

**2021 HOUSE JUDICIARY**

**HB 1193**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Judiciary**  
Room JW327B, State Capitol

HB 1193  
1/25/2021

## Relating to limits on the use of force and deadly force.

**Chairman Klemin** called the hearing to order at 3:37 PM.

Present: Representatives Klemin, Karls, Becker, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. Absent Rep. Buffalo

### **Discussion Topics:**

- Citizens Defense system
- Appropriate amount of Force
- Retreat as an option

**Rep. Magrum:** Introduced the bill. Testimony #3156 3:37

**John Ertelt, Arista, ND:** oral testimony in favor. 3:42

**Clayton Peterson, Sioux County Rancher:** Testimony # 3150 3:43

**Bob Wheeler, Underwood, ND:** Testimony #3149 4:02

**Janalee Berentson:** Testimony #3022 4:05

**Marty Beard, rural Bismarck:** 4:06 oral testimony in favor

**Bea Streifel:** Testimony #3057

**Les Lanzo-Fusee,** oral testimony in favor 4:12

**Pete Hanebutt, Director of Public policy, Farm Bureau:** oral testimony in favor 4:19

**Aaron Birst: Association of Counties:** oral testimony in opposition. 4:21

**Rosa Larson, Ward County States Attorney:** Testimony #2748 4:20

**Christopher Dobson, Executive Director, ND Catholic Conference:** Testimony #3016 4:33

**Blair Thoreson, ND Peace Officers:** oral testimony Opposition: 4:46

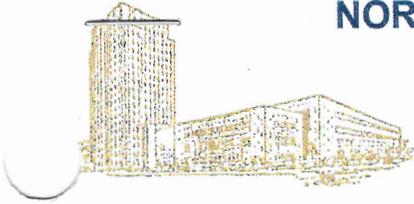
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**Additional written testimony:** 2468, 2971, 3007, 3028, 3031, 3032, 3037, 3052, 3058, 3072, 3152.

**Chairman Klemin** closed the meeting at 4:47 PM.

DeLores D. Shimek  
Committee Clerk

# NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Jeffery J. Magrum

District 28  
P.O. Box 467  
Hazelton, ND 58544-0467  
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**COMMITTEES:**  
Judiciary  
Political Subdivisions

01/25/2021

Good Day Chairman Klemin and fellow Judiciary committee members.

For the record I am Jeff Magrum representing District 28 which is south central ND.

I stand before you to introduce HB 1193.

In Luke Chapter 11 verse 21 and 22 the Lord said when a strong man, fully armed, guards his dwelling, his goods are safe. This is a good example of the Castle Doctrine that we have in law now. The ND Castle doctrine in ND was passed by our ND State Legislature in large part because of the work by our Honorable Judiciary Committee Chairman Klemin. The current Castle doctrine also includes one's RV or place of work. The Family and Personal Protection Act before you does not replace existing law but expands the Castle Doctrine to include outside of the Home, outside of the RV, outside of the Place of work. In March 2020 KXMB news conducted a survey and with 2200 respondents, 84% favored this type of expansion. I submitted the survey with video to the committee. The people that contacted me were surprised to find out that they are required under current law when out and about to run and hide before protecting one-self, one's family or anyone when under attack. The opposition says that there is an increase in crime in the 28 plus states that have this legislation in place. They say that there will be mass murder! I will remind the committee, this was the approach of the opposition when Castle Doctrine and Constitutional Carry were passed, and we haven't seen their gloom and doom fake news come true. I would argue that this legislation will work as a deterrent. My question is why the opposition doesn't want women and the weaker individuals in our society to be able to defend themselves? Chairman Klemin and fellow committee members, please help give our families their freedom to legally defend themselves by voting do pass on The Family and Personal Protection Act.

MR. Chairman I stand for questions.

