

**2023 HOUSE JUDICIARY**

**HB 1378**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1378  
1/23/2023

Relating to criminal mischief; and to provide a penalty.

Chairman Klemin opened the hearing on HB 1378 2:35 PM

Members present: Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## Discussion Topics:

- Criminal mischief penalty
- Organized thief activities
- Fargo riot costs
- Felony C for riot actions

Representative Schauer: Introduced the bill. Testimony (#15636)

Jesse Jahner: Sheriff, Cass County: Testimony (#15630)

Stephanie Dassinger: In support. No written testimony

Hearing closed at 2:58 PM.

Chairman Klemin reopened the meeting and read definition for riot.

Representative Roers Jones moved a DO PASS

Representative Christensen seconded the motion.

Roll Call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y

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Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion carried 13-0-0

Bill carrier: Representative Roers Jones

Hearing closed 3:02 PM

*Delores Shimek, Committee Clerk By: Leah Kuball*

**REPORT OF STANDING COMMITTEE**

**HB 1378: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Eleventh order on the calendar.

**2023 SENATE JUDICIARY**

**HB 1378**

# 2023 SENATE STANDING COMMITTEE MINUTES

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

HB 1378  
3/6/2023

A bill relating to grading of theft offenses; relating to criminal mischief; and to provide a penalty.
--

10:00 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Luick, Myrdal, Estenson, Braunberger and Paulson are present. Senator Sickler is absent.

### Discussion Topics:

- Riots
- Property damage
- Civil unrest
- Officer assaults
- Looting

10:01 AM Representative Austen Schauer introduced the bill and provided written testimony #22171.

10:03 AM Sheriff Jesse Jahner, Cass County Sheriff, testified in favor of the bill and provided written testimony #22114.

10:21 Aaron Birst, Lobbyist, Association of Counties, spoke in favor of the bill.

10:23 AM Chairman Larson closed the public hearing.

10:22 AM Senator Myrdal moved to Do Pass the bill. Senator Luick seconded the motion.

10:26 AM Roll call vote is taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

10:26 AM Chairman Larson kept the vote open so Senator Sickler can cast his vote on the bill. Senator Sickler voted yes on March 3, 2023 at 11:17AM.

Senator Myrdal will carry the bill.

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This bill does not affect workforce development.

10:27 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

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

HB 1378  
3/6/2023

A bill relating to grading of theft offenses; relating to criminal mischief; and to provide a penalty.
--

11:17 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Estenson, Luick, Paulson, Sickler and Braunberger are present.

### Discussion Topics:

- Committee action

In an earlier meeting, at 10:00 AM, the committee voted on this bill. Senator Myrdal moved DO PASS; Senator Luick seconded; and the committee voted. Chairman Larson held the vote open for Senator Sickler.

11:17 AM At this time, Senator Sickler cast his vote. Chairman Larson and Senators Myrdal, Estenson, Luick, Paulson, and Braunberger all previously voted yes.

11:17 AM roll call vote was taken for Senator Sickler.

Final vote:

Chairman Larson closed the meeting <b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0

Senator Myrdal will carry the bill.

This bill does not affect workforce development.

11:18 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*



**REPORT OF STANDING COMMITTEE**

**HB 1378: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1378**

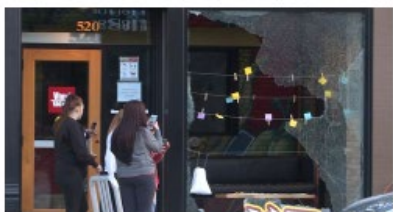
For the record my name is Jesse Jahner and I am the elected Sheriff in Cass County. On May 30<sup>th</sup>, 2020, the City of Fargo experienced Civil Unrest related to the death of George Floyd. During that unrest, protestors assaulted officers by throwing rocks and bricks at them, and a few sustained head injuries. Several businesses were vandalized by damage to the buildings or by spray painting graffiti on walls. JI Beers and Vinyl Taco were vandalized and looted for no reason other than for the protestors to be destructive. We know some of these protestors were from outside the area and had come to Fargo to instigate the unrest. During the unrest, businesses were vandalized and looted.

