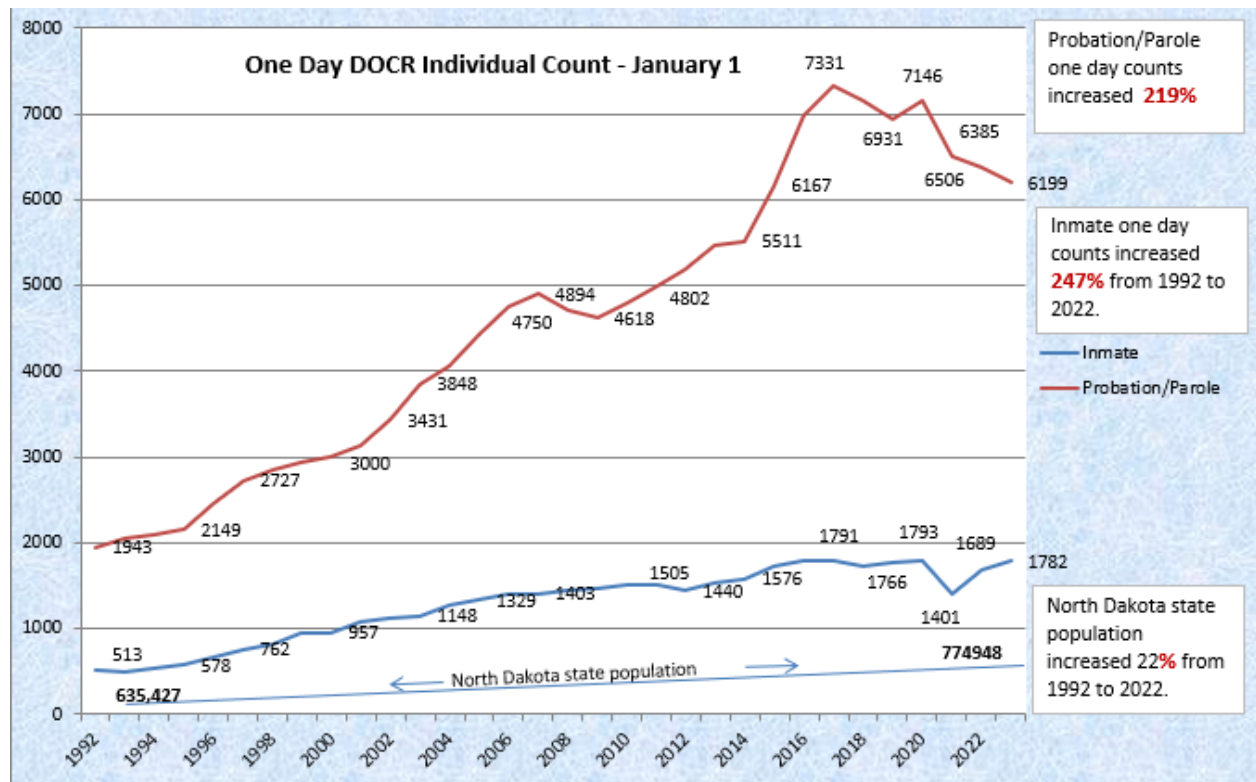


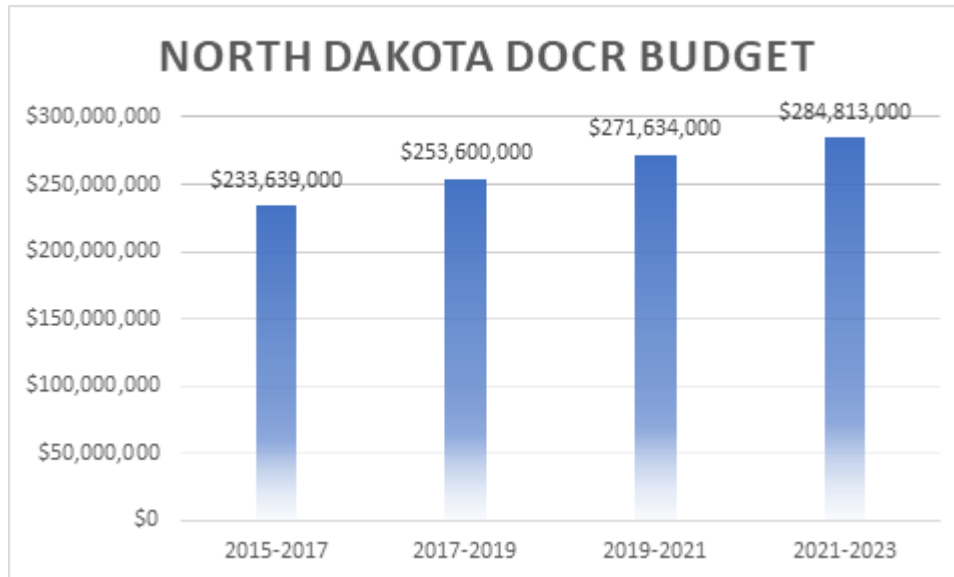
**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIRWOMAN
March 21, 2023**

**STEVEN D. HALL, DIRECTOR OF TRANSITIONAL PLANNING SERVICES, NORTH
DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
PRESENTING TESTIMONY HB 1121**

My name is Steven Hall and I am the Director for Transitional Planning Services, a division of North Dakota Department of Corrections and Rehabilitation (DOCR). I am providing written testimony neutral on behalf of the department on HB 1121.

The department has generally sought to educate policymakers on criminal penalty expansion or enhancements. We are not aware of any evidence that carving out and enhancing a criminal penalty to a class C Felony for simple assault on a health care facility worker will result in a reduction in assaults on healthcare facility workers in this state. It is these types of enhancements that incrementally contribute to





the growth in not only corrections but our broader criminal justice system. It also has life-long implications to those convicted of a Felony. The very reason the person has sought or is need of healthcare could be the issue that contributes to the assault.

According to the data of the [National Inventory of Collateral Consequences of Conviction](#), ND has 542 collateral consequences to a conviction compiled in century and administrative code. During the 2017 legislative session, SB 2216 had a provision to bring simple assault on a healthcare facility worker to the C Felony level. Ultimately that provision was removed; however, in the final passage of the bill it did bring healthcare facility workers into the Contact by Bodily Fluids statute in [NDCC 12.1-17-11](#), which includes a provision of a class C felony if the individual knowingly causes the contact and is a class A misdemeanor if the individual recklessly causes the contact. It may be worthwhile to obtain data on how many people have been charged and convicted under this statute since inception in 2017, whether it's helping to reduce certain behavior as intended, what the frequency is of criminal assaults on health care workers in this state, how many incidents go unreported and how the law will be applied. One health care worker may dismiss the assault as being due to the

individual's medical situation and another may file a complaint for the same behavior. If such a policy is adopted, we would encourage you to establish some performance measures and notice requirements that could be revisited by future legislatures. I want to be clear that by no means does the DOCR condone these types of behaviors.

In closing we understand the concerns of the medical community and the incredible work they do for all of us. We also respect your decision and will execute our responsibilities accordingly.