"Click here to type"



**Clayton M. Pederson**  
*Retired NRA Sr. Field Representative – ND/SD*  
*ND GOP District 31 Executive Board Member*  
*Grant/Sioux County ND Farm Bureau Board Member*  
*Sioux County Rancher*

*Date: January 25<sup>th</sup>, 2021*

Mr. Chairman and Members of the Judiciary Committee:

My name is Clayton Pederson and I reside in Rural Sioux County ND, just north of Morrystown, SD. I am a Retired National Rifle Association Sr. Field Representative and currently also own/operate our cattle ranch with my wife and 2 sons in rural Sioux County.

I am here today in SUPPORT of House Bill 1193 – The Family and Personal Protection Act, which will restore the rights of North Dakotan's to protect themselves and their families.

Currently, NDCC 12.1-05-07 does not recognize the right of a person to properly protect themselves, their families, or others with the use of and/or deadly force if needed, rather it empowers and enables violent criminals who have no fear of the law, their own well being, or posses a moral compass of right verses wrong, to instead leave a trail of unnecessary victims and even at times, more often than is should, deny innocent people their unalienable right to life.

Right now there are a total of 34 states that have similar laws as to what is being asked of now with the introduction of the Family and Personal Protection Act before you today. One such state is South Dakota in which it became law February 17<sup>th</sup>, 2006 after it was signed by SD Governor Mike Rounds. The 1<sup>st</sup> such legislative change was passed and signed into law in 2005 and of course the others followed over the course of 15 years. When these laws were enacted, the only arguments from the opponents seemed to favor the violent criminals and worry about their "rights" with little regard for those the crimes were being perpetrated upon and the families that had to deal with the aftermath of such a crime like the murder of a loved one. Another argument was that this would create a "Wild West" type of environment, making states less safe and more dangerous. What has happened in most cases is the opposite. In fact take a look at some of the major cities like Chicago right now and see how denying the rights of innocent people to protect themselves has resulted in the highest murder rates in the United States today.

According to FBI UCR (Uniform Crime Reporting) reporting data for SD in 2010, the murder rate was 2.8 per/100,000 people and then dropped to 1.4 per/100,000 in 2018, which was a DECREASE of 1.4 per/100,000. In North Dakota where "Duty to Retreat" is required by NDCC, we see the opposite affect for the same time frame with an INCREASE of 1.3 per/100,000 people.

We saw a good example a few years ago when the Dakota Access Pipeline riots were taking place and an influx of people who were coming into the area, and many with little to no regard for the rule of law. You read many of those testimonies that are still on record today as they were given during the hearings of Senate Bill 2315 last session on another issue of rights in North Dakota, those being private property. There was illegal trespass, illegal slaughter of rancher's livestock, actual threats of violence toward landowners, threats of destruction to private property, and more. In our rural areas of North Dakota a "Duty to Retreat" could turn tragic as so many, live 20, 50, even 70 miles or more away from any kind of law enforcement resources and it could take literally an hour for any kind of response. Seconds are everything in a threatening conflict and it really could mean life of death of an innocent North Dakotan if they were to have to basically run and hide from a violent criminal. There is also limited to no cell service in many of the western areas in North Dakota where a person could not even phone for help, and I can tell you from personal experience as a VFD member, even the "emergency system" that allows pretty much any message

to come into my phone from the fire department, doesn't allow make it, nor is a call able to be made, there just are places that will always be "out of range" of services, and one more reason those of us that live remotely and rural need to have the right to protect ourselves, family and property restored, as taking care of ourselves is a way of life and a necessity. The fear of going to jail for doing what is right and having our very rights infringed upon by a violent criminal is something nobody should have to think about in those split second moments as it could cost an innocent person their life.

Another issue I was interested in was the percent of females vs. males in North Dakota and I found that we are pretty "even" in that regard with 48.8% of the population being female, and 51.2% as male, this according to the last North Dakota US Census data available in 2010. This was of particular interest to me, as I had introduced many ladies to the world of shooting and self defense through my time with the NRA. It is actually the largest and fastest growing segment of new shooters and has been for the past 15 years. Much of this has to do with self defense and protection, particularly "college" aged young woman who will be sometimes hundreds of miles away from their homes, family, friends and safety while these predatory violent criminals have been targeting their victims now more often in those settings.

