

2025 HOUSE JUDICIARY

HB 1231

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1231
1/20/2025

A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code, relating to a petition for relief from requiring a sexual offender to register; and to provide for application.

9:00 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative Henderson

Discussion Topics:

- Risk level designation
- Sexual offender registration process
- Risk levels differences
- Court hearing exclusions

9:02 a.m. Jason Dockter, North Dakota Representative for District 7, introduced the bill.

9:07 a.m. Sister Kathleen Atkinson, Director of Ministry on the Margins, testified in favor and provided testimony #30249.

9:15 a.m. Nate Mickelson, Prison Reentry Manager at Ministry on the Margins, testified in favor and provided testimony #30250.

9:21 a.m. Brad Peterson, Legal Director for the North Dakota Protection and Advocacy Project, testified in favor and provided testimony #29849.

9:27 a.m. Casey Miller, Chief Agent with the North Dakota Bureau of Criminal Investigation, testified neutrally.

Additional written testimony:

Joy Glasoe, Mandan, North Dakota, submitted testimony in favor #29797.

James Grover, Bismarck, North Dakota, submitted testimony in favor #29852

Joshua Thorpe, Bismarck, North Dakota, submitted testimony in favor #29862

Sarah Becker, Bismarck, North Dakota, submitted testimony in favor #29868

Adam Tucker, Fargo, North Dakota, submitted testimony in favor #29945

Justin Hillman, Dakotas Advocate for National Association for Rational Sexual Offense Laws, submitted testimony in favor #29957.

Seth O'Neill, Executive Director for the North Dakota Domestic and Sexual Violence Coalition, submitted testimony in opposition #29776.

Miki Thompson, Dickinson, North Dakota, submitted testimony in opposition #29857

Nicholas Cullen, Bismarck, North Dakota, submitted testimony in opposition #29901

Mark Jorritsma, Executive Director of North Dakota Family Alliance Legislative Action, submitted testimony in opposition #29989.

9:41 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Kathleen Atkinson, osb
701.426.8747

Committee Testimony for House Bill 1231
Judiciary Committee
9 am January 20, 2025

Mister Chairman and Members of the House Judiciary Committee.
 Thank you for the opportunity to speak today.

My name is Sister Kathleen Atkinson. I'm the director of *Ministry on the Margins*, an ecumenical, volunteer-based program serving over 1600 people a week. I have been involved in Prison Ministry for 14 years and in that time, I have learned so very much about Individuals, Corrections, Rehabilitation, Re-entry, and in specific to this legislation – people accused of Sex-related Crimes, their victims, and families. That is why I speak in support of House Bill 1231.

In the words of an 18-year-old young man who was in prison, "Sister my grandparents were married at the age of my girlfriend and I, but I am in prison. What changed?"
 "Chris," I responded, "the law."

He and his girlfriend eventually did marry. Have a family. Are limited to where they can live, work, recreate because he is a registered sex offender. He has successfully completed his time of incarceration, his required treatment, and has had no violations of any sort. He is low risk – but he *and his family* are still caught in a tightly woven net of legal restrictions and social stigma because he is still publicly listed as a registered sex offender.

The law is a living document and unintended consequences, when they are brought to light, can be considered. The law has changed and will continue to change. This is what is being requested today. Focusing on the original role of the registry to protect the community from sexual predators, this legislation allows a man or woman to petition the court for removal from public registration based on the determination that a person is no longer a threat to the community. ***Actually, often the best interest of society is reintegration of a man or woman (and often their family) into employment, housing, community life.*** This would be true for Luther – a low-risk sex offender living apart from his wife and children since 2011 so they can have a home. Or Kenneth – who lost his job after 10 months because the national office has a no sex felon policy. Or the many people who slept on the floor of Ministry on the Margins last night; not allowed into the United Way Shelter because they are on the sex offender registry.

I ask your support of House Bill 1231 in order to allow an individual and a judge to determine that the sentenced incarceration, rehabilitation, and treatment really can be successful. That a low-risk sex offender really can become free to pursue housing, employment, and family life. That an action as an 18- or 20-year-old does not automatically condemn someone to a lifetime (or even a couple decades) of punishment.


MINISTRY ON THE MARGINS

P.O. Box 3065

 201 N. 24th St., Bismarck, ND 58501

 701-223-6315 • MinistryOnTheMargins.com

My name is Nate Mickelson, the Prison Reentry Manager at Ministry on the Margins, a nonprofit with a dedicated reentry program here in Bismarck. As one of the very few providers accepting everyone with dignity, which includes all sex offenders, we have a unique insight and experience with the most difficult and complex individuals with a criminal history. Working with sex offenders on a daily basis, I have seen firsthand the extreme difficulties and barriers they encounter from social stigmatization and family disownment to quick loss of employment and the insurmountable task of finding housing. As a reentry manager, a key component of my focus is rehabilitation, compliance and ultimately an advancement in opportunities and social support, both keys in successful reentry to fight recidivism and our growing prison population. Those on the registry, in addition to their conviction, are already behind the eight ball with the added task of following, understanding and complying with a convoluted, and nearly unnavigable registry filled with legalese.

I am going to share a real story with all of you today. JT was convicted of a sexual offense back in 2011 and released in 2014. Upon release, he is ostracized by his family, lost some of his friends, living in a halfway house, unemployed and deemed a low-risk sex offender. Eventually, JT manages to land a job, complete his court mandated treatment, attends SA meetings, finds housing, even settles down with a significant other. However, he quickly loses his new job and housing not because of his conviction, but because he is on the registry. JT cannot accompany his kids to school or be on school property, be a part of carpool, and is shunned by local parents and neighbors. His significant other is excluded from social activities, programs and loses some of her friends. Despite this, JT pushes on, is steadfast and 3 years later, completes his federal supervision early, is fully employed, housed with his family, compliant and been on the registry for 10 years. He is low risk. To celebrate his early release, they book a cruise with 10 other friends. A week before he is scheduled to embark, he is notified by the cruise line he cannot go on the cruise as he is a registered sex offender. He even gets a passport which is specially marked in a way every country he tries to visit, notifies them that he is a sex offender. He cannot travel abroad. A sex offender. Does that term make you uncomfortable? Who here wants to talk about sex offenders?

My point is, despite completing all of which **is lawfully required of him**, the small victories, personal and professional advancement, and being successfully rehabilitated, JT continues to face an uphill battle even after putting his life's pieces back together-the stigma of being on the sex offender registry.

I support HB 1231 which will allow a people like JT, a rehabilitated, compliant sex offender to slowly regain a piece of their humanity back, continuing rebuilding, heal the social scars and open future opportunities

Thank you, Chairman Klemin and members of the house judiciary committee, for allowing me the opportunity to speak before you.



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Judiciary Committee

House Bill 1231 - January 20, 2025

Testimony of Brad Peterson P&A Legal Director

Greetings Chairman Klemin and members of the Judiciary Committee. My name is Brad Peterson I'm the Legal Director the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A is in support of a do pass of HB 1231. This bill allows a prescribed legal mechanism for an individual to be removed from the sex offender registry.

P&A has provided technical assistance on an issue relating to a removal of an individual from the sex offender registry due to significant cognitive deterioration since being placed on the registry. In our efforts we learned a person cannot simply petition the court or ask the North Dakota Attorney General to administratively remove them from the registry. We also learned the individual's registration negatively impacted them on where they can reside and receive appropriate care in the least restrictive community-based setting.

