testimony #28134.

11:54 a.m. Heidi Smith, IT/CJS Division Director with the Office of Attorney General, testified in opposition and provided testimony #28146.

12:11 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

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

**CHARLIE HEDDEN, GRANTS AND CONTRACTS MANAGER
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1061**

Chairman Klemin and members of the House Judiciary Committee, my name is Charlie Hedden and I stand before you today as a representative of the North Dakota Department of Corrections and Rehabilitation's Victim Services Team. I want to express my gratitude for the opportunity to discuss House Bill 1061 and the changes it proposes regarding legislative language pertaining to victim notifications. The Victims services team assist victims when the offending individual has been sentenced to the custody of the North Dakota Department of Corrections and Rehabilitation. Services include victim notifications about movements of inmates and updating victims about parole or pardon review, release to parole or probation, Community Placement Program, Work/Education release, expiration of sentence or revocation of sentence, death and escape. The team also provides community and agency education of victims' rights and federal VOCA funds, and restorative justice service such as victim-offender conferencing.

As we examine the current framework, it becomes increasingly clear that it does not adequately address the nuanced needs of victims who have experienced profound trauma. House Bill 1061 seeks to amend the requirement that custodial authorities must provide notifications to all victims, regardless of

their registration status. I am in favor for this change, as it recognizes the complexity of victims' experiences and their right to choose how they engage with the criminal justice system.

It is essential to understand that not all victims wish to be involved in ongoing communication regarding offenders. Many individuals have expressed that receiving updates, particularly those that may trigger painful memories, can exacerbate their trauma. Our current mandate to communicate with victims, irrespective of their registration, often leads to unintended consequences, including additional stress and emotional duress. The act of reliving their trauma with each notification can hinder their healing process, making it critical that we respect their autonomy in this matter.

By allowing victims the choice to register for communication, we empower them to reclaim some control over their lives—a vital step in their recovery journey. Victims should not be burdened with the anxiety of unsolicited updates that bring back memories they are trying to move beyond. Instead, we should be providing a system that prioritizes their well-being and respects their individual needs.

In crafting this legislation, we have an opportunity to align our practices with the principles of victim-centered care. By ensuring that we are only legislatively required to communicate with registered victims, we can foster an environment that honors their preferences and acknowledges the diverse responses to trauma.

As we consider the implications of this bill, please reflect on the voices of those we serve. Many victims have shared their experiences of feeling overwhelmed and re-traumatized by mandatory notifications. We have a responsibility to listen to their concerns and adapt policies to better serve their needs.

In conclusion, I support House Bill 1061, as it represents a significant shift toward a more compassionate and victim-centered approach within our justice system. By allowing victims to choose their level of engagement, we not only uphold their rights but also contribute to a more effective and empathetic response to the needs of those who have suffered.

Thank you for your attention to this crucial matter. I look forward to your support for House Bill 1061 and the positive changes it will bring to our community. I will stand for any questions.

HOUSE JUDICIARY COMMITTEE
JANUARY 8, 2025

TESTIMONY OF HEIDI SMITH
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1061

Chairman Klemin and members of the Committee:

My name is Heidi Smith, IT/CJIS Division Director with the Office of Attorney General, and I appear on behalf of the Attorney General in opposition to House Bill 1061. Our division provides the ND Statewide Victim Information and Notification system (ND SAVIN) for the state of ND. The suggested changes to section 1 and section 17 do not align with the Article I Section 25 of the ND constitution, will add additional burden and risk to victims of crime, and makes the ND SAVIN system the sole method of notification for victims. The Office of Attorney General recommends a do not pass on House Bill 1061.

ND SAVIN

ND SAVIN provides crime victims with automated notifications regarding offender incarceration, probation, commitment and criminal court case status and events. Notifications are provided to registrants as a text, email or automated phone call. Having a tool that assists custodial facilities, courts and victims service providers fulfill notification requirements allows for more time to be spent on tasks such as making connections with victims, preparing for court and safety planning upon release. ND SAVIN is a tool to assist agencies, but it is not intended to remove the personal interaction for victims, which is an essential part of the criminal justice process.