Woman are also more independent today and according to that same census bureau data from 2010, both men and woman are waiting much longer to get married. These trends are just one more reason to fix the NDCC and help our young ladies protect themselves against violent criminals who would bring harm to them.

I can attest that these young ladies, who are taking courses, learning to use their protection firearms properly, are becoming very skilled and efficient in their chosen disciplines. This is why it is so hard to imagine that even after all the training, preparation, practice, and skills learned for a situation one never wants to face, it could all be for nothing or even worse result in the death of an innocent person at the hands of a violent criminal because we failed to fix this flaw in the NDCC that required that innocent person, to forfeit their rights, forfeit their safety, or even forfeit their lives because they were supposed to stand down with a "duty" to retreat.

Mr. Chairman and Members of this committee, we are not here today to ask for you to legalize "murder", that is a crime, punishable by law to the most extreme as it should be.

Instead we are here today to ask for the restoration, to protect our God given, unalienable right to life, using everything we have at our disposal and our capabilities, with which to protect it, as well as the lives of those we hold dear to us.

We also would be able to, if needed, answer the call of a stranger in need of help, even saving their life, from the violent criminals that have zero regard for anything, yet alone the innocent, and continue on their path of taking whatever they want, whenever they want, no matter what cost, including the threat or taking of another person's life.

I would ask all of you, to ask yourselves, what would you do if violently threatened? What would you do if someone was coming at you with the intent to take your life or that of a loved one? Would you defend yourself with "Deadly Force" even though we have "Duty to Retreat" and could have severe consequences? It really is a horrible decision to have to make, one that would stay with you your entire life, but one that you can not hesitate to make and wonder to yourself, in defending your LIFE from the THREAT of Death by the hand of a violent criminal, will I end up being charged with murder and sitting in jail myself for protecting your unalienable right to life or that of others? I know what choice I would make.....do you?

I would request you cast a yes vote and recommend a DO PASS on the Family and Personal Protection Act House Bill 1193 today!

Thank you and God Bless.

**Retreat, hell!**

**Good afternoon Mr. Chairman , committee members.**

**My name is Bob Wheeler. I appreciate the opportunity to give testimony in support of the Family and Personal Protection Act.**

**“ Retreat, hell! We just got here!” , is a “credited to Marine Captain Lloyd W. Williams. Captain Williams was in command of the 51st company 2nd Battalion 5<sup>th</sup> Marines during the battle of Bellena Wood in France during W W I. This is the battle that marines earned the nickname “Devil Dogs”.**

**I realize that we are not here for a military history lesson, but as a marine, retreat is not in our vocabulary. Under current North Dakota century code we have a duty to retreat, runaway, hide if possible, giving violent criminals the upper hand and embolden them.**

**Over the last 30 years, I've witnessed the empowerment of bullies by politicians and bureaucrats. The zero tolerance policy in place from preschools on up, have created a generation of victims. Children are no longer taught to stand up for themselves. They are told to run, seek help and tattle. How long until there is no one left to 'give help'?**

**Those bullies that have grown into violent criminals have never known resistance. They expect us to be willing victims. Those criminals understand that we are expected to attempt escaped before defending ourselves. This must stop!**

**Current Century Code create victims, when it should deter criminals. We have the opportunity to correct a past wrong, the opportunity to raise up the innocent and empower the citizens. As a rural state, we know that law-enforcement may be 30 or more minutes away. That is a long time to run or**

**Be 30 minutes or more away. That is a long time to run or Hide.**

**In asking you to remove any signs of a “duty to retreat “, from North Dakota century code. Restore our right to family and personal protection.**

**Thank you all for this opportunity to speak.**

Janalee Susan Berentson

3705 Co Rd. 135

Flasher, ND 58535

I Hereby proclaim that I Janalee S. Berentson am 100% in support of the House Bill 1193.

This is a Very Important Bill for women's safety.

Thank you,

Janalee S. Berentson

January 25, 2021

Judiciary Committee

HB 1193

Chairman Klemin & Committee members

I am here to support HB 1193. As a single mom living out in the country, I find the duty to retreat goes against my God given right to defend myself and my property.

