

Introduced by

Senators Wanzek, Heckaman

Representatives Brandenburg, Hogan

1 A BILL for an Act to amend and reenact sections 28-01-25.1, ~~29-04-02~~, and 29-04-03.1 of the
2 North Dakota Century Code, relating the statute of limitations on the prosecution of and claim
3 for relief on actions alleging childhood sexual abuse; ~~to repeal section 29-04-03.2 of the North~~
4 ~~Dakota Century Code, relating to statute of limitations as to the child victim; and to provide for~~
5 ~~application.~~

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

7 **SECTION 1. AMENDMENT.** Section 28-01-25.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **28-01-25.1. Limitation on actions alleging childhood sexual abuse.**

10 Notwithstanding section 28-01-25, ~~there is no limitation of the time within which~~ a claim for
11 relief resulting from childhood sexual abuse must be commenced ~~within seven~~ **ten years after**
12 **the plaintiff knew or reasonably should have known that a potential claim exists resulting from**
13 **alleged childhood sexual abuse.** For purposes of this section, "childhood sexual abuse" means
14 any act committed by the defendant against the plaintiff which occurred when the plaintiff was
15 under eighteen years of age and which would have been a violation of chapter 12.1-20 or
16 12.1-27.2. In a claim for relief under this section, the plaintiff is not required to establish which
17 act in a continuous series of sexual abuse acts by the defendant caused the injury.

18 ~~— **SECTION 2. AMENDMENT.** Section 29-04-02 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~— **29-04-02. Prosecution for felony other than murder or sexual abuse of a minor within**~~
21 ~~**three years.**~~

22 ~~— Except as otherwise provided by law, a prosecution for any felony other than murder or~~
23 ~~sexual abuse of a minor must be commenced within three years after its commission.~~

24 ~~Prosecution of felony offenses under chapter 12.1-23 must be commenced within the later of~~

1 ~~three years of commission of the last act that is an element of the offense, three years of~~
2 ~~discovery of the stolen property, or three years of discovery of the loss of the property or~~
3 ~~services. Nothing in this section prevents a person prosecuted for murder from being found~~
4 ~~guilty of any included offense and punished accordingly.~~

5 **SECTION 2. AMENDMENT.** Section 29-04-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-04-03.1. Prosecution for sexual abuse of minors.**

8 ~~1. If the victim was under eighteen years of age at the time the offense was committed,~~
9 ~~there is no limitation of the time within which a~~Except as provided in subsection 2, a
10 prosecution for a violation of sections 12.1-20-03 through 12.1-20-08 or of section
11 12.1-20-11 if the victim was under eighteen years of age at the time the offense was
12 committed must be commenced in the proper court within seven~~ten~~ years after the
13 commission of the offense or, if the victim failed to report the offense within this
14 limitation period, within three years after the offense was reported to law enforcement
15 authorities.

16 ~~2. If, based upon evidence containing deoxyribonucleic acid obtained at the time of~~
17 ~~offense, a suspect is conclusively identified by deoxyribonucleic acid testing after the~~
18 ~~time period prescribed in subsection 1 has expired, a prosecution may be commenced~~
19 ~~within three years after the suspect is conclusively identified by the deoxyribonucleic~~
20 ~~acid testing.~~
2. If, based upon evidence containing deoxyribonucleic acid obtained at the time of
offense, a suspect is conclusively identified by deoxyribonucleic acid testing after the
time period prescribed in subsection 1 has expired, a prosecution may be commenced
within three years after the suspect is conclusively identified by the deoxyribonucleic
acid testing.

21 ~~—SECTION 4. REPEAL.~~ Section 29-04-03.2 of the North Dakota Century Code is repealed.

22 ~~—SECTION 5. APPLICATION.~~ Notwithstanding any other provision of law, in the case of
23 alleged sexual abuse of an individual under the age of eighteen, if the claim for relief would
24 otherwise be time barred under a previous version of section 28-01-25.1 or other time limit, a
25 claim for relief for damages under section 28-01-25.1 against a person may be commenced no
26 later than four years after the effective date of this Act.