

**2025 SENATE JUDICIARY**

**SB 2289**

# 2025 SENATE STANDING COMMITTEE MINUTES

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

SB 2289  
2/4/2025

Relating to the disclosure of domestic violation protection order records to a sheriff.
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2:31 p.m. Chair Larson opened the hearing.

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

## **Discussion Topics:**

- Sexual assault restraining order
- Difference between city and county

2:32 p.m. Senator Kristin Roers, District 27, introduced the bill and submitted testimony in favor #33416.

2:35 p.m. Seth O'Neill, Executive Director of the ND Domestic & Sexual Violence Coalition, testified in favor and submitted testimony #34645.

2:37 p.m. Donnell Preskey, Public Relations Specialist of NDACo Staff, testified in favor.

2:39 p.m. Sara Behrens, Staff Attorney of the State Court Administrators Office, testified as neutral.

## **Additional written testimony:**

Jesse Jahner, Cass County Sheriff, submitted testimony #35541 in favor.

2:47 p.m. Vice Chairman Paulson closed the hearing.

*Kendra McCann, Committee Clerk*

25.1228.01001  
Title.

Prepared by the Legislative Council  
staff for Senator Roers  
January 21, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2289

Introduced by

Senators Roers, Hogan, Larson

Representatives Heinert, O'Brien, Schneider

1 A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota  
2 Century Code, relating to the disclosure of domestic violence protection order records to a  
3 sheriff.

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

5 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created  
6 and enacted as follows:

#### 7 **Sheriff - Domestic violence protection order.**

8 ~~A~~Notwithstanding any other law or rule, a court record, including an electronic file,  
9 maintained in relation to a matter involving a domestic violence protection order under section  
10 14-07.1-02 must be ~~disclosed and provided upon request~~accessible to a sheriff's office to  
11 enable the sheriff or sheriff's deputy to carry out the duties of the sheriff.



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**Senate Bill No. 2289**  
**Senate Judiciary Committee**  
**Testimony Presented Seth O'Neill, JD, MSW**  
**Email: [soneill@nddsvc.org](mailto:soneill@nddsvc.org)**  
**February 4, 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 support of SB 2289.

I would encourage the committee to make a small amendment to include sexual assault restraining orders referenced in N.D.C.C. § 12.1-31-01.2 as those files are also confidential records.

We encourage the committee to give SB 2389 a "Do-Pass" recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank You.



### **Written Testimony in Support of Senate Bill 2289**

My name is Jesse Jahner, and I am the elected Sheriff in Cass County North Dakota. I write in support of Senate Bill 2289. Current statute (NDCC 44-04-18) and Administrative Rule 41 (Access to Court Records) do not allow law enforcement access to Domestic Violence Protection Orders in Odyssey (ndcourts.gov) or electronic court records without special request and approval on a case-by-case basis. Even the existence of an order is unavailable.

The Sheriff's Office is expected to serve, comply with, validate, and enforce these orders, yet we can't access them in Odyssey. Not knowing if an order exists and without access to these orders and associated file information (petition, information sheet), makes fulfilling job responsibilities difficult and usually creates a significant delay in verification and enforcement. This can cause a safety issue to the petitioner if we come into contact with the respondent before we receive the order and do not know that the order is in existence. In that case we would not serve the order or notify the respondent that they are not to have contact with the petitioner because we do not know the order exists. Without access to court electronic files, Odyssey or up-to-date information we cannot perform our job responsibilities efficiently, effectively, and someone (petitioner) may be hurt.

In 2020, we requested access to these court records and were denied with the following explanation: "After review by legal and State Court Administration, it was determined that the privacy protections set by statute and court rule do not allow law enforcement to have blanket access to these types of cases."