While I agree that an individual is not justified in using more force than is necessary and appropriate under the circumstances, the duty to retreat and avoid force is giving rights to the criminal and removing my rights.

In the case of an emergency, it takes the Sheriff's department longer to get to my residence than it takes a criminal to break into my place and shoot me, my son and my animals.

A duty to retreat, as currently required under Section 1, cedes my right to that of the criminal.

HB 1193 effectively levels this uneven duty in favor of a person protecting their own life & property as well as children who might be in danger.

I support HB 1193 and request that this committee recommend a do pass.

Thank you

# Office of State's Attorney

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LEAH J. VISTE

January 24, 2021

Chair Klemin and members of the committee

RE: HB 1193

My name is Roza Larson, and I have been a prosecutor for nearly 24 years. I'm writing to urge you to vote DO NOT PASS HB 1193.

I'm certain that this committee will hear many stories and reasons for the removal of the duty to retreat, as well as many stories and reasons to keep the duty included as it is currently written in the statute.

As a prosecutor I have concerns for the safety of the public if there is no duty to retreat. I'm certain you are wondering how one protecting themselves or others could cause concern for public safety. Here is why:

In 2020 Ward County had seven new murders, a few attempted murders, along with several other incidents involving firearms being fired to terrorize, "warn off," or as self-defense. Many of these incidents are not situations occurring in isolated areas, such as inside a home or business. Many of these use of deadly force/self-defense incidents are not directly aimed at the person creating the need for deadly force, but rather the deadly force is being "blasted and sprayed" in general directions. These incidents are occurring on public streets, through residential neighborhoods, or in areas where there is a crowd of people.

Some of incidents are still open cases so the specifics cannot be discussed. However, I can give you some general examples wherein the public safety was definitely at risk. I recall at least two incidents involving high speed chases in vehicles throughout Minot whereby the "chasing" vehicle was shooting at the vehicle/people in the lead. As you can imagine in this scenario the people doing the shooting are not necessarily taking proper aim of their target. Law Enforcement recovered many bullets from homes that were on the path of the chase. In these incidents the victims were retreating, attempting to find safety. Imagine if they stood their ground. These situations could have results of serious unintended consequences of innocent people sleeping inside their homes being shot. Without the duty to retreat, the people being shot at could have stopped, and began shooting back, or alternatively continued traveling at high rate of speed and simply attempted to shoot out the windows of their vehicle. The thing this committee has to remember is the self-defense statutes, including the use of deadly force, envision a one-on-one situation wherein there is a confrontation between an actor and a victim. It envisions the use of deadly force involves a close distance between the actor

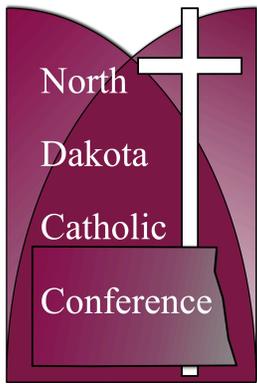
and the victim. In real life situations, that is not always the situation. In real life situations we may have more than one actor, we may have more than one victim. In real life situations we see many of these situations playing out in the open on public streets in front of residences where there are people standing by or in their homes oblivious of the danger occurring outside.

Another scenario again, occurring in public place. A person is walking down the street. This person is confronted by an individual. The individual has a weapon in his hand and strikes the person in the face, who falls backwards. The person that is hit reacts and draws his firearm and begins shooting in the direction of the individual. The individual using the weapon in his hand begins to fire back. There are 30-40 people standing in the area. The individual and the person both get shot. But, so does somebody standing by, along with vehicles sustaining damage from stray shots. In this scenario there are multiple issues of self-defense, but also opportunity to retreat. In this scenario there were multiple people placed in danger.

My concern with HB1193 and the removal of the duty to retreat are the many incidents we have seen where firearms are being fired "as self-defense" but without aim at the threat. Instead the deadly force is being used, to "warn" or "fend off" threats. It has been my observation in the past 24 years of prosecuting, the self-defense statutes as they are currently written provides for the lawful use of deadly force in self-defense situations, yet protects the public from the above described scenarios. Too many times I have seen situations wherein firearms are the "go-to" when somebody feels threaten. Instead of safely retreating, shots are fired off randomly without thought or aim and others are place in peril.

