

**2025 SENATE JUDICIARY**

**SB 2111**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2111  
1/8/2025  
9:35 a.m.

A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 and subsection 4 of section 54-23.3-01.1 of the North Dakota Century Code, relating to supervised probation for class B misdemeanors.

9:34 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

**Discussion Topics:**

- Judge Referrals
- Offender Definition
- Probation and Supervision
- DOCR Case Load

9:35 a.m. Thomas Erhardt, ND DOCR Chief Parole and Probation Officer, introduced the bill, testified in favor and submitted testimony #28133.

9:54 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**SENATE JUDICIARY COMMITTEE  
SENATOR DIANE LARSON, CHAIR  
JANUARY 8, 2025**

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**TOM ERHARDT, CHIEF PAROLE AND PROBATION OFFICER  
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2111**

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Chairwoman Larson and members of the Judiciary Committee, my name is Tom Erhardt, and I am the Chief Parole and Probation Officer of North Dakota Parole, Probation and Pretrial Services, a division of the North Dakota Department of Corrections and Rehabilitation. The Parole, Probation and Pretrial Services Division is responsible for delivering correctional supervision to over seven thousand adults released from prison by the authority of the North Dakota Parole Board, sentenced to supervised probation or ordered to pretrial supervision by district courts, and transferred to North Dakota via the Interstate Compact for Adult Offender Supervision. Our staff of approximately one hundred fifty work out of seventeen district offices throughout the state. I stand before you today to provide testimony in support of Senate Bill 2111.

Senate bill 2111 would amend two sections of North Dakota Century Code. First it would amend NDCC §12.1-32-07 to clarify that defendants convicted of class B misdemeanors and sentenced to supervised probation may only be placed under supervision and management of a community corrections program other than the North Dakota Department of Corrections and Rehabilitation (NDDOCR). Also, it would amend NDCC §54-23.3-01.1 to re-define the term “offender” as it pertains to a person committed to or placed under

the supervision of the NDDOCR and remove applicability to a person convicted of a class B misdemeanor.

In 2015 the 64<sup>th</sup> Legislative Assembly passed HB 1367 as a part of the Justice Reinvestment Initiative. One of the goals of the legislation was to support “dosage probation” which seeks to concentrate limited probation resources for moderate to high-risk offenders. HB 1367 amended NDCC §12.1-32-07 with the intent of keeping offenders who are convicted of the lowest level of offense, class B misdemeanors, off probation officers’ caseloads, creating more focus for those officers to provide supervision services to higher risk offenders.

NDCC §54-23.3-01.1 in its current version defines “offender” as a person who is placed under the supervision and management of the DOCR by a district court. This has led to several instances of defendants convicted of class B misdemeanors being placed on supervision with the DOCR, because the DOCR has broad authority to supervise offenders, and the court can place offenders on supervision. We believe this is not what the legislature intended. To help further clarify this intent, SB 2111 would also amend NDCC §54-23.3-01.1 to exclude a person convicted of a class B misdemeanor from the definition of “offender” as it pertains to the department’s authority to supervise.

In closing, there are limits on our criminal justice and correctional resources. The changes proposed in this bill would clarify the intent of the 64<sup>th</sup> Legislative Assembly HB 1367 and utilize those correctional resources to be

focused on higher risk, more dangerous individuals. Please consider this amendment to support statute clarification.

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

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2111  
1/8/2025  
10:04 a.m.

A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 and subsection 4 of section 54-23.3-01.1 of the North Dakota Century Code, relating to supervised probation for class B misdemeanors.

10:04 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

**Discussion Topics:**

- Class B Misdemeanors Examples
- Role of Department of Corrections and Rehabilitation

10 :05 a.m. Chair Larson discussed the bill with the Committee.

10:08 a.m. Senator Braunberger moved a Do Pass.

10:08 a.m. Senator Cory seconded the motion.

10:10 a.m. Senator Braunberger withdrew the motion to Do pass.

10:10 a.m. Senator Cory withdrew the second on the motion.

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

*Kendra McCann, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2111  
1/8/2025  
3:21 p.m.

A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 and subsection 4 of section 54-23.3-01.1 of the North Dakota Century Code, relating to supervised probation for class B misdemeanors.

3:21 p.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick.

Members Absent: Senator Myrdal.

### Discussion Topics:

- Case Load Management
- Committee Action

3:22 p.m. Senator Castaneda moved to adopt proposed amendments to SB 2111 and submitted testimony #28380.

3:23 p.m. Senator Luick seconded the motion.

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

Motion Failed 3-3-1.

3:26 p.m. Senator Castaneda moved a Do Not Pass.

3:26 p.m. Senator Paulson seconded the motion.

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

Senator Janne Myrdal	A
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Motion Failed 3-3-1.

3:28 p.m. Chair Larson adjourned the meeting.

*Kendra McCann, Committee Clerk*

*Bill was reconsidered 01/13/25.*



Jan. 8 2025

Amendment to SB 2111

insert after B Misdemeanor cases on page 1 line 17-18:

- which do not involve instances of physical harm or bodily injury.

Insert after misdemeanor on page 2 line 5:"

- which does not involve of instances of physical harm or bodily injury.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2111  
1/13/2025

A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 and subsection 4 of section 54-23.3-01.1 of the North Dakota Century Code, relating to supervised probation for class B misdemeanors.

2:47 p.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

### Discussion Topics:

- Committee Action

2:49 p.m. Senator Castaneda moved to amend SB 2111 by inserting "which do not involve instances of physical harm or bodily injury" after B Misdemeanor cases on page 1, line 17-18 and "which does not involve of instances of physical harm or bodily injury" after misdemeanor on page 2, line 5.

2:50 p.m. Senator Myrdal seconded the motion.

### Roll Call Vote:

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

Motion Failed 3-4-0.

2:52 p.m. Senator Luick moved a Do Pass.

2:52 p.m. Senator Cory seconded.

2:53 p.m. Senator Luick withdrew motion to Do Pass.

2:53 p.m. Senator Cory withdrew the second to the motion.

2:53 p.m. Senator Castaneda moved a Do Not Pass.

2:53 p.m. Senator Myrdal seconded the motion.

Roll Call Vote:

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

Motion Passed 6-1-0.

Senator Cory will carry the bill.

2:54 a.m. Chairwoman Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2111 ([25.8058.01000](#))**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.