Our Office reached out again in April 2022 to Sally Holewa, the State Court Administrator, about the possibility of revisiting our request. Sally indicated the answer was the same because statute had not changed and suggested using our association to ask the legislature for an exemption. Sally also referred our office to Sara Behrens, State Court Administrator Staff Attorney, when asked for the specific language and statute used to deny law enforcement access. Sara indicated that "Supreme Court Administrative Rule 41 provides that domestic violence protection order files are confidential except for the order. Providing Odyssey access to law enforcement is not feasible, and you would only be entitled to access the orders." (It should be noted that the Jail receives a hard copy of all orders but not the entire file). Currently, Administrative Rule 41 does not preclude or prohibit access if another statute were to exist that provides an exemption to the Sheriff's Office.

Past Cass County States Attorney Birch Burdick was also involved in these conversations in April 2022 and ultimately suggested the same thing to get access to DM files in Odyssey—that we act through the ND Association of Counties or the Sheriff's Association to request the Supreme Court allow a Sheriff's Office exemption so we can do our jobs effectively.

Ultimately, the request would be to get an exemption for all Sheriff's Office Deputies (including Correctional Officers) access to these files, electronic files, access to Odyssey and court records involving domestic violence protection orders so that we can effectively and timely serve the respondent to protect the petitioner.

Respectfully,

Jesse Jahner, Cass County Sheriff

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee

Peace Garden Room, State Capitol

SB 2289

2/11/2025

Relating to the disclosure of domestic violation protection order records to a sheriff.
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3:27 p.m. Chair Larson opened the hearing.

Members present:

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

Senator Myrdal absent.

### Discussion Topics:

- Protection orders
- Sexual assault restraining orders

3:31 p.m. Chair Larson updated committee on information from law enforcement.

3:31 p.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2289  
2/12/2025

Relating to the disclosure of domestic violation protection order records to a sheriff.
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9:14 a.m. Chair Larson opened the hearing.

Members present:

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

### Discussion Topics:

- Law enforcement access to protection orders
- Domestic violence protection measures
- Information system accessibility

9:14 a.m. Chair Larson introduced proposed amendment and submitted testimony #38354.

9:20 a.m. Senator Castaneda moved amendment LC# 25.1228.01002.

9:20 a.m. Senator Myrdal seconded.

9:20 a.m. Voice Vote - Motion Passed.

9:20 a.m. Senator Castaneda moved as Do Pass as amended.

9:20 a.m. Senator Luick 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.

9:20 a.m. Chair Larson will carry the bill.

9:21 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2289**

Introduced by

Senators Roers, Hogan, Larson

Representatives Heinert, O'Brien, Schneider

*AB 2-12-25*  
*1081*

1 A BILL ~~for an Act to create and enact a new section to chapter 44-04 of the North Dakota~~  
2 ~~Century Code, relating to the disclosure of domestic violence protection order records to a~~  
3 ~~sheriff.~~ for an Act to create and enact a new section to chapter 14-07 of the North Dakota  
4 Century Code, relating to the disclosure of domestic violence protection orders to law  
5 enforcement.

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

7 ~~— **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created~~  
8 ~~and enacted as follows:~~

9 ~~— **Sheriff - Domestic violence protection order.**~~

10 ~~— A court record maintained in relation to a matter involving a domestic violence protection~~  
11 ~~order under section 14-07.1-02 must be disclosed and provided upon request to a sheriff's~~  
12 ~~office to enable the sheriff or sheriff's deputy to carry out the duties of the sheriff.~~

13 **SECTION 1.** A new section to chapter 14-07 of the North Dakota Century Code is created  
14 and enacted as follows:

15 **Disclosure of court records to law enforcement.**

16 A court record maintained in relation to a matter involving a domestic violence protection  
17 order under section 14-07.1-02 must be disclosed and provided upon request to the office of a  
18 law enforcement officer to enable the law enforcement officer to carry out the duties of the law  
19 enforcement officer.



**REPORT OF STANDING COMMITTEE  
SB 2289**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS** ([25.1228.01002](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1228.01002  
Title.

Prepared by the Legislative Council  
staff for Senator Larson  
February 11, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2289

Introduced by

Senators Roers, Hogan, Larson

Representatives Heinert, O'Brien, Schneider

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2 ~~Century Code, relating to the disclosure of domestic violence protection order records to a~~  
3 ~~sheriff.~~ for an Act to create and enact a new section to chapter 14-07 of the North Dakota  
4 Century Code, relating to the disclosure of domestic violence protection orders to law  
5 enforcement.

