

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2331

Introduced by

Senators Wanzek, Heckaman

Representatives Brandenburg, Hogan

1 A BILL for an Act to amend and reenact sections 28-01-25.1 and 29-04-03.1 of the North  
2 Dakota Century Code, relating the statute of limitations on the prosecution of and claim for relief  
3 on actions alleging childhood sexual abuse.

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

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

7 **28-01-25.1. Limitation on actions alleging childhood sexual abuse.**

8 Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual abuse  
9 must be commenced within seventen years after the plaintiff knew or reasonably should have  
10 known that a potential claim exists resulting from alleged childhood sexual abuse. For purposes  
11 of this section, "childhood sexual abuse" means any act committed by the defendant against the  
12 plaintiff which occurred when the plaintiff was under eighteen years of age and which would  
13 have been a violation of chapter 12.1-20 or 12.1-27.2. In a claim for relief under this section, the  
14 plaintiff is not required to establish which act in a continuous series of sexual abuse acts by the  
15 defendant caused the injury.

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

18 **29-04-03.1. Prosecution for sexual abuse of minors.**

19 1. AExcept as provided in subsection 2, a prosecution for a violation of sections  
20 12.1-20-03 through 12.1-20-08 or of section 12.1-20-11 if the victim was under  
21 eighteen years of age at the time the offense was committed must be commenced in  
22 the proper court within seventen years after the commission of the offense or, if the  
23 victim failed to report the offense within this limitation period, within three years after  
24 the offense was reported to law enforcement authorities.

- 1        2. If, based upon evidence containing deoxyribonucleic acid obtained at the time of
- 2        offense, a suspect is conclusively identified by deoxyribonucleic acid testing after the
- 3        time period prescribed in subsection 1 has expired, a prosecution may be commenced
- 4        within three years after the suspect is conclusively identified by the deoxyribonucleic
- 5        acid testing.