

**HOUSE JUDICIARY COMMITTEE
FEBRUARY 3, 2021
ROOM 327B**

By Britta Demello Rice, Assistant Attorney General

Chair Klemin and Members of the Committee:

My name is Britta Demello Rice and I appear on behalf of the Attorney General. I wish to testify in favor of House Bill 1387, specifically with regard to Section 3, which proposes to increase the statute of limitations for the prosecution for sexual abuse of minors.

I have spent the last several years prosecuting personal crimes – the majority of which are sex offenses involving minor victims. One of the most important things that you need to know when considering this amendment or discussing these types of cases, is that child sexual abuse is not always reported to law enforcement immediately after the offense occurs. This is for a whole host of reasons, but more often than not, it is due to the traumatic nature of the crime and the relationship between the perpetrator and the child.

Typically in these situations, the perpetrator spends a significant amount of time with the child victim prior to any type of sexual offense. This time period is referred to as “the grooming period.” During that time period, the perp spends a lot of time with the child, gaining their trust, and building rapport. This can be done through gifts, special occasions and outings, or simply giving the child attention and a sense of security. Then, once the perpetrator has gained that child’s trust (which often includes the child’s parents’ trust as well), the perpetrator begins sexually abusing the child.

As you can imagine, because of the relationship that has been built between the perpetrator and the child victim, the child will often keep the abuse a secret. This can be for several reasons. Sometimes the child wants to protect the perpetrator and keep them out of trouble. Sometimes the child has been so severely traumatized that they don't feel safe to trust another grown-up and share about the abuse they've endured. And sometimes, the child is not even aware that the abuse is wrong. But for the most part, the reason that child victims often do not disclose sexual abuse immediately after it occurs is because of fear. Fear that they will get in trouble, fear that their perpetrator will get in trouble, or fear that they won't be believed.

That said, just because a child victim does not immediately report sexual abuse, does not mean that they will never be in a position where they are ready to report the abuse. In a large majority of these cases, after a period of healing has taken place, or after the child victim has regained a sense of trust, they are ready to report the abuse. This is actually so common that professionals have coined the term "delayed disclosures" for these types of cases.

Due to the serious nature of these crimes, and the knowledge and research that we have regarding child sexual abuse and delayed disclosure, the Attorney General's Office recognizes the need to lengthen the statute of limitations for these crimes. Section 3 would allow a prosecution to be commenced within ten years after the offense was reported to law enforcement authorities, which would significantly enhance our ability to prosecute cases of delayed disclosure. Because

of that, the Attorney General's Office supports extending the statute of limitations for the sexual abuse of minors found in Section 3 of HB 1387.

Sex Offenses covered under 29-04-03.1

12.1-20-03 Gross sexual imposition

12.1-20-03.1 Continuous sexual abuse of a child

12.1-20-04 Sexual imposition

12.1-20-05 Corruption or solicitation of minors

12.1-20-05.1 Luring minors by computer or other electronic means

12.1-20-06 Sexual abuse of wards

12.1-20-06.1 Sexual exploitation by therapist

12.1-20-07 Sexual assault

12.1-20-08 Fornication

12.1-20-11 Incest