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12 ~~office to enable the sheriff or sheriff's deputy to carry out the duties of the sheriff.~~

13 **SECTION 1.** A new section to chapter 14-07 of the North Dakota Century Code is created  
14 and enacted as follows:

15 **Disclosure of court records to law enforcement.**

16 A court record maintained in relation to a matter involving a domestic violence protection  
17 order under section 14-07.1-02 must be disclosed and provided upon request to the office of a  
18 law enforcement officer to enable the law enforcement officer to carry out the duties of the law  
19 enforcement officer.

**2025 HOUSE JUDICIARY**

**SB 2289**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2289  
3/11/2025

A BILL for an Act to create and enact a new section to chapter 14-07 of the North Dakota Century Code, relating to the disclosure of domestic violence protection orders to law enforcement.

10:30 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative Henderson

**Discussion Topics:**

- Working hours of court judges
- North Dakota Odyssey Court System

10:30 a.m. Senator Kristin Roers, North Dakota Senator for District 27, introduced the bill.

**Additional written testimony:**

Seth O'Neill, Executive Director of North Dakota Domestic and Sexual Violence Coalition, submitted testimony in favor #39568.

10:38 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*



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**Senate Bill No. 2289**  
**House Judiciary Committee**  
**Written Testimony Presented Seth O'Neill, JD, MSW**  
**Email: [soneill@nddsvc.org](mailto:soneill@nddsvc.org)**  
**March 11, 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 support of SB 2289.

I would encourage the committee to make a small amendment to include sexual assault restraining orders referenced in N.D.C.C. § 12.1-31-01.2 as those files are also confidential records.

I encourage the committee to give SB 2389 a "Do-Pass" recommendation with the suggested amendment. I apologize for not being present in-person today as I am out of town with work responsibilities. If the committee has any questions, I am happy to respond via email. Thank You.



# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2289  
3/11/2025

A BILL for an Act to create and enact a new section to chapter 14-07 of the North Dakota Century Code, relating to the disclosure of domestic violence protection orders to law enforcement.

2:56 p.m. Chairman Klemin opened the hearing.

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

Members Absent: Vice-Chairman Vetter, Representatives Henderson, VanWinkle

## **Discussion Topics:**

- Case types accessible through Odyssey court system
- Agency access to confidential records

2:57 p.m. Sara Behrens, Staff Attorney with the North Dakota Supreme Court, answered committee questions.

3:08 p.m. Representative Hoverson moved to Amend and strike "must be disclosed and provided upon request to the" on line 9, replace it with "or a sexual assault restraining order under section 12.1-31-01.2 is open to inspection by an", and strike everything after "to enable" on line 10.

3:08 p.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
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	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:11 p.m. Motion passed 11-0-3.

3:11 p.m. Representative Tveit moved a Do Pass as Amended.

3:12 p.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
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	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:13 p.m. Motion passed 11-0-3.

3:13 p.m. Representative Wolff will carry the bill.

\*\*Amendments held due to conflicts with HB 1489, the bill was reconsidered on April 9, 2025.

3:13 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2289  
4/9/2025

A BILL for an Act to create and enact a new section to chapter 14-07 of the North Dakota Century Code, relating to the disclosure of domestic violence protection orders to law enforcement.

10:09 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Vice-Chairman Vetter, Representatives Johnston, VanWinkle

## **Discussion Topics:**

- Committee action

10:09 a.m. Representative Satrom moved to reconsider.

10:09 a.m. Representative Karls seconded the motion.

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

10:10 a.m. Motion passed 11-0-3

10:11 a.m. Representative Tveit moved a Do Not Pass.

10:11 a.m. Representative Wolff seconded the motion.



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

10:12 a.m. Motion passed 11-0-3

10:13 a.m. Chairman Klemin will carry the bill.

10:13 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2289 ([25.1228.02000](#))**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2289 was placed on the Fourteenth order on the calendar.