

2021 HOUSE JUDICIARY

HB 1387

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1387

2/3/2021

The statute of limitations for prosecuting surgical alteration of the genitals of a female minor, felonies other than murder, and sexual abuse of minors.

Chairman Klemin called the hearing to order at 10:36 AM.

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

Discussion Topics:

- Benefit of the length of time

Rep. Schauer: Introduced the bill. Oral testimony 10:37

Tami DeCoteau, Mandan Hidatsa Arikora Nation: Clinical psychologist: Testimony #4885

Brittia Demello Rice, Ass't in Attorney General's office: Testimony #5049
10:54

Kathleen Wrigley, MS, LICSW: Testimony #5213

Kathleen Murray, Prevent Child Abuse ND: Testimony #4742 11:26

Anna Frissell, Red River Valley Children's Advocacy: Testimony # 4956

Travis Finck, Executive Director, ND Commission on Legal Counsel for Indigents:
Testimony #5028 11:47

Jesse Walstad, ND Association of Criminal Defense Lawyers: Testimony #5099
11:55

Additional written testimony: #4214, #4259, #4735, #4976, #5148, #5046 Chairman

Klemin closed the hearing at 12:06.

DeLores D. Shimek
Committee Clerk

The Honorable Lawrence R. Klemin, Chair
And Honorable Members of the House Judiciary Committee
The North Dakota Legislature
ND State Capitol
600 E. Boulevard
Bismarck, ND 58505-0360

RE: HB 1387

Mr. Chairman and members of the Committee, my name is Dr. Tami De Coteau. I am an enrolled tribal member of the Mandan Hidatsa Arikara Nation and a proud descendant of the Turtle Mountain Chippewa. I have worked as a licensed clinical psychologist with an emphasis on the treatment of trauma disorders for nearly two decades. I am