Thank you for your time and consideration.

Brad Peterson

Legal Director

brapeterson@nd.gov

December 11, 2024

The impacts that the sex offender registry has had on my family and my son has caused much distress in our day-to-day, month-to-month, and year-to year living. Most people in our public and communities look at anyone who must register as a child molester or a violent person who seek out to harm people. This stigma has caused personal humiliation on so many levels to not only my son but to the family. Intense shame, social isolation, emotional distress, anxiety, and depression. It also has impacted relationships where people feel they cannot trust and creates judgement and doubt. My son was a juvenile when the offense happened and has had to register 19 years of his life. All his 20's and 30's he has been conflicted with this shame. It has caused mental health issues and addiction because the pain associated with the stigma. The registry rules are very demanding and is set up for failure, which in turn causes prison time, even though the person already served time on the offense. The shame and embarrassment have caused isolation in our daily lives and in employment. My son has suffered harassment, name calling, been left out, and treated like mince meat at his employment because staff has been informed, he must register. How can he move on in life being treated as such? I personally have been inflicted at work with comments. It is horrible and inhuman treatment to receive. It reduces a person productivity, confidence and creates high anxiety to where you want to just hide. The police force has also treated him differently because of the stigma. Constant harassment and pulling him over just to make his life miserable. I had to purchase a home because there are limited options for these humans to find a place to live because again the public judges all of them to be violent and harmful. Even when they find a secure place to live the neighbors act cruel and gossip to shame and not make a person feel secure. My son can not go to his daughters' sporting events without special permission making the vicious circle become larger and larger.

Allowing a juvenile or low risk offender to petition the court for the registry to be lifted would give people hope and reach for their future goals and to move on. Families would not be torn apart. After living 19 years in this hell, I know we would be able to breath and live proudly as a family and experience the love that we deserve.

Thank you for your time and consideration.

Good morning,

As someone who went to prison for a sex offense, I can tell you what it feels like to be locked up. I can tell you how I lost everything. Family, friends, a career, all gone.

I accepted my actions, I took full responsibility for the decisions I made and was actually thankful for the courts for my sentence because it gave me a chance to change, a chance of rehabilitation, which we all say is the "purpose of prison". I took the classes, completed my sentence with no disciplinary issues and was released from prison, ready to rebuild my life.

As a person on the sex offender registry, I can tell you what it feels like to have never completed my sentence. To be put on a registry, that's available for all the world to see, to be told "you can't work here" or "you can't live here" means my punishment never ends.

Trying to get a job was an event that left me broken, ashamed, and in tears more times than I can count. Trying to find safe and suitable housing, almost impossible. Both of these things are considered cornerstone to a good reentry into "the community". A community, that because of bad information, sensational news, and the false promise of security that comes with the SO registry, doesn't want us. We may have well never left prison. Our time never ends.

As an offender with the smallest percent of recidivism, being on the the registry is the easiest way to reoffend. It's not likely to be another sex offense to send someone back, it's going to be a simple violation of one of the many, small stipulations and rules the SO registry puts on us. 15 years of no issues, then one day selling your car and not updating the registry in the proper time and you can be sent back to prison. Believing that everyone you meet is going to point and start yelling "sex offender" makes developing support systems and safety nets very difficult. We are made to feel isolated and alone, our time never ends.

Having an option to ask the courts for some relief just makes sense. Other states have implemented it and it can work. Giving someone a goal, giving someone a chance to serve their time, isn't that what rehabilitation is about?

Thank you.

Matt Grover

To whom it may concern,

On this 17th day of January 2025, I will give a brief testimony of the past thirteen years of my life. In 2012 I was accused of a sex crime. Since then, I have served two years in county jail, five years in state penitentiary and two years on parole. It is by the grace of God I survived my time in incarceration, for if you are not aware men with sex crimes are hunted down while serving their time. So, for seven years I spent every day looking over my shoulder from where the next attack was going to come, be it a guard or an inmate. As I reentered the world and began the parole process, I found it remarkable how society wanted me to remember, at all times, the stigma of the crime I served time for. There is a dehumanization that takes place after a sex offense conviction. The truth is sex offenders are not welcome. Not in schools, not in churches, not in new peer groups, they can't find housing or jobs. The struggle of identity is real. The most interesting factor I find is that society keeps men as a sex offender. In this psychology it never allows them to grow into a healed person. There is more risk in a broken identity than most comprehend.

Moving forward, since 2021 I've achieved a college degree and now have a job, by the grace of God. My first week at my job I had to publicly give my testimony, mind you this is 10 years after the accusation, after "paying for my crime" and "proving myself rehabilitated on parole." At this testimony I was publicly crucified. I've never seen such anger from certain people. Anger at me for their past, anger at my bosses for giving me a job, that I had rightfully earned and was highly qualified for. One third of the help at the ministry that I work in left as a result of my employment.

Carry on to today. For the safety of our ministry, I am constantly ducking out of photos, afraid that I might bring a bad image to the company. After witnessing the fruit of my heart, people still call and request for me to remain scarce while they are helping. I thank God for his devotion to me on a daily basis. For reminding me who I am in him. I can not imagine the mental anguish that sex offenders go through on a daily basis. I say all this, and the most typical response from a person after hearing the story of a sex offender is that they deserve everything they have coming. And maybe so. I hope this testimony ques questions in the mind of those who read it. I hope those questions bring freedom and truth. Thank you for your time.

Sincerely,

Joshua Thorpe

Testimony

Good morning and thank you for this opportunity to speak to you today. I would like to start by acknowledging that sexually based offenses, especially those involving children, instill great fear in the public. I understand the concerns and hesitation of appearing “soft” on these types of offenders, and the motivation of protecting the public by having and enforcing laws concerning reporting requirements.

However, currently, these laws merely offer the public a false sense of security. The sex offender registry protects the public from known offenders of sexually based crimes. However, it does not protect the public against non-sexually based offenders or potential sex offenders who are not yet known to the system. Unfortunately, sexually, based crimes are more common with someone who is known to the victim, such as close friends or family than it is a “stranger” who happens to live down the street.

Sexually based crimes are viewed as being more severe than drug related charges, and even more dangerous than murder. The general public as well as law-enforcement and lawmakers have labeled sex offenders as being unredeemable, and therefore unable to be rehabilitated. Sadly, this over generalization of sex offenders becomes a self fulfilling prophecy because the current laws limit sex offenders’s ability to actually fully integrate back into society.

One of our core beliefs is for everyone to be a productive and contributing member of society who also gives back to their communities. However, sex offenders struggle to just survive let alone to thrive in this way.

According to leading psychologists, individuals struggling with unwanted sexual behaviors do so because of the lack of purpose in their lives and these psychologist stress the importance of having a strong community support system. I recently had the opportunity to speak with a sitting federal judge on this topic. His recommendation for successful reentry included finding a community support system as well as volunteering.

Unfortunately, most of the time it is a struggle for sex offenders to merely find a place to live, to work, and to even feel welcome at churches or other community activities let alone participate in any volunteer opportunities.

They are permanently an outsider looking in on a society that doesn’t want them in their neighborhoods and doesn’t want them in their community. Unfortunately, this reaffirms their belief that they are unwanted, which is one of the contributing factors that led them to their sex offense to

begin with, thus reinforcing their likelihood of going back to that behavior and therefore re-offending. The better outcome for a successful integration back into society is to offer engagement, encouragement and support instead of more condemnation and shame. Which only perpetuates the cycle.

