

2025 SENATE JUDICIARY

SB 2167

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2167
1/14/2025

A BILL for an Act to create and enact a new section to chapter 29-26 and a new section to chapter 54-12 of the North Dakota Century Code, relating to the cost of digital forensic examinations and the establishment of an internet crime investigation fund; to provide a continuing appropriation; and to provide a penalty.

8:31 a.m. Chair Larson called the meeting to order.

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

Discussion Topics:

- Benefits of Digital Forensics
- Waived Fees
- Internet Crimes Investigation Fund
- Equipment Purchases

8:32 a.m. Senator Myrdal introduced the bill and testified in favor.

8:34 a.m. Steve Harstad, Bureau of Criminal Investigation Chief Agent, testified in favor and submitted testimony #28768.

8:35 a.m. Chair Larson closed the hearing.

8:45 a.m. Senator Luick moved a Do Pass.

8:45 a.m. Senator Myrdal seconded the motion.

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

Motion Passed 7-0-0.

Senator Luick will carry the bill.

Additional written testimony:

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Mark Jorritsma, Executive Director of ND Family Alliance Legislative Action, submitted testimony in favor #28864.

8:47 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2167 ([25.0823.02000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

HB2167
Senate Judiciary
Chief Agent Steven Harstad
Bureau of Criminal Investigation

My name is Steven Harstad and I am a Chief Agent with the Bureau of Criminal Investigation submitting my testimony in support of HB2167. This bill provides essential funding to state and local law enforcement agencies across North Dakota, assisting them with the cost of specialized digital forensics hardware and software. These resources are crucial in investigating a wide range of cases, with a particular focus on combating the growing threat of child exploitation. Many states have a similar legislation including Texas, Virginia, Hawaii and South Dakota.

In our increasingly digital world, technology and online crimes pose significant challenges to law enforcement. HB2167 addresses these challenges head-on by prioritizing digital investigations and utilizing online resources to track offenders. Additionally, this bill emphasizes the importance of public awareness and prevention programs, aiming to educate communities about the risks and dangers lurking online.

The benefits of digital forensics in crime investigations are vast and critical. In today's digital age, much of the evidence and criminal activity occur online or involve electronic devices. Using advanced digital forensics tools, law enforcement can track down offenders, identify victims, and recover vital evidence from devices and online platforms. This technology also enables investigators to uncover hidden or encrypted data, which is often used by criminals to conceal illicit files or communications.

Crucially, HB2167 ensures that digital evidence—such as emails, documents, photos, videos, browser histories, and communication logs—is collected, preserved, and analyzed in a manner that is legally admissible in court. This is essential for maintaining the integrity of investigations and upholding the rule of law. The clear and detailed evidence provided by digital forensics plays a pivotal role in supporting investigations, prosecutions, and convictions, ultimately helping to prove guilt or innocence and providing closure to victims.

It is important to note that the cost of the tools necessary for these investigations continues to rise. HB2167 addresses this issue by placing the burden of supporting these costs on those convicted of crimes that require the use of digital forensics tools. This approach ensures that law enforcement agencies have the resources they need without placing an undue financial burden on taxpayers.

In conclusion, I request your support for HB2167. By providing critical funding for digital forensics and crimes against children, this bill empowers our law enforcement agencies to effectively combat these crimes and protect our communities, especially our children, from exploitation.



Testimony in Support of Senate Bill 2167

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 14, 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 support of Senate Bill 2167 and respectfully request that you render a "DO PASS" on this bill.

SB 2167 is a relatively straightforward bill that would ensure that the cost of digital forensic examinations be reimbursed and used to fund an internet crime investigation fund.

The first part of the bill would impose the fees to reimburse the investigation and prosecution of the crime in which the defendant is convicted. Reimbursement of investigation is a well-established principle that courts allow for investigation costs that are deemed "reasonable" and necessary to uncover relevant evidence in a case. Given that taxpayers would otherwise pay for these activities, reimbursement becomes a matter fairness as well as state fiscal responsibility.

The second component of SB 2167 is establishment of a fund to receive these fees and out of which they would fund resources that would facilitate the prevention of child sexual exploitation and internet crimes against children. Our organization is strongly in favor of additional funding for the prevention of child exploitation and trafficking. This session we are working with legislators to introduce multiple bills aimed at reducing human trafficking and exploitation through greater education, training, and minimum sentencing requirements for those found guilty of these crimes. Thus, SB 2167 fits ideally with the principles we defend and advance on behalf of our constituents across North Dakota.

For the aforementioned reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on SB 2167. 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

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2025 HOUSE JUDICIARY

SB 2167

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2167
3/12/2025

Relating to the cost of digital forensic examinations and the establishment of an internet crime investigation fund; to provide a continuing appropriation; and to provide a penalty.

10:11 a.m. Vice-Chairman Karls opened the hearing.

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

Members Absent: Vice-Chairman Vetter, Representative McLeod

Discussion Topics:

- North Dakota internet crime frequency
- Fees associated with the internet crime investigation fund

10:11 a.m. Senator Janne Myrdal, North Dakota Senator for District 19, introduced the bill.