I absolutely believe a person has the right to defend themselves, or others, including with deadly force if necessary. But this right has to be used with a reasonable standard. The right to use deadly force has to be used such that it is directed at the person creating the danger and not used in a "blast" unfocused manner. That is not what the deadly force statutes are intended for. The use of deadly force is intended to protect the individuals as a last resort to its use when there is no other option, and then used against or on person creating the danger. Removing the duty to retreat, in my opinion will only create more unsafe scenarios of deadly force being used without thought, focus or consequence, and not necessarily as the final and only option.

A handwritten signature in black ink, appearing to read "Lynn", with a long horizontal flourish extending to the right.



*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

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**To:** House Judiciary Committee  
**From:** Christopher Dodson, Executive Director  
**Subject:** HB 1193 - Use of Deadly Force  
**Date:** January 25, 2021

When and how much force an individual can use against another is ultimately a moral issue. The Bible presents the precept "You shall not kill" as a divine commandment. Those of different faiths or no faith accept the same injunction because they value of all human life. From this precept comes a fundamental principle: No one can claim the right to deliberately kill another human being. The injunction is rooted in the recognition that all human life is sacred and that all human life has inherent value.

Yet as far back as the Book of Exodus, faced with often tragic cases that can occur, we sought a fuller and deeper understanding of what the commandment prohibits and prescribes, particularly in cases of self-defense. Thomas Aquinas later provided the most accepted and definitive treatment of the subject. What he taught, though not entirely new even then, became the basis of Western Law.

Aquinas restated the fundamental principle that it is never permissible for a private individual to intentionally kill a person. This injunction applies even in cases of self-defense. A person can, however, use moderate force to repel an aggressor when it is necessary to protect oneself or someone for whom the person is responsible. If the use of force meets these conditions and the aggressor unintentionally dies as a result, the person is not guilty of murder. If however, these conditions are not met and the aggressor dies, the person has committed murder.

Three fundamental principles underlie this teaching. First, intentional killing of an innocent person is always wrong. Second, intentional killing of a wrongdoer is also always wrong, though the use of force that unintentionally results in the death of a wrongdoer can be justified. Third, the mere fact that an individual is not where he or she should be or may be intending harm does not create an exception to the rule. Even in that case, a person cannot intend to kill the individual.

Through the centuries, courts and lawmakers incorporated these principles into law. The "duty to retreat" in English common law finds its basis in the necessity requirement, since the use of deadly force could not be viewed as necessary if the person could escape. Eventually, some jurisdictions, including North Dakota, adopted the "Castle Doctrine," which removed the duty to retreat in a person's dwelling or work place. The Castle Doctrine does not necessarily contradict the fundamental principles since it is based on several presumptions about the ability to retreat.<sup>1</sup>

House Bill 1193 contradicts these fundamental moral principles. The bill's removal of the requirement to avoid the use of deadly force by retreat or other conduct when safely possible would, practically by definition, allow intentional

killing when it is not necessary. This violates the fundamental moral rule that a person cannot use deadly force except when it is necessary for self-defense.

A person could argue that the duty to retreat when possible would still exist under the “necessary” requirement. However, this ignores the maxim that the legislature is never presumed to have engaged in an idle act.<sup>2</sup> If that were the case, the bill would serve no purpose. Moreover, the intent of the bill is clear. It removes the requirement to avoid using deadly force when it is not necessary.

House Bill 1193 is contrary to the moral law and the precepts that have guided society for millennia. We urge a **Do Not Pass** recommendation.

<sup>1</sup> Indeed, something like the Castle Doctrine appears in Exodus 22:1. It states: “If a thief is caught in the act of housebreaking and beaten to death, there is no bloodguilt involved.” The next verse, however, states: “But if after sunrise he is thus beaten, there is bloodguilt.” In other words, killing an intruder at night was permissible, but killing an intruder during the day was not because escaping was possible in daylight.