The saying is a cliché, but it is also true, that hurt people hurt people. Someone lacking control over their own life is more likely to compulsively try to control someone else's life. What is more hurtful than feeling like you don't belong anywhere? What feels more out of control than not being able to find a job, housing, or to even know where your next meal is coming from?

This by no means diminishes their responsibility or the severity of their crimes. It is, however, meant to illustrate the difficulties of their current situation. Their past choices inevitably lead them down a path that resulted in hurting others to which they served their sentence and now it's time for a new, healthier, life.

A few years ago, I took part in a post-incarceration simulation. This exercise was meant to show the difficulties that individuals leaving prison face. At the end of this exercise, a vast majority of the individuals participating found themselves to be back in "jail" because the required tasks were seemingly impossible to complete. Undoubtedly, that was the goal of the exercise. However, I don't think it's that far from the truth. Which raises the question, are the current reporting requirements an unrealistic expectation set up in order to keep sex offenders incarcerated, and therefore away from the public?

Understandably, society wants sex offenders to take full responsibility for their actions. However, eliminating excuses and removing barriers such as being able to find gainful employment, safe housing, being able to fully engage in community service projects in order to give back to society and possibly even finding a local church family to belong to will allow for greater and more sustainable accountability and therefore success going forward.

Thank you for your time today. I would like to close with this . . .

"I was hungry and you gave me something to eat. I was thirsty and you gave me something to drink. I was a stranger and you invited me in. I needed clothes and you clothed me. I was sick and you looked after me. I was in prison, and you came to visit me. Then the righteous will answer him 'Lord when did we see you hungry and feed you or thirsty and give you something to drink when did we see you a stranger and invite you in or needing clothes and clothe you? When did we see you sick or in prison and go visit you?' 'Truly, I tell you, whatever you did for one of the least of these brothers and sisters of mine you did for me. . . whatever you did not do for one of the least of these. You did

not do it for me."

Matthew 25: 35, 37, 45

Hello, my name is Adam Tucker. Eleven almost twelve years ago a lack of judgment has impacted my life more than I could ever even begin to explain. Without getting into all of the details of my case, I was lied to and manipulated by the Richland county police department. To sum things up, it was more or less a sting operation. They did everything they could to keep communication with me and make me a criminal. I never sent any explicit pictures of any nature. Never had any physical contact with any victim as there was no victim. There was no minor. They deemed my travel from Fargo to Wahpeton as a significant step to meeting a minor.

The ramifications of this have absolutely ruined my life. I've missed out on many job opportunities. I've missed out on watching my nephew grow up and play sports. I've

lost countless friends. I've missed out on having meaningful relationships. I've missed out on traveling the globe. Even with a low risk level, people don't care. My neighbors shun me. I don't even feel comfortable in my own neighborhood that I've lived in the past 10 years. The black cloud that has followed me over this has caused severe bouts of depression, embarrassment and shame. I am not a bad person, I am not a monster. However the sex offender label makes me a monster in many people's eyes. People see that label and assume the absolute worst when in fact, I'm one of the most caring, nicest individuals you'd ever meet. With my business I help give others 2nd chances. I've hired many felons who just need someone to believe in them. To give them a chance. My punishment does not match my crime. My crime was hands off, no

victim. I'm punished based on "potential" I potentially could have done something. I've been registered for over 11 years. I've always been compliant, I've always been a model citizen about it. I was even released off probation early as even my probation officer saw no cause for concern. I'd love to have my label taken off and just live a normal life. I wanna be able to travel, I want to be able to expand my business however I'm pigeon holed. Having a felony on my record and being a sex offender prevents all of that. Having to explain the situation to people constantly is exhausting. Even showing them the facts of my case, it doesn't matter because the stigma of this label makes you the worst of the worst. Low risk should not be 15 years. I would do anything to be off the registry and have that case sealed and just live the life I deserve.



RE: Support HB 1231

Dear Members of the North Dakota House Judiciary Committee,

I am writing on behalf of the National Association for Rational Sexual Offense Laws (NARSOL) to express our strong support for House Bill 1231, a critical piece of legislation that introduces a thoughtful, evidence-based approach to sexual offender registration requirements. HB1231 represents a significant step forward in criminal justice reform, grounded in robust research and understanding of offender rehabilitation. Our support stems from several key evidence-based considerations:

1. **Recidivism Research:** Extensive studies demonstrate that sexual offenders have remarkably low recidivism rates. Sexual recidivism rates also decline substantially over time, with most offenders not reoffending after five years.
2. **Risk Assessment:** The bill's provision for low-risk offenders to petition for registry removal aligns with contemporary risk assessment methodologies.
3. **Reintegration Support:** By providing a pathway for registry removal, HB1231 addresses a critical barrier to successful reintegration. Excessive registration requirements impede social rehabilitation and actually increase potential recidivism risks.
4. **Individualized Approach:** The bill's nuanced approach allows for individualized assessment beyond blanket punitive measures. This reflects the contemporary criminological understanding that one-size-fits-all policies are ineffective in managing sexual offense risks.
5. **Victim Considerations:** The bill thoughtfully includes provisions for victim notification and participation – a balanced approach that respects both rehabilitation and victim/survivor perspectives.
6. **Clean Record Requirements:** The bill's stringent requirements for a "clean record" - including successful completion of treatment, no new felonies, and successful completion of supervised release - provide robust safeguards for public safety.
7. **Cost-Effectiveness:** Perpetual registration imposes significant administrative costs. By reducing the number of registrants, this is sound fiscally responsible policy.

The seven-year compliance period and low-risk designation provide crucial safeguards, ensuring that only individuals with consistent rehabilitation can petition for relief. This approach reflects the most current understanding of sexual offense management: dynamic risk assessment, rehabilitation potential, and proportional intervention.

NARSOL strongly urges the committee to support HB1231. This bill represents an evidence-driven, compassionate approach to sexual offense management that prioritizes public safety, individual rehabilitation, and societal reintegration.

Thank you for your consideration of this important legislation.

Sincerely,
Justin L. Hillman
NARSOL Dakota's Advocates
jhillman@narsol.org

Cc: Brenda V. Jones, Executive Director (bjones@narsol.org)



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House Bill No. 1231
House Judiciary Committee
Written Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
January 17, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to House Bill 1231.

This bill would allow a sex offender to petition a court to end their time of sex offender registration early. This is concerning because it could allow an individual who is risk to the public to not be required to register. Additionally, only the last known victim is required to be notified, not all victims of a sex offender.

In addition, during the hearing to determine whether or not to relieve the sex offender of the duty to register, this bill allows the sex offender to motion the court to close the hearing to the public. If a sex offender wishes to explain how they are not a risk to the public, the public deserves to hear their testimony to be confident in the process. This bill would also allow the court to exclude the victim from the court hearing "to protect the offender's right to privacy." Again, the offender should not have a right to privacy when they are explaining to the court why they are not a risk to the public.

Due to these reasons, we encourage the committee to give HB 1231 a Do-Not-Pass Recommendation.