Bill Section 1, addition of “when requested”

Section 1 of the House Bill 1061 amends a statute that effectuates certain rights of crime victims guaranteed under Article 1 of the Constitution of North Dakota. For example, crime victims have the right “to reasonable, accurate, and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication, and disposition, and any proceeding during which a right of the victim is implicated.”¹ They also have the right “to be promptly notified of any release or escape of the accused.”²

Contrary to that constitutional provision, adding the words “when requested” to section 1 of the bill on page 1, line 6 puts the burden on each crime victim to ask for information about the victim notification system that the victim may not be aware even exists. If a victim is unaware of the notification system and, as a result of this bill, does not receive information about the system, there is a high potential they will miss high-priority notifications, such as notifications about the criminal’s release or escapes from correctional facilities or important court hearings at which the victim has a right to appear. This could put crime victims’ safety at risk. If a victim has asserted their rights under the Constitution at any point during the criminal justice process, they should not be required to then ask for information on how to register for the victim notification system. That information should be given without the expectation that they will need to request it.

¹ Constitution of North Dakota, Art. 1, Sec. 25.

² Id.

Bill Section 1, removing “Victims who are not registered must be given the same notice by the appropriate custodial authority”

Removing “Victims who are not registered must be given the same notice by the appropriate custodial authority” would compound the problems identified by the addition of the phrase “when requested” in section 1 of the bill. It would impede the state’s ability to fulfill its constitutional responsibility to notify crime victims of critical events, reduces the chance that victims will receive those notifications, and increases the risk to victims. This is because it would put the entire responsibility on crime victims to register for and continuously use the ND SAVIN system, and it would depend on perfect performance by an electronic information system.

The concern with this is that ND SAVIN has always been meant to be a tool to assist agencies and victim service providers with notification, but it was never meant to fully replace notifications provided by the custodial authority. In several instances, you may have victims who are uncomfortable receiving automated phone calls, text messages, or emails. They may prefer to receive a phone call from a person, especially in highly volatile, dangerous situations. These victims now have the option to receive in-person notifications from custodial authorities and do not have to register for ND SAVIN, but the change on page 1, lines 18-21 of House Bill 1061 would take that option away from crime victims.³

Also, when someone escapes from prison, a phone call from someone at the facility will likely be much timelier and more appropriate than an electronic notification that is dependent on data being entered into a system and an automated message being received. Similarly, when there is an in-custody death (also considered a release), there are safeguards in place to not provide those automated notices right away because victims often times are family members of

³ This conclusion is bolstered further if the reference to an “authorized representative” on page 2, line 15 of the bill is intended to refer to ND SAVIN.

the offender. Intentional delays in these situations allow time for in-person notifications to be provided to the victims by the custodial authority prior to receiving an automated notification. By striking out the proposed language, these scenarios and others would no longer require a person to reach out to a victim. Victims would have to rely on an automated system with limited ability to communicate information to provide the many kinds of notices victims are entitled to receive.

ND SAVIN is a tool and resource for victim notifications and, most of the time, very reliable. But it should not be the sole provider of all notification types. As with any system, processes fail, downtime occurs, booking systems change, and data may not be entered accurately or timely. All these scenarios impact the timeliness and accuracy of notification. IT/CJIS works extremely hard to ensure that the system is up to date and is providing accurate notices, but, like any electronic information system, it is not foolproof, and it should not replace the need or expectation for in-person notification when appropriate. ND SAVIN provides an administrator site, so anyone responsible for providing notifications can log in and see if someone is registered, if a notice has gone out, and what that notice is. This is to ensure that if a victim has not registered or did not receive a notice, the burden then is on the custodial authority to ensure that the notice is provided by them.

Adding the wording in subsection 1 of N.D.C.C. § 12.1-34-02 and then removing the responsibility of the custodial authority to provide notification of release in subsection 17 of that same section, would put the burden on the victim to not only know a victim notification system exists but also to know they must ask for the necessary information to register for it, and then would remove victim's options for receiving other types of notifications. The changes in House

Bill 1061 also would require victims to rely entirely on electronic information system to receive critical, time-sensitive notifications to satisfy their constitutional rights..

For these reasons, the Office of Attorney recommends a do not pass. Thank you for your time and consideration, and I would stand for any questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1061
1/15/2025

A BILL for an Act to amend and reenact subsections 1, 17, and 18 of section 12.1-34-02 of the North Dakota Century Code, relating to fair treatment of victims.

2:03 p.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:

- Disclosure of victim information
- Constitutionality of the bill

2:08 p.m. Representative Tveit moved to amend page 1 line 6 remove "when requested" as well as removing the overstrike page 1 line 18-20.

Representative Schneider 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	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	Y

Motion passed 13-1-0

2:16 p.m. Representative Vetter moved a Do Pass as Amended.

Representative Tveit seconded the motion.

Representatives	Vote
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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	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	Y

Motion passed 13-1-0.

Representative Karls will carry the bill.