10:13 a.m. Steven Harstad Chief Agent with the Bureau of Criminal Investigation, testified in favor and provided testimony #40706.

10:19 a.m. Calvin Bensen, North Dakota Peace Officers Association, testified in favor.

Additional written testimony:

Mark Jorritsma, Executive Director of North Dakota Family Alliance Legislative Action, submitted testimony in favor #40759.

10:19 a.m. Vice-Chairman Karls closed the hearing.

Wyatt Armstrong, Committee Clerk

HOUSE JUDICIARY COMMITTEE
MARCH 12, 2025
TESTIMONY OF STEVEN HARSTAD
BUREAU OF CRIMINAL INVESTIGATION
SENATE BILL 2167

Chairman Klemin and Members of the House Judiciary Committee

Introduction

My name is Steven Harstad and I am a Chief Agent with the Bureau of Criminal Investigation submitting my testimony in support of SB2167. This bill will add a fee of \$100 for misdemeanor and felony convictions in cases where digital forensics were used in the investigation. The fees will be collected into a fund which will be used for digital forensics hardware, software, training and internet safety presentations by law enforcement entities for the purposes of preventing technology-facilitated child sexual exploitation and internet crimes against children.

Benefits

This bill provides essential funding to state and local law enforcement agencies across North Dakota, assisting them with the cost of specialized digital forensics hardware and software. These resources are crucial in investigating a wide range of cases, with a particular focus on combating the growing threat of child exploitation. Many states have a similar legislation including Texas, Virginia, Hawaii and South Dakota. In our increasingly digital world, technology and online crimes pose significant challenges to law enforcement. SB2167 addresses these challenges head-on by prioritizing digital investigations and emphasizing the importance of public awareness and prevention programs, aiming to educate communities about the risks and dangers lurking online.

The need for digital forensics in crime investigations are vast and critical. In today's digital age, much of the evidence and criminal activity occur online or involve electronic devices. Using advanced digital forensics tools, law enforcement can track down offenders, identify victims, and recover vital evidence from devices and online platforms. This technology also enables investigators to uncover hidden or encrypted data, which is often used by criminals to conceal illicit files or communications. Crucially, SB2167 ensures that digital evidence—such as emails, documents, photos, videos, browser histories, and communication logs—is collected, preserved, and analyzed in a manner that is legally

admissible in court. The clear and detailed evidence provided by digital forensics plays a pivotal role in supporting investigations, prosecutions, and convictions, ultimately helping to prove guilt or innocence and providing closure to victims.

Fiscal Impact

It is important to note that the cost of the tools necessary for these investigations continues to rise. SB2167 addresses this issue by placing the burden of supporting these costs on those convicted of crimes that require the use of digital forensics tools. This approach ensures that law enforcement agencies have the resources they need without placing an undue financial burden on taxpayers.

Conclusion

I request your support for SB2167, by providing critical funding for digital forensics and crimes against children, this bill empowers our law enforcement agencies to effectively combat these crimes and protect our communities, especially our children, from exploitation.



Testimony in Support of Senate Bill 2167

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 12, 2025

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

North Dakota Family Alliance Legislative Action would like to testify in support of Senate Bill 2167 and respectfully request that you render a "DO PASS" on this bill.

SB 2167 is a relatively straightforward bill that would ensure that the cost of digital forensic examinations be reimbursed and used to fund an internet crime investigation fund.

The first part of the bill would impose the fees to reimburse the investigation and prosecution of the crime in which the defendant is convicted. Reimbursement of investigation is a well-established principle that courts allow for investigation costs that are deemed "reasonable" and necessary to uncover relevant evidence in a case. Given that taxpayers would otherwise pay for these activities, reimbursement becomes a matter of fairness as well as state fiscal responsibility.

The second component of SB 2167 is establishment of a fund to receive these fees and out of which they would fund resources that would facilitate the prevention of child sexual exploitation and internet crimes against children. Our organization is strongly in favor of additional funding for the prevention of child exploitation and trafficking. This session we are working with legislators to introduce multiple bills aimed at reducing human trafficking and exploitation through greater education, training, and minimum sentencing requirements for those found guilty of these crimes. Thus, SB 2167 fits ideally with the principles we defend and advance on behalf of our constituents across North Dakota.

For the aforementioned reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on SB 2167. 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

SB 2167
3/12/2025

Relating to the cost of digital forensic examinations and the establishment of an internet crime investigation fund; to provide a continuing appropriation; and to provide a penalty.

2:59 p.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative Tveit

Discussion Topics:

- North Dakota internet crime defendants
- Use of North Dakota digital forensics

2:59 p.m. Representative Satrom moved a Do Pass.

2:59 p.m. Representative S. Olson 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	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	A
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:05 p.m. Motion passed 13-0-1.

3:05 p.m. Representative Christianson will carry the bill.

3:07 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2167 ([25.0823.02000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2167 was placed on the Fourteenth order on the calendar.