Mr. Chairman and members of the House Judiciary Committee

My name is Miki Thompon. A mother and home educator from Dickinson. I am writing to ask you to give a "do not pass" on HB 1231. I am astounded that a bill like this would even be proposed. We live in North Dakota where long serving legislators, school board members, celebrated photographers, and many more community members and leaders are committing sexually heinous crimes. The victims must live with the repercussions of these crimes for a lifetime. The longer registration is a way the public is safeguarded. The current law, 15 years, is a drop in the bucket to what the victims go through, so why would we shorten that? Just recently the West River Community Center had multiple incidents with an out of state sexual offender. This man did serve his time but is a lifetime registrant for another state. His actions at the local rec center resulted in him being banned from the property and from public school athletic practices. If anything, we should be concentrating on state crossover laws. So, when a high-risk offender moves to our state their registration and status go with them. We here in North Dakota need to be firm on these crimes. This bill is giving the offender too much clemency. We do not want to be known as the state who does that! Thank you for your time serving on this committee.

Miki Thompson
Dickinson

HB 1231

In Opposition To

House Judiciary Committee,

I am writing to you in opposition to HB 1231. This only helps the offenders and does not help the public and their safety. I request a DO NOT PASS. Thank you for your consideration.

Nicolas Cullen



Testimony in Opposition to House Bill 1231

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 20, 2025

Dear Chairman Klemin and honorable members of the House Judiciary Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in opposition to House Bill 1231 and respectfully request that you render a "DO NOT PASS" on this bill.

HB 1231 is intended to allow for reductions in sex offender registration periods. Current time periods for registration are a minimum of 15 years, which is the registration period this bill addresses. The bill would permit the reduction of this period to 7 years, with court approval.

North Dakota Family Alliance Legislative Action has three significant problems with this bill. The first is directly related to the inherent nature of the crime and proportionality of the punishment. The following table is taken from the North Dakota Offender Registration Procedures Manual and lists the crimes for which those found guilty must register.¹

¹ <https://sexoffender.nd.gov/Content/Documents/OffenderRegistrationManual.pdf>

APPLICABLE OFFENSES

The following lists identify those offenses to which registration applies.

SEXUAL OFFENDER STATUTES

<u>NDCC Section</u>	<u>Offense</u>
12.1-20-03	Gross Sexual Imposition
12.1-20-03.1	Continuous Sexual Abuse
12.1-20-04	Sexual Imposition
12.1-20-05	Corruption or Solicitation of Minors
12.1-20-05.1	Luring Minors by Computer
12.1-20-06	Sexual Abuse of Wards
12.1-20-07	Sexual Assault (Class C felony and Class A misdemeanor)
12.1-20-11	Incest
12.1-20-12.1	Indecent Exposure
12.1-20-12.2	Surreptitious Intrusion
12.1-27.2	Sexual Performance by Children (All Offenses)
12.1-27.1-03.3	Creating, possession, or dissemination of sexually expressive images prohibited
12.1-40	Sex Trafficking

OFFENDERS AGAINST CHILDREN STATUTES (offenses in which the victim is a child)

<u>NDCC</u>	<u>Section Offense</u>
12.1-16	Homicide (All Offenses)
12.1-17-01.1	Assault (Felony only)
12.1-17-02	Aggravated Assault
12.1-17-04	Terrorizing
12.1-17-07.1	Stalking (Felony only)
12.1-18-01	Kidnapping
12.1-18-02	Felonious Restraint
12.1-18-05	Removal of Child from State in Violation of Custody Decree
12.1-29	Prostitution (All Offenses)
14-09-22, Subdivision a. of Criminal Child Abuse subsection 1, or subsection 2	

Note: A person must also register if that person has pled guilty or nolo contendere to, or been found guilty of, an offense in a tribal court, municipal court, or a court of another state, country, or the federal government, which is equivalent to those offenses set forth above.

At a very personal level, we fail to find any one of these offenses on a prima facia basis warranting a reduction of registration. This can be confirmed with a few simple lookups of particular crime definitions in the Century Code. We fail to see why registration reduction would be warranted, particularly for these types of crimes.

Second, the possible reduction of sentence essentially “second guesses” the initial sentencing handed down for the crime. However, we would contend that when the initial sentencing occurred, *the judge already assumed that the items in Section 1-(4) would occur (e.g., no parole violations, no felony offense, no sexual offense)*. It does not make sense to “reward” a criminal for something that was already presumed in their initial sentencing.

Our final objection to this bill is the level of involvement of the victim in this process. While this is formally optional in the bill, the practical matter is that almost no victim will want the registration period for their perpetrator reduced and therefore, they will be induced to become involved in the process. Simply recalling this event, and in particular, finding that the perpetrator of the sexual offense against them wants a reduced punishment is another source of trauma for a victim who is trying to put the incident behind them. In effect, the victim is being asked to explain why their suffering should overrule the good behavior of the offender. Do we really want to put victims of sexual assault through this? It seems exceptionally cruel and unfair.

While I’m sure that the creation of this bill was based upon noble intentions, it has too many significant issues: not fully considering the severity of these crimes, second-guessing initial sentences, and re-traumatizing victims. For these reasons, North Dakota Family Alliance Legislative Action requests that you render a “DO NOT PASS” on House Bill 1231. Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1231
1/20/2025

A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code, relating to a petition for relief from requiring a sexual offender to register; and to provide for application.

3:15 p.m. Chairman Klemin opened the hearing.

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

Members Absent: Representatives Henderson, Johnston, Satrom

Discussion Topics:

- Conflict with Marsy's Law
- Low-risk sexual offenders

3:18 p.m. Representative Tveit moved a Do Not Pass.

Representative McLeod seconded the motion.

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

3:25 p.m. Motion failed 2-7-5.

3:28 p.m. Representative Vanwinkle moved to Amend and remove subsection 5.

Representative Hoverson 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	A
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

Motion Passed 9-1-4.

3:31 p.m. Representative Schneider moved a Do Pass as Amended.

Representative Christianson seconded the motion.

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

3:36 p.m. Motion passed 8-3-3.

Representative Olson will carry the bill.

3:39 p.m. Chairman Klemin adjourned the meeting.

Wyatt Armstrong, Committee Clerk

January 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1231

Introduced by

Representatives Dockter, O'Brien, M. Ruby, Weisz

JB 1-20-25

1 of 2

1 A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code,
2 relating to a petition for relief from requiring a sexual offender to register; and to provide for
3 application.

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

5 **SECTION 1.** Section 12.1-32-15.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **12.1-32-15.1. Petition for relief from registration requirement.**

8 1. As used in this section, "sexual offender" has the same meaning provided in section
9 12.1-32-15.

10 2. After seven years of registration, a sexual offender assigned a low-risk level by the
11 attorney general may petition the sentencing court or the district court for the district in
12 which the offender resides for an order relieving the offender of the duty to register.

13 3. The petition must be served on the state's attorney in the county in which the petition
14 is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the
15 petition to the victim of the last offense for which the sexual offender was convicted if
16 the victim's address is reasonably available. The court shall consider any written or
17 oral statements of the victim. The court may grant the petition on finding that:

18 a. The sexual offender has maintained a clean record during the offender's period of
19 registration; and

JB 2 of 2

- 1 b. Continued registration is not necessary for public protection and that relief from
2 registration is in the best interests of society.
- 3 4. A finding that the sexual offender has maintained a clean record means during the
4 period the sexual offender was required to register as a sexual offender, the offender:
- 5 a. Was not convicted of a felony offense;
6 b. Was not convicted of a sexual offense;
7 c. Successfully completed, without revocation, a period of supervised release,
8 probation, or parole; and
- 9 d. Has successfully completed any court-ordered sexual offender treatment
10 program and any other court-ordered treatment program, if any. This subdivision
11 applies to any sexual offender treatment program completed regardless of
12 whether the program was completed while the sexual offender was incarcerated,
13 released, on parole, or on probation.