2:19 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1061

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL ~~for an Act to amend and reenact subsections 1, 17, and 18 of section 12.1-34-02 of the~~
2 ~~North Dakota Century Code, relating to fair treatment of victims.~~for an Act to amend and reenact
3 subsections 17 and 18 of section 12.1-34-02 of the North Dakota Century Code, relating to fair
4 treatment of victims.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. AMENDMENT.~~ Subsections 1, 17, and 18 of section 12.1-34-02 of the North
7 Dakota Century Code are amended and reenacted as follows:

8 ~~1. Informed by those entities that have contact with the victim or witness when requested~~
9 ~~as to the availability of and the methods available for registration with the statewide~~
10 ~~automated victim information and notification system. Those entities include law~~
11 ~~enforcement, prosecuting attorneys, the courts, and custodial authorities. A victim or~~
12 ~~witness who clearly objects to registration may not be required to register with the~~
13 ~~system or must be able to opt out of the system. A victim has the right to:~~

14 ~~a. Prevent the disclosure of confidential or privileged information about the victim or~~
15 ~~the victim's family; and~~

16 ~~b. Be notified of any request for identifying information or confidential or privileged~~
17 ~~information about the victim or victim's family.~~

18 ~~17. Prompt notice of custodial release. Registered victims and witnesses must be~~
19 ~~informed whenever a criminal defendant receives a temporary, provisional, or final~~
20 ~~release from custody or whenever the defendant escapes from custody. Victims who~~
21 ~~are not registered must be given the same notice by the appropriate custodial~~

25 1/15/25
1 of 3

1 authority. Notification must include the transfer of the defendant to a work-release or
2 education release program, a community residential program, or transfer to a mental
3 health facility. All notices to the registered victim and witnesses concerning this release
4 information must be within a reasonable time prior to the defendant's release or
5 transfer. The notice given by the custodial authority must be given by any means
6 reasonably calculated to give prompt notice.

7 ~~18. Participation in parole board and pardon decision. Victims may submit a written~~
8 ~~statement for consideration by the parole board, the governor, or the pardon advisory~~
9 ~~board, if one has been appointed, prior to the parole board, the governor, or the~~
10 ~~pardon advisory board taking any action on a defendant's request for parole or~~
11 ~~pardon. A victim statement made under this subsection is a confidential record and~~
12 ~~may be disclosed only to the parole board, the governor, the pardon advisory board, or~~
13 ~~their authorized representative. Victims of violent crimes may at the discretion of the~~
14 ~~parole board, the governor, or the pardon advisory board personally appear and~~
15 ~~address the parole board, the governor, or the pardon advisory board. Victim~~
16 ~~testimony and written statements under this subsection are confidential and may be~~
17 ~~disclosed only to the parole board, the governor, the pardon advisory board, or their~~
18 ~~authorized representative. Notice must be given by the parole board or, pardon clerk,~~
19 ~~or authorized representative informing the registered victim of the pending review. The~~
20 ~~registered victim must be provided notice of the decision of the parole board or of the~~
21 ~~governor and the recommendations of the pardon advisory board, if any, and, if~~
22 ~~applicable, notice of the date of the prisoner's release on parole or the prisoner's~~
23 ~~pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must~~
24 ~~be given within a reasonable time after the parole board or the governor makes a~~
25 ~~decision but in any event before the parolee's or pardoned prisoner's release from~~
26 ~~custody.~~

27 **SECTION 1. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota
28 Century Code is amended and reenacted as follows:

- 29 17. Prompt notice of custodial release. Registered victims and witnesses must be
30 informed whenever a criminal defendant receives a temporary, provisional, or final
31 release from custody or whenever the defendant escapes from custody. Victims who

1 are not registered must be given the same notice by the appropriate custodial
2 authority. Notification must include the transfer of the defendant to a work-release or
3 education release program, a community residential program, or transfer to a mental
4 health facility. All notices to the registered victim and witnesses concerning this release
5 information must be within a reasonable time prior to the defendant's release or
6 transfer. The notice given by the custodial authority must be given by any means
7 reasonably calculated to give prompt notice.

8 **SECTION 2. AMENDMENT.** Subsection 18 of section 12.1-34-02 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 18. Participation in parole board and pardon decision. Victims may submit a written
11 statement for consideration by the parole board, the governor, or the pardon advisory
12 board, if one has been appointed, prior to the parole board, the governor, or the
13 pardon advisory board taking any action on a defendant's request for parole or
14 pardon. A victim statement made under this subsection is a confidential record and
15 may be disclosed only to the parole board, the governor, the pardon advisory board, or
16 their authorized representative. Victims of violent crimes may at the discretion of the
17 parole board, the governor, or the pardon advisory board personally appear and
18 address the parole board, the governor, or the pardon advisory board. Victim
19 testimony and written statements under this subsection are confidential and may be
20 disclosed only to the parole board, the governor, the pardon advisory board, or their
21 authorized representative. Notice must be given by the parole board ~~or~~, pardon clerk,
22 or authorized representative informing the registered victim of the pending review. The
23 registered victim must be provided notice of the decision of the parole board or of the
24 governor and the recommendations of the pardon advisory board, if any, and, if
25 applicable, notice of the date of the prisoner's release on parole or the prisoner's
26 pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must
27 be given within a reasonable time after the parole board or the governor makes a
28 decision but in any event before the parolee's or pardoned prisoner's release from
29 custody.