<sup>2</sup> *Chamley v. Khokha*, 2007 ND 69, 730 N.W.2d 864 (2007).

## Good afternoon Chairman Klemin

and members of the judiciary committee

My name is Susan Beehler , a Mandan resident, born in ND, life long resident of North Dakota, mother of 5, grandma to 3, a small business owner, founding member of the North Dakota chapter of Moms Demand Action for Gun Sense of America.

I am opposed to HB 1193 . I am pro life and I believe this is a law that encourages deadly force rather than deescalation, life preservation.

I know violence. I am survivor of domestic violence. My father lost his leg to a 22 in 1945. My future son-in-law never knew his father. His father was shot in the head and killed with a 22 over a dispute with a neighbor while living and working in Alabama. Growing up our family dog was shot. My German immigrant grandmother lost her brother and nephew in a shooting over a dispute over a bag of grain. My Norwegian grandfather 's niece was married to my grandmother's brother who was murdered. So two families were effected by the same tragic event. A gun violence incident has a ripple effect through generations, many being effected by one incident not just those directly involved.

The past couple legislative sessions we have eroded gun laws put in place to protect our citizens, to encourage gun safety and responsibility. Now anyone can conceal carry with a ND driver's license even though driving a car and passing a driving test has nothing to do with proper weapon handling or gun safety or knowledge of any self defense. Are North Dakotans safer?

We hear of a ND citizen taking their gun and firing it at a person in a Bismarck Lowe's parking lot because of suspected shoplifting. [https://bismarcktribune.com/news/local/bismarck/felony-charge-filed-in-bismarck-parking-lot-shooting/article\\_a494177d-fa4f-56f1-b034-11db842cd124.html](https://bismarcktribune.com/news/local/bismarck/felony-charge-filed-in-bismarck-parking-lot-shooting/article_a494177d-fa4f-56f1-b034-11db842cd124.html)  
Are we spawning vigilantism with these types of laws?

Our state Capitol has metal detectors after the relaxing of our gun laws? Would you feel safer if I was testifying in front of this committee with a loaded AR15 and a hand gun on my hip? Especially after what we seen on January 6 at our nation's Capitol? What kind of detectors do we as life long North Dakota residents get after the relaxing of these gun laws?

Why do we need a "stand your ground" law in our state? Why shouldn't we keep our long standing tradition of self defense in our state?

Stand Your Ground laws are associated with increases in homicide rates resulting in more than 150 additional gun deaths each month.

Marc Levy et al., "Stand Your Ground: Policy and Trends in Firearm-Related Justifiable Homicide and Homicide in the US," *Journal of the American College of Surgeons* 230, no. 1 (2020): 161-167.e4, <https://doi.org/10.1016/j.jamcollsurg.2019.11.003>

Stand Your Ground laws were associated with an increase in firearm injuries resulting in emergency room visits and hospitalizations. McClellan CB, Tekin E. Stand your ground laws, homicides, and injuries. National Bureau of Economic Research. 2012.

There are no studies that associate broadening self-defense laws with deterring crime. Cheng C, Hoekstra M. Does strengthening self-defense law deter crime or escalate violence? Evidence from castle doctrine. National Bureau of Economic Research. 2012. See also: Gius M. The relationship between stand-your-ground laws and crime: A state-level analysis. *The Social Science Journal*. 2016; 53(3): 329-338.

I urge a do not pass on HB 1193 we don't need it.

Susan Beehler [suzybbuzz@gmail.com](mailto:suzybbuzz@gmail.com)

January 25, 2021

Judiciary Committee  
HB 1193

Chairman Klemin and Committee members:

Let the record reflect my support for House Bill 1193 ("HB 1193"), with further amendments requested (detailed below), and as introduced by Representatives Magrum, Becker, Christensen, Ertelt, Fegley, Jones, Kading, Kiefert, and Senators Clemens, Heitkamp, D. Larsen, and Vedaa.