- 14 ~~5. The sexual offender may move that all or part of the hearing on the petition be closed~~
15 ~~to the public, or the court may close the hearing on the court's own motion.~~
- 16 ~~a. If the hearing is closed to the public, the court shall allow a victim of the offense~~
17 ~~to be present unless the court determines exclusion of the victim is necessary:~~
- 18 ~~(1) To protect the offender's right to privacy; or~~
19 ~~(2) For the safety of the victim.~~
- 20 ~~b. If the victim is present, the court shall allow the presence of an individual to~~
21 ~~provide support to the victim, at the victim's request, unless the court determines~~
22 ~~exclusion of the individual is necessary to protect the offender's right to privacy.~~

23 **SECTION 2. APPLICATION.** This Act applies to a sexual offender who has complied with
24 the registration requirements under section 12.1-32-15 for at least seven years before the
25 effective date of this Act or who reaches seven years of compliance after the effective date of
26 this Act.

**REPORT OF STANDING COMMITTEE
HB 1231**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0275.02001](#)) and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1231 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1231

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1231
3/10/2025

Relating to a petition for relief from requiring a sexual offender to register; and to provide for application.

2:31 p.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Sex offender registration criteria
- Risk assessment processes
- Victim notification requirements
- Legislative compliance with federal guidelines
- Low risk offender classifications
- Reentry challenges for offenders

2:32 p.m. Representative Jason Dockter, District 7, introduced the bill.

2:37 p.m. Travis Finck, Executive Director, ND Commission on Legal Counsel for Indigents, testified in favor and submitted testimony #40043.

2:48 p.m. Sister Kathleen Atkinson, Executive Director, Ministry on the Margins, testified in favor and submitted testimony #40028.

2:53 p.m. Bradley D. Peterson, Protection and Advocacy North Dakota, Protection and Advocacy North Dakota, testified in favor and submitted testimony #39609.

2:59 p.m. Jonathan Byers, ND State Attorney's Association, testified in favor and submitted testimony #40121.

3:21 p.m. Kelvin Benson, ND Peace Officers Association, testified in opposition.

3:23 p.m. Casey Miller, Chief Agent, ND Bureau of Criminal Investigation, testified in opposition.

Additional written testimony:

Nathan Mickelson, Prison Reentry Manager, Ministry on the Margins, submitted testimony in favor #39542.

Joy M Glasoe submitted testimony in favor #39521.

Seth O'Neill, Executive Director, North Dakota Domestic & Sexual Violence Coalition, submitted testimony in opposition #39564.

Debi A. Biffert submitted testimony in opposition #39585.

Travis Jensen submitted testimony in opposition #39665.

Brandy L. Johnson submitted testimony in opposition #39673.

Jennifer R. Moran submitted testimony in favor #39806.

Jamison Reineke submitted testimony in favor #39820.

Mary P. Maixner submitted testimony in opposition #39823.

Mark Jorritsma, Executive Director, North Dakota Family Alliance Legislative Action, submitted testimony in opposition #39943.

Amber Trosen submitted testimony in favor #39959.

3:49 p.m. Chair Larson adjourned the meeting.

Kendra McCann, Committee Clerk

March 7, 2025

The impacts that the sex offender registry has had on my family and my son has caused much distress in our day-to-day, month-to-month, and year-to year living. Most people in our public and communities look at anyone who must register as a child molester or a violent person who seek out to harm people.

This stigma has caused personal humiliation on so many levels to not only my son but to the family. Intense shame, social isolation, emotional distress, anxiety, and depression. It also has impacted relationships where people feel they cannot trust and creates judgement and doubt. My son was a juvenile (he was 17, the victim was 16 and occurred while we lived on the reservation) when the offense happened and has had to register 19 years of his life. There is not a day since this occurred that he has not regretted this occurred. All his 20's and 30's he has been conflicted with this "title". It has caused mental health issues and addiction because the pain associated with the stigma. The registry rules are very demanding and is set up for failure, which in turn causes prison time, even though the person already served time on the offense. The shame and embarrassment have caused isolation in our daily lives and in employment. My son has suffered harassment, name calling, been left out, and treated like mincemeat at his employment because staff has been informed, he must register. How can he move on in life being treated as such? I personally have been inflicted at work with comments. It is horrible and inhuman treatment to receive. In fact, after my testimony was presented to the house, I received instant harassment on facebook and my letter was posted and was called an enabler. It reduces a person productivity, confidence and creates high anxiety to where you want to just hide. The police force has also treated him differently because of the stigma. Constant harassment and pulling him over just to make his life miserable. I had to purchase a home because there are limited options for these humans to find a place to live because again the public judges all of them to be violent and harmful. Even when they find a secure place to live the neighbors act cruel and gossip to shame and not make a person feel secure. My son cannot go to his daughters' sporting events without special permission making the vicious circle become larger and larger.

Allowing a juvenile or low risk offender to petition the court for the registry to be lifted would give people hope and reach for their future goals and to move on. Families would not be torn apart. After living 19 years in this hell, I know we would be able to breath and live proudly as a family and experience the love that we deserve.

Thank you for your time and consideration.

**MINISTRY ON THE MARGINS****P.O. Box 3065****201 N. 24th St., Bismarck, ND 58501****701-223-6315 • MinistryOnTheMargins.com**

Chairperson Larson and Members of the Senate Judiciary Committee,

My name is Nathan Mickelson, the Prison Reentry Manager at Ministry on the Margins (MOTM), a nonprofit ministry in Bismarck - Mandan started by Sister Kathleen Atkinson almost 10 years ago. Before I begin my testimony, I want to reiterate a few pertinent pieces of HB 1231. Specifically, this law encompasses *only* low risk sexual offenders, not moderate or high, who have successfully completed a set of rigorous criteria. Furthermore, as firm believers in public safety, HB 1231 bill states specifically states that the judge's discretion during the decision-making process would consider the entire history of the offender with a focus on public safety.

Working with sex offenders daily, I have seen firsthand the extreme difficulties and barriers they encounter from social stigmatization and family disownment to quick loss of employment and the insurmountable task of finding housing. As a reentry manager, a key component of our focus is not only human dignity but also rehabilitation, compliance and collaboration with various state agencies such as DOCR, parole and probation, job service and many others. These collaborative efforts create a path for advancement in opportunities and social support, both keys in successful reentry to fight recidivism and **our growing prison population**. Those on the registry, in addition to their conviction, are already behind the eight ball with the added task of following, understanding and complying with a convoluted, and nearly unnavigable registry filled with legalese.

I am going to share a real story with all of you today. JT was convicted of a sexual offense back in 2011 and released in 2014. Upon release, he is ostracized by his family, loses some of his friends, living in a halfway house, unemployed and deemed a **low-risk sex** offender. Eventually, JT manages to land a job, completes his court mandated treatment, attends support meetings, finds housing, even settles down with a significant other. However, he quickly loses his new job and housing not because of his conviction, but because he is on the registry. JT cannot accompany his kids to school or be on school property, be a part of carpool, and is shunned by local parents and neighbors. His significant other is excluded from social activities, programs and loses some of her friends. Despite this, JT pushes on, is steadfast, completes his federal supervision early, is fully employed, housed with his family, and compliant with the registry for 10 years. He is low risk. To celebrate his early release, JT and his significant other book a cruise with 12 other friends which they have planned for almost a year. A week before he is scheduled to embark, he is notified by the cruise line he cannot go on the cruise. He is a sex offender. He even gets a passport which is specially marked in a way every country he tries to visit, notifies them that he is a sex offender.