The businesses affected did not have anything to do with the protest activity and did not warrant the damage and theft that they had received. As we start to see more possibilities

for civil unrest in the future, I am concerned that our businesses, who typically do not have anything to do with the reason for the unrest, have become targets for damage and looting. I was disheartened to drive through downtown Fargo the morning of the 31<sup>st</sup> and see all the businesses and buildings that had been damaged.

I would like to see a stiffer penalty for those who want to damage or steal from others and our businesses during protest activity. I understand that theft and criminal mischief can have penalty enhancements from damage or theft amounts. I also know that misdemeanor damage or theft may occur during some of this activity. I do not think that receiving a misdemeanor charge for this type of activity is sufficient. Thankfully in the Fargo unrest, the US Attorney's Office was willing to charge some

of the responsables federally to give stricter penalties; otherwise, penalties for some would have been minimal based on state statute. The Cost to the Fargo Police Department was in the vicinity of \$213,00.00 and approximately \$40,000.00 to the Cass County Sheriff's Office. I know we are talking about private business damage, but it gives you an idea of the destruction that took place that day. I am asking for your help and support in protecting our businesses in regard to these types of events. I ask that you please support House Bill 1378. With that, I would take any questions.





## Costs are in on recent march/riot and rally in Fargo



(KVLV)

By Mike Morken

Published: Jun. 19, 2020 at 8:46 PM CDT



Valley News Live did some digging and found out what it cost the city of Fargo and Cass County to deal with the march and riot of last month and a rally that followed a few days later. We asked the city through an opens records law as well as Cass County Sheriff Jesse Jahner.

For the march and subsequent riot in downtown Fargo on May 30th,

the price tag for Fargo was almost 214 thousand dollars (\$213,739.46). A large chunk of that was in overtime for police. Cass County's cost is near a thousand dollars (39,434.43). Again, overtime and staffing make up the bulk of the bill.

The following Friday, there was a rally at Island Park. It was not nearly as involved, but still wound up costing the city, a little over 105 thousand dollars (\$105,275.19).



Good morning Mr., Chairman, and members of the House Judiciary committee.

My name is Austen Schauer, representing District 13 in West Fargo.

What should the penalty be, *what should be the punishment be*, for someone who destroys property in a riot?

It is an issue we've rarely dealt with in North Dakota...but it became ***all too real*** in downtown Fargo on May 30, 2020.

What should the penalty be when people from outside our state show up to organize a protest, knowing the objective is to turn the protest into a **riot**?

What should the penalty be when they are successful; spouting anger which leads to violence; assaulting police officers, screaming obscenities into the faces of our African American officers, taunting, setting fires, vandalizing buildings and businesses with rocks and bricks, damaging vehicles including cop cars followed by looting.

**What should that penalty be?**

After the riot, the instigators left having accomplished their goals of drawing attention to themselves while leaving behind more than 200 thousand dollars in damages.

They left leaving us with a ***high level of disgust*** at the bullies who walked into our town, uninvited and tore it up.