A duty to retreat, as currently required under Section 1, 12.1-05-07(2)(b), cedes rights of would-be victims to that of the criminal. While I do not disagree that retreating should be a preferred response to the use of deadly force when and where possible, this subsection creates a higher legal duty of care upon the law-abiding than it does the lawless. Undoubtedly this was not the intent of the provisions HB 1193 seeks to strike, but the plain text, as written, effectively creates this uneven duty in favor of the criminal. HB 1193 corrects this disparity.

**Further amendments requested** - strike Section 1, 12.1-05-07(2)(f) in its entirety. I fail to see how deadly force can be justifiable under any of the circumstances listed below (emphases mine):

*When used by a duly licensed physician, or an individual acting at the physician's direction, if the force is necessary to administer a recognized form of **treatment** to **promote** the physical or mental **health of a patient** and if the treatment is administered in an emergency; with the consent of the patient, or, **if the patient is a minor or an incompetent person**, with the consent of the patient's parent, guardian, or other person entrusted with the patient's care and supervision; or by order of a court of competent jurisdiction.*

For the sake of clarity, I support the changes proposed under HB 1193 in their entirety, but would like to see subsection (f) of Section 1, 12.1-05-07(2) stricken as well.

Respectfully,

If I'm being attacked or confronted by a perpetrator, I'm more than likely not going to be able to run away from him, plus, they could shoot and kill me as I'm trying to flee. Common sense tells you that they would be able to watch where I am running to, pursue me and find me. As a woman, I need to be able to defend myself in that moment. I need the freedom to use good judgement in order to save my life and if that means taking out someone's knee, then so be it. Show me a scene where a police officer is being threatened by a perpetrator and instead of using force to subdue the perp, they run and hide?

Dayna Frank

Flasher ND

I Hereby proclaim that I, Dayna Frank am 100% in support of the House Bill 1193.

This is a Very Important Bill for women's safety.

Thank you,

Dayna Frank

January 25, 2021

I am here to testify in support of HB 1193.

As a woman and a business owner where I am alone in my store all hours of the day, I 100% support HB1193 as a do pass!! Women need this bill for safety reasons.

Thanks,

Kathy Schneibel

HB1193

I support this bill as is.

Stacey Castleman  
9300 Cedar Lane  
Bismarck, ND

Testimony in support of HB 1193  
Before the House Judiciary Committee  
January 25, 2021

Chairman Klemin and members of the House Judiciary Committee:

**I submit my written testimony in support of HB 1193.** It is my understanding this bill relates to an Act to amend and reenact section 12.1-05-07 of the North Dakota Century Code, relating to limits on the use of force and deadly force.

Having been raised in North Dakota, I like many reluctant citizens have struggled to realize this isn't the safe place to grow up that it was during my childhood. This glaring fact hit home directly for me during—if I am recalling the year correctly, the summer of 2014. My husband was out of town and during that time a severe thunderstorm hit the area. The kind where it was pouring buckets of rain.

Something woke me up during the night, I thought it was a nearby lightning strike. I got up to check things out and saw the light on in the interior of our garage. I wasn't concerned as someone often left it to me to shut off and I thought maybe I'd forgotten. Being tired, I decided to leave it on until the morning and went back to bed. A little while later I was again disturbed by another noise. I got up and went downstairs. I looked outside and could see through our front window that the garage light was now off. This freaked me out so I went to get my son who was 20 at the time. I told him what was going on and as we watched the garage light or some type of light came back on. We had no weapons. He ran upstairs to get the heaviest object he could find which was a Midway Bowling Pin from one of his adolescent birthday parties. I called 911 even though I knew it would take time for them to reach us as we live outside city limits. I also called my brother-in-law who lived a short distance away. Until help arrived, we stood guard at our interior garage door with our bowling pin defense system until he arrived. We then entered the garage but found no one. What we did find was a soaked rug by the most remote interior door of the garage. There is no doubt someone had entered but likely left when my brother-in-law pulled up in his vehicle (this door not visible from the front of the home).