MINISTRY ON THE MARGINS

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701-223-6315 • MinistryOnTheMargins.com

My point is, despite completing all of which ***is lawfully required of him/her***, the small victories, personal, professional advancement, and being successfully rehabilitated, JT continues to face an uphill battle, the stigma of being on the sex offender registry.

I support HB 1231 which would allow people like JT, a rehabilitated, compliant sex offender to slowly regain a piece of their humanity back, continuing rebuilding, heal the social scars and open future opportunities

Thank you, Chairperson Larson and members of the Senate Judiciary Committee, for allowing me the opportunity to speak before you.

Nate Mickelson

Prison Reentry Manager

Ministry on the Margins

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House Bill No. 1231
Senate Judiciary Committee
Written Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
March 10, 2025

Chairwoman Larson and members of the Senate Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to House Bill 1231.

This bill would allow a sex offender to petition a court to end their time of sex offender registration early. This is concerning because it could allow an individual who is risk to the public to not be required to register.

It is also concerning that only the last known victim is required to be notified, not all victims of a sex offender. In addition, the victim is only required to be notified if the victim's address is reasonably available. If the sex offender is going to be released from the registry early, it should be required that all victims be notified.

Due to these reasons, we encourage the committee to give HB 1231 a Do-Not-Pass Recommendation.



HB 1231 Opposition Testimony

Committee Chairman Klemin and House Judicial Committee Members:

My name is Debi Biffert. I live in Dickinson, ND. I am respectfully submitting testimony in opposition to HB 1231 in regard to allowing relief to sex offenders to discontinue registering as a sex offender after 7 years.

I believe that should this bill pass, it will send a message to sex offenders that after the 7 years is up, that they are free to re-offend.

Whether low risk, medium risk, or high risk, they are always sex offenders and I fully believe there is the high risk that any level of sex offender retains the risk of re-offending.

Please vote NO on HB 1231 and help keep our children and grandchildren safe.

Thank you. Debi Biffert
Dickinson, ND



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

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Judiciary Committee

House Bill 1231- March 10, 2025

Testimony of Brad Peterson P&A Legal Director

Greetings Chair Larson and members of the Senate Judiciary Committee. My name is Brad Peterson I'm the Legal Director the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A is in support of a do pass of HB 1231. This bill allows a prescribed legal mechanism for an individual to be removed from the sex offender registration.

P&A has provided technical assistance on an issue relating to a removal of an individual from the sex offender registry due to significant cognitive deterioration since being placed on the registry. In our efforts we learned a person cannot simply petition the court or ask the North Dakota General Office to administratively remove them from the registry. We also learned the individual's registration has had a negative impact on where they can reside to ensure they receive the appropriate care in the least restrictive community-based setting.

Thank you for your time and consideration.

Brad Peterson

Legal Director

brapeterson@nd.gov

I oppose HB 1231, I personally feel we have an issue in ND with sex offense related crimes and the rate of those crimes continue to rise. I'd strongly ask you oppose this bill.

Brandy L Johnson

Stark County, North Dakota

Mr. Chairperson, Judicial Committee Members,

I am opposed to HB 1231. The reasons are endless. I have a daughter who was molested by her own brother-in-law for over 4 years before we were made aware. She is disabled and only made it more difficult in the land of law. What I can tell you is that as a mother I have watched this affect her consistently and negatively in every aspect of her life. She must continue counseling due to the trauma that this "pig" inflicted on her. He has since went on to continue to abuse others with acts of sexual abuse.

I cannot imagine how my daughter feels but I know that when we learned of this, I have never experienced anything like it myself. I hope you think of your own children and grandchildren long and hard before giving these individuals a pass, their victims will not get a get out of jail free card. If you ever find yourself in this situation, I can tell you that it will rattle you to your core.

The problem is not in their pants, the problem is between their ears. This cycle will not end until laws change, and they are locked up in an insane asylum for life. I understand murder, I am not saying it is right, but given certain situations one can see how something like that can tragically happen. I do not understand abusing children with sex.

Help us make that make any sense.

Below is a small amount of research I have found, and these numbers are astonishing.

"Recently sex crimes researcher Jill Levenson of Lynn University in Florida and her colleagues found that the average member of the public believes that 75 percent of sex offenders will reoffend.

Due to the frequency with which sex crimes are not reported to police, the disparity between the number of sex offenses reported and those solved by arrest and the disproportionate attrition of certain sex offenses and sex offenders within the criminal justice system, researchers widely agree that observed recidivism rates are underestimates of the true re-offense rates of sex offenders."

Please Vote NO on HB 1231. It is my and your duty to protect our children and citizens in ND.

Thank you

Brandy Johnson

I am in support of this bill, as this will allow low risk sex offenders a chance to reduce their sentence after seven years as long as they meet the requirements. People do not realize how much this paralyzes a person to get a decent job, advance within a company, to have a family and not able to attend their child's school functions all because of the stigma. This bill supports those who have been doing everything that is required of them. The current North Dakota law is 15 years for low risk sex offenders. North Dakota is one of the few states that do not allow a chance for them to appeal for an early release. I know a few people affected by this law and it takes a mental toll on them. How would it make you feel not having the chance to advance at your job or to apply for a different job? How about being forced to live separately from your family?

I am in support of Bill HB1231. This bill only affects low level offenders, which statistically, will not re-offend. Please do not make the same generalization that much of the public does, sex offender does NOT necessarily mean child molester. Child molesters are usually convicted of a much higher felony which requires medium/high risk. I believe the biggest issue that the public has with this bill is that they only see sex offenders as child molesters, because most people believe that they are one and the same thing, however, they would be incorrect.

This bill allows low level offenders that were assigned low level at the time of their release/sentence the ability to advance themselves in life and family. Many offenders are unable to find jobs, let alone higher paying jobs because of the label that they have attached to them. If they do have a job, many times this status will also prevent them from advancing within a company.

Within 7 years, a low level offender has likely finished their sentence and their treatment that is required by law. Low level offenders that have abided by all the rules and laws will most likely not re-offend as they have experienced first hand the trauma and stigma to both themselves and to their families and friends. Will some re-offend? Possibly, but as I said before, highly unlikely.

So yes, I am in support of this bill as it gives honest people that made a mistake in their life a chance to improve their current living conditions with both employment and family. Write the bill so it is literally a one time shot that this can happen. If someone is given this chance to improve their lives and the lives of their families and they re-offend, simply bar them from having this chance again.

Hello My name is Mary P Maixner

I'm in opposition of Bill1231.

At the age of 5 I was molested by someone that I trusted my parents trusted and most that knew him. From that day on my life was never the same, the same as other 5 year olds. I was scared of people but especially men, it has changed my life even in adulthood. I've had to unsuccessful marriages the intimacy of the relationships wasn't the same. I would hope that by opposing this bill and they would have to register the rest of their lives it may help save another child from having to live as I have. They didn't get to be a sex offender by doing nothing, yes they did the CRIME make them accountable for their actions this may seem like a problem for them but for the rest of the people we deserve to know where they live and be able to keep a watch of others.