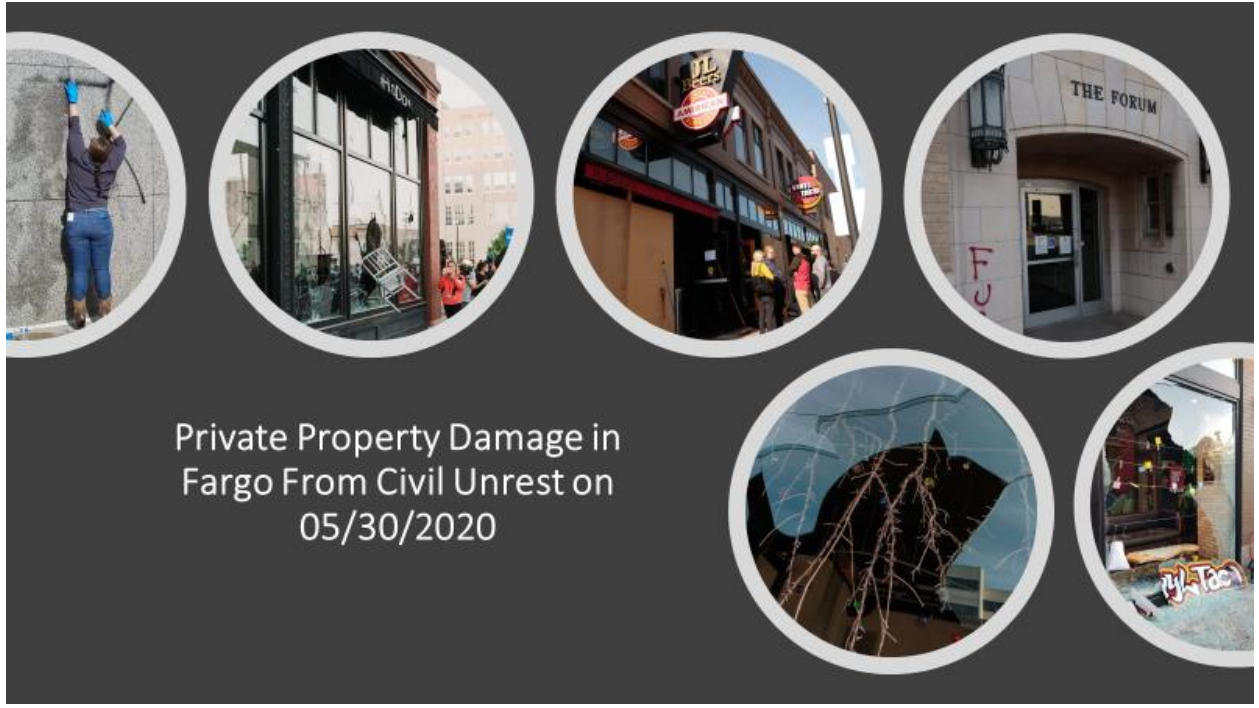
For the record my name is Jesse Jahner and I am the elected Sheriff in Cass County.

On May 30<sup>th</sup>, 2020, the City of Fargo experienced Civil Unrest related to the death of George Floyd. During that unrest, protestors assaulted officers by throwing rocks and bricks at them, and a few sustained head injuries. Several businesses were vandalized by damage to the buildings or by spray painting graffiti on walls. JI Beers and Vinyl Taco were vandalized and looted for no reason other than for the protestors to be destructive. We know some of these protestors were from outside the area and had come to Fargo to instigate the unrest. During the unrest, businesses were vandalized and looted. (At this time I would like to show two videos).

The businesses affected did not have anything to do with the protest activity and did not warrant the damage and theft that they had received. As we start to see more possibilities for civil unrest in the future, I am concerned that our businesses, who typically do not have anything to do with the reason for the unrest, have become targets for damage and looting. I was disheartened to drive through downtown Fargo the morning of the 31<sup>st</sup> and see all the businesses and buildings that had been damaged.

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What should the penalty be when people from outside our state show up to organize a protest, knowing full well the objective is to turn the protest into a riot?

What should the penalty be when they are successful in spouting anger which leads to violence?

When they assault police officers, screaming obscenities into the faces of our African American officers?

When they taunt, set fires, vandalize buildings and businesses with rocks and bricks...damage vehicles including cop cars followed by looting?

**What should that penalty be?**

After the Fargo riot, the main instigators left town (our town) having accomplished their goals of drawing attention to themselves while leaving behind more than **200 thousand dollars** in damages.

We fully support the constitutional right to a peaceful protest, but at the same time, we fully support our law enforcement when protests become anything but peaceful.

And we fully support *appropriate punishment* for those involve in this kind of criminal activity.

**We believe it should be a felony.**



**HB 1378** makes it clear:

Page 1, lines 19-20 say, “**A class C felony if the actor commits the offense while engaged in a riot.**”

Madam Chair and committee members, we ask for your support of **HB 1378.**

Thank you for your time and I stand for questions.