This was a wakeup call for me but with my husband home and armed, I generally felt safe until he fell and became paralyzed in the summer of 2015. We were in the midst of dealing with many life changes and our vulnerability to crime being one of those became clear in the fall of 2016. An incident occurred where a man was going around knocking on neighbor doors asking for someone, he claimed was a relative and thought this was their address. This person was also witnessed to stand behind a tree and watch my sister who lived down the street from me, while she was taking outdoor pictures of her kids. It was later found he had a history of burglarizing homes. I knew then we needed a defense system and that system had to be more than 5 foot me and our poodle. **A good defense system is multilayered so I got a large dog, a security system and a gun. All of which should be legal for use as defense in ND.**

I respectfully request your vote in support of HB 1193 because it will support families in North Dakota and women, who are especially vulnerable to crimes against a person and oftentimes within their home.

Sincerely,  
Tamara Unterseher, Bismarck ND

RE: HB 1193

To: Judiciary Committee

Chairman Klemin and Committee Members:

I, Kay Ann Jarratt, have reviewed House Bill 1193 and am in support of it as modified. The citizens of North Dakota need to be able to defend and support themselves in situations. The modifications are necessary.

Thank you,



Kay Ann Jarratt  
Bismarck, ND

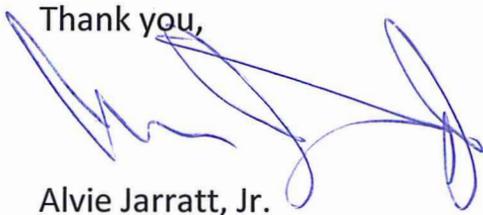
RE: HB 1193

To: Judiciary Committee

Chairman Klemin and Committee Members:

I have reviewed House Bill 1193 and am in support of it as modified. We the citizens of North Dakota need to be able to defend and support ourselves in dangerous situations. The modification is necessary.

Thank you,

A handwritten signature in blue ink, appearing to read "Alvie Jarratt, Jr.", with a large, stylized flourish extending to the right.

Alvie Jarratt, Jr.  
Bismarck, ND

I am writing in support of hb 1193, #3072 removing the requirement that someone defending themselves with deadly force must first retreat.

That is utterly ridiculous in its face. It is MY home and the use of deadly force could have been avoided by the criminal invader not engaging in criminal activity in my home.

Imagine asking a country being invaded to be required first to retreat... prior to engaging the aggressors.

The criminal forfeited their rights when they violated the sanctity of the home.

It also should not be expected that someone defending their home should be expected to "fall back" and try to determine the true motives of an intruder.

It is high time to stop the decriminalization of criminal behaviors and the criminalization of exercising our inalienable rights.

Sincerely

Mitch Kersten

January 25, 2021

Judiciary Committee

HB 1193

Dear Chairman Klemin and members of the Judiciary Committee:

We are writing in support of HB 1193.

We agree that an individual is not justified in using more force than is necessary and appropriate under the circumstances. However, we believe the "duty to retreat and avoid force" provision in this bill gives more rights to the criminal and reduces our rights to protect ourselves and our property.

We live in the country, and in the case of an emergency, it will take longer for law enforcement to reach our residence than it will take for a criminal to break into our property and potentially threaten us. We need to be able to defend ourselves in such a situation.

We respectfully recommend a do pass on HB 1193. Thank you.

Melissa and Roger Miller

Bismarck ND

7012205231

# 2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary  
Room JW327B, State Capitol

HB 1193  
2/15/2021

## Relating to limits on the use of force and deadly force.

Chairman Klemin called the meeting at 5:49PM

Present: Representatives Klemin, Karls, Becker, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, and Vetter. Absent: Buffalo, Satrom and Roers Jones

### Discussion Topics:

- Committee work

**Rep. Becker:** Motion to Do Not Pass

**Rep. Christensen:** Seconded

### Roll Call Vote

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	A
Rep B. Satrom	A
Rep Vetter	Y
Rep Buffalo	A
Rep K. Hanson	Y

11-0-3 Carrier: Rep. Magrum

Stopped 6:05

DeLores D. Shimek  
Committee Clerk

**REPORT OF STANDING COMMITTEE**

**HB 1193: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.