**REPORT OF STANDING COMMITTEE
HB 1061**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.8057.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1061

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1061
2/19/2025

Relating to fair treatment of victims.
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10:47 a.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Bill introduction

10:47 a.m. Chair Larson asked for introduction of the bill.

10:50 a.m. Chair Larson postpones HB 1061 until bill sponsor became available.

10:50 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1061
3/10/2025

Relating to fair treatment of victims.
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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:

- Victim notification requirements
- Change to notification system
- Victim registration and opt-out options

10:01 a.m. Claire Ness, Chief Deputy Attorney General, testified in favor and submitted testimony #39936.

10:10 a.m. Heidi Smith, IT Director, Office Attorney General, testified in favor.

10:12 a.m. Chair Larson closed the hearing.

10:12 a.m. Senator Luick moved a Do Pass.

10:12 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	Y
Senator Larry Luick	Y
Senator Janne Myrdal	A

Motion Passed 6-0-1.

10:13 a.m. Senator Cory will carry the bill.

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

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1061 ([25.8057.02000](#))**

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1061 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

SENATE JUDICIARY COMMITTEE
MARCH 10, 2025

TESTIMONY OF CLAIRE NESS
OFFICE OF ATTORNEY GENERAL
ENGROSSED HOUSE BILL NO. 1061

Chairman Larson and members of the Committee:

My name is Claire Ness, and I am the Chief Deputy Attorney General. I believe House Bill 1061 was originally introduced at the request of the Department of Corrections and Rehabilitation (DOCR). The Attorney General's Office does not want to step on the toes of DOCR, but I understand DOCR did not wish to introduce the bill today due to its amendment in the House. House Bill 1061 relates to the ND Statewide Victim Information and Notification system (ND SAVIN), which is administered by the IT/CJIS Division of our office. Heidi Smith, Director of the IT/CJIS Division, provided testimony on the original version of the bill to the House Judiciary Committee. My testimony today is in support of the engrossed bill.

ND SAVIN

Victims of crime may – but do not have to – register to participate in ND SAVIN, just as they may or may not choose to invoke their rights under Marsy's Law. ND SAVIN provides crime victims with automated notifications regarding offender incarceration, probation, commitment, and criminal court case status and events. Notifications are provided to registrants as a text, email or automated phone call. Having a tool that assists custodial facilities, courts, and victim service providers fulfill their constitutional and statutory notification requirements allows for more time to be spent on tasks such as making connections with victims, preparing for court, and safety planning.

ND SAVIN is a tool to assist agencies, but it is not intended to replace all personal

interaction between criminal justice agencies and victims. Within the ND SAVIN system, there is an administrator site that allows anyone responsible for providing notifications to log in and see whether someone is registered, whether a notice has gone out, and what that notice is. This helps ensure that if a victim has not registered or did not receive a notice, the custodial authority can meet their burden to ensure they provide the necessary notice through other means such as an in-person phone call. Similarly, the IT/CJIS Division uses many analytical tools and performs many checks to troubleshoot the system.

Section 1 of Engrossed HB 1061

Section 1 of the bill makes a modest addition to the types of releases from custody that would trigger a notice to a victim – either from the ND SAVIN system or through another mechanism such as an in-person phone call. Currently, prompt notice has to be given to a victim for several types of releases, including when an offender is transferred to a work release program, which allows the offender to be employed in the community. Section 1 of the bill would add “education release” programs to the list of releases prompting victim notification. So if an offender is released to attend an education program in the community, the offender’s victim would have to be notified.

Section 2 of Engrossed HB 1061

Section 2 of the bill would allow certain notices from the Parole Board or the Pardon Clerk to victims who are registered with ND SAVIN to be made by an “authorized representative” of either of those entities. Under current law, notice of a pending parole or pardon review must be given to a registered victim by the Parole Board or Pardon Clerk. The addition of “or authorized representative” would allow the Parole Board or Pardon Clerk to designate someone else – such as ND SAVIN – to provide that notice to the victim.