Again I ask you to oppose this bill, there is zero good to come from this



Testimony in Opposition to House Bill 1231

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 10, 2025

Dear Madam Chair Larson and honorable members of the Senate Judiciary Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in opposition to House Bill 1231 and respectfully request that you render a "DO NOT PASS" on this bill.

HB 1231 is intended to allow for reductions in sex offender registration periods. Current time periods for registration are a minimum of 15 years, which is the registration period this bill addresses. The bill would permit the reduction of this period to 7 years, with court approval.

North Dakota Family Alliance Legislative Action has significant problems with this bill. The first is directly related to the inherent nature of the crime and proportionality of the punishment. The following table is taken from the North Dakota Offender Registration Procedures Manual and lists the crimes for which those found guilty must register.¹

¹ <https://sexoffender.nd.gov/Content/Documents/OffenderRegistrationManual.pdf>

APPLICABLE OFFENSES

The following lists identify those offenses to which registration applies.

SEXUAL OFFENDER STATUTES

<u>NDCC Section</u>	<u>Offense</u>
12.1-20-03	Gross Sexual Imposition
12.1-20-03.1	Continuous Sexual Abuse
12.1-20-04	Sexual Imposition
12.1-20-05	Corruption or Solicitation of Minors
12.1-20-05.1	Luring Minors by Computer
12.1-20-06	Sexual Abuse of Wards
12.1-20-07	Sexual Assault (Class C felony and Class A misdemeanor)
12.1-20-11	Incest
12.1-20-12.1	Indecent Exposure
12.1-20-12.2	Surreptitious Intrusion
12.1-27.2	Sexual Performance by Children (All Offenses)
12.1-27.1-03.3	Creating, possession, or dissemination of sexually expressive images prohibited
12.1-40	Sex Trafficking

OFFENDERS AGAINST CHILDREN STATUTES (offenses in which the victim is a child)

<u>NDCC</u>	<u>Section Offense</u>
12.1-16	Homicide (All Offenses)
12.1-17-01.1	Assault (Felony only)
12.1-17-02	Aggravated Assault
12.1-17-04	Terrorizing
12.1-17-07.1	Stalking (Felony only)
12.1-18-01	Kidnapping
12.1-18-02	Felonious Restraint
12.1-18-05	Removal of Child from State in Violation of Custody Decree
12.1-29	Prostitution (All Offenses)
14-09-22, Subdivision a. of Criminal Child Abuse subsection 1, or subsection 2	

Note: A person must also register if that person has pled guilty or nolo contendere to, or been found guilty of, an offense in a tribal court, municipal court, or a court of another state, country, or the federal government, which is equivalent to those offenses set forth above.

At a very personal level, we fail to find any one of these offenses on a prima facia basis warranting a reduction of registration. This can be confirmed with a few simple lookups of particular crime definitions in the Century Code. We fail to see why registration reduction would be warranted, particularly for these types of crimes.

Second, the possible reduction of sentence essentially “second guesses” the initial sentencing handed down for the crime. However, we would contend that when the initial sentencing occurred, *the judge already assumed that the items in Section 1-(4) would occur (e.g., no parole violations, no felony offense, no sexual offense)*. It does not make sense to “reward” a criminal for something that was already presumed in their initial sentencing.

We also had a third objection to this bill, regarding the level of involvement potentially needed of the victim in this process. Thankfully, the House has amended this section out of the bill.

While I’m sure that the creation of this bill was based upon noble intentions, it has some significant issues. For these reasons, North Dakota Family Alliance Legislative Action requests that you render a “DO NOT PASS” on House Bill 1231. Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

Hello, I am writing this in the support of the 1231 House Bill regarding low-risk sex offenders to have their sentence reduced after their seven years. Especially after they are following all the rules and the law. We do not know if they were wrongfully accused (and this does happen), and if so, why do they have to suffer the consequences for longer than seven years. The stigma the low-risk offenders deal with daily is something that should be considered. Low-risk offenders are typically not repeated offenders or was not a sexual offense. Give them a second chance in their life; they should have that right!

Kathleen Atkinson, osb
701.426.8747

Committee Testimony for House Bill 1231
Judiciary Committee
2:30 pm March 10, 2025

Madam Chair and Members of the Senate Judiciary Committee.
 Thank you for the opportunity to speak today.

My name is Sister Kathleen Atkinson. I'm the director of *Ministry on the Margins*, an ecumenical, volunteer-based program serving over 1600 people a week. I have been involved in Prison Ministry for 14 years and in that time, I have learned so very much about Individuals, Corrections, Rehabilitation, Re-entry, and in specific to this legislation – people accused of Sex-related Crimes, their victims, and families. **That is why I speak in support of House Bill 1231.**

In the words of an 18-year-old young man who was in prison, "Sister, my grandparents were married at the age of my girlfriend and I, but I am in prison. What changed?"
 "Chris," I responded, "the law."

He and his girlfriend eventually did marry. Have a family. Are limited to where they can live, work, worship, recreate because he is a registered sex offender. He has successfully completed his time of incarceration, his required treatment, and has had no violations of any sort. He is low risk – but he *and his family* are still caught in a tightly woven net of legal restrictions and social stigma because he is still publicly listed as a registered sex offender.

The law is a living document and unintended consequences, when they are brought to light, can be considered. The law has changed and will continue to change. This is what is being requested today. Focusing on the original role of the registry to protect the community from sexual predators, this legislation allows a man or woman to petition the court for removal from public registration based on the determination that a person is not a threat to the community. ***Actually, especially in the case of a low-risk offender, often the best interest of society is reintegration of a man or woman (and their family) into employment, housing, community life.*** This would be true for Oscar – a low-risk sex offender living apart from his wife and children since 2011 so they can have a home. Or Kenneth – who lost his job after 10 months because the national office has a no sex felon policy. Or the church who has a responsible safety for children policy on no registered felons in their faith formation program but a family preparing for the sacraments and a dad who is still on the registry for another decade. Or the many people who slept on the floor of Ministry on the Margins last night; not allowed into housing or even the homeless shelters because they are on the sex offender registry.

I ask your support of House Bill 1231. This bill is intentionally narrow in its focus and application. It allows an individual and a judge to determine that for a low-risk sex offender the sentenced incarceration, rehabilitation, and treatment really can be successful. That a low-risk sex offender really can become free to pursue housing, employment, and family life. That an action as an 18- or 20-year-old does not automatically condemn someone to a lifetime (or even a couple decades) of punishment. That society can be protected by focusing on real threats as is often raised in testimony and public concern.

HB 1231
69th Legislative Assembly
Senate Judiciary Committee
March 10, 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 1231.

HB 1231 allows a mechanism for a Petition to be brought to the court to reduce the registration. It requires meeting benchmarks in treatment and rehabilitation. Further, the law only provides for a petition to be brought, the Court still has the ultimate say on penalty and punishment. HB 1231 would allow those individuals who no longer need monitoring to be removed from the sex offender registry. This would allow those supervising offenders to focus on the more high risk offenders.

HB 1231 is not a second guessing of the Courts judgement, as sex offender registration is an administrative process in North Dakota in which individuals are not entitled to counsel. The bill simply gives the court the opportunity to reduce an administrative penalty imposed as a result of a criminal conviction. This registration level is not determined by the Court, but an administrative penalty assessed by the Attorney Generals SORAC committee. Further, HB 1231 is not without victim input. Anyone familiar with the criminal legal system and the implications of Article I, Section 25 knows victims will have a say. Further, the bill specifically requires the state's attorney to be served a copy of the petition and the petition to be sent to the victim.

For the reasons stated herein, the Commission requests a DO PASS on HB 1231.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI

25.0275.03001

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

Introduced by

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1231

Representatives Dockter, O'Brien, M. Ruby, Weisz

1 A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code,
2 relating to a petition for relief from requiring a Low-Risk sexual offender to register; and to provide
3 for application.

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

5 **SECTION 1.** Section 12.1-32-15.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **12.1-32-15.1. Petition for relief from registration requirement.**

- 8 1. As used in this section, "sexual offender" has the same meaning provided in section
9 12.1-32-15.
- 10 2. After seven years of registration, a sexual offender assigned a low-risk level by the
11 North Dakota Office of the Attorney General attorney general may petition the Sex
12 Offender Risk Assessment Committee the sentencing court or the district court for the
13 district in which the offender resides for an order finding relieving the offender of the
duty to register in North Dakota.
- 14 3. The petition must be submitted to the North Dakota Bureau of Criminal Investigation to
15 be provided to the Sex Offender Risk Assessment Committee for review and
16 consideration. The petition must be submitted for a sex offense conviction within North
17 Dakota, from another court in the United States, a tribal court, or a court of another
18 country. must be served on the state's attorney in the county in which the petition
19 is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the
20 petition to the victim of the last offense for which the sexual offender was convicted if

~~the victim's address is reasonably available. The court shall consider any written or-~~
~~oral statements of the victim.~~ The ~~court~~ Sex Offender Risk Assessment Committee may

grant the petition on finding that:

a. The sexual offender has maintained a clean record during the offender's period of registration; and

b. Continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

c. The sexual offender must be registered in North Dakota as a Low-Risk offender for a minimum of 12 consecutive months before beginning a petition for relief off the registry; and

d. The Sex Offender Risk Assessment Committee has reviewed the petition for early relief from sex offender registration and has approved it.

e. The sexual offender has been reassessed by the Sex Offender Risk Assessment Committee within three months of filing the petition and is still classified as a low-risk offender.

4. A finding that the sexual offender has maintained a clean record means during the period the sexual offender was required to register as a sexual offender, the offender:

a. Was not convicted of a felony offense;

b. Was not convicted of a sexual offense;

c. Successfully completed, without revocation, a period of supervised release, probation, or parole; and

d. Has successfully completed any court-ordered sexual offender treatment program and any other court-ordered treatment program, if any. This subdivision applies to any sexual offender treatment program completed regardless of whether the program was completed while the sexual offender was incarcerated, released, on parole, or on probation. The burden is on the sexual offender to prove the offender completed this treatment.

5. If a Low-Risk sex offender is denied relief from the SORAC and meets the requirements of a clean record as outlined in (4), the sex offender may re-apply after 2 years.

SECTION 2. APPLICATION. This Act applies to a sexual offender who has complied with the registration requirements under section 12.1-32-15 for at least seven years before the effective date of this Act or who reaches seven years of compliance after the effective date of this Act. The effective date of this Act is August 1st, 2025.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1231
3/24/2025

Relating to a petition for relief from requiring a sexual offender to register; and to provide for application.

10:41 a.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Committee Action

10:41 a.m. Senator Myrdal introduced proposed amendment LC# 25.0275.03001 and submitted testimony #43657.

10:42 a.m. Senator Myrdal moved amendment LC# 25.0275.03001.

10:42 a.m. Senator Castaneda seconded.

10:43 a.m. Voice Vote - Motion Passed.

10:43 a.m. Senator Myrdal moved a Do Pass as amended.

10:43 a.m. Senator Castaneda 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.

10:45 a.m. Senator Myrdal will carry the bill.

10:45 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 3/24/25
1 of 3

ENGROSSED HOUSE BILL NO. 1231

Introduced by

Representatives Dockter, O'Brien, M. Ruby, Weisz

1 A BILL ~~for an Act to create and enact section 12.1 32-15.1 of the North Dakota Century Code,~~
2 ~~relating to a petition for relief from requiring a sexual offender to register; and to provide for~~
3 ~~application for an Act to provide for a legislative management study relating to early~~
4 ~~discontinuation of registration for low-risk sex offenders.~~

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

6 ~~SECTION 1. Section 12.1 32-15.1 of the North Dakota Century Code is created and~~
7 ~~enacted as follows:~~

8 ~~**12.1 32-15.1. Petition for relief from registration requirement.**~~

9 ~~1. As used in this section, "sexual offender" has the same meaning provided in section~~
10 ~~12.1 32-15.~~

11 ~~2. After seven years of registration, a sexual offender assigned a low risk level by the~~
12 ~~attorney general may petition the sentencing court or the district court for the district in~~
13 ~~which the offender resides for an order relieving the offender of the duty to register.~~

14 ~~3. The petition must be served on the state's attorney in the county in which the petition~~
15 ~~is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the~~
16 ~~petition to the victim of the last offense for which the sexual offender was convicted if~~
17 ~~the victim's address is reasonably available. The court shall consider any written or~~
18 ~~oral statements of the victim. The court may grant the petition on finding that:~~

19 ~~a. The sexual offender has maintained a clean record during the offender's period of~~
20 ~~registration; and~~

~~b. Continued registration is not necessary for public protection and that relief from registration is in the best interests of society.~~

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~~d. Has successfully completed any court ordered sexual offender treatment program and any other court ordered treatment program, if any. This subdivision applies to any sexual offender treatment program completed regardless of whether the program was completed while the sexual offender was incarcerated, released, on parole, or on probation.~~

~~**SECTION 2. APPLICATION.** This Act applies to a sexual offender who has complied with the registration requirements under section 12.1 32-15 for at least seven years before the effective date of this Act or who reaches seven years of compliance after the effective date of this Act.~~

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EARLY DISCONTINUATION OF REGISTRATION FOR LOW-RISK SEX OFFENDERS.

1. During the 2025-26 interim, the legislative management shall study the impacts to the public, victims, the sex offender risk assessment committee, law enforcement agencies, sex offenders, and other relevant parties, of allowing some low-risk sex offenders to petition the court for an order for early discontinuation relieving the offender of the duty to register. The study must include a thorough analysis of establishing a framework for submitting and reviewing petitions with the inclusion of a victim advocate if the early discontinuation of registration requirements is recommended by the committee. The study also must include an analysis of:
 - a. The effect of early discontinuation of registration on public safety and victim safety.
 - b. The length of registration which should be required before a low-risk sex offender would qualify to petition for early discontinuation of registration.

- 1 c. Registrable criminal offenses that should make a low-risk sex offender eligible or
- 2 ineligible to petition for early discontinuation of registration.
- 3 d. How the age of a victim and the age of the victim compared to the offender would
- 4 impact eligibility to petition for early discontinuation of registration.
- 5 e. Whether the offender's need for end-of-life care would impact eligibility to petition
- 6 for early discontinuation of registration.
- 7 f. Any other relevant factors.
- 8 2. The legislative management shall report its findings and recommendations, together
- 9 with any legislation required to implement the recommendations, to the Seventieth
- 10 Legislative Assembly.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1231**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0275.03001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1231 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0275.03001
Title.

Prepared by the Legislative Council
staff for Senator Myrdal
March 19, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1231

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- 6 for early discontinuation of registration.
- 7 f. Any other relevant factors.
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- 9 with any legislation required to implement the recommendations, to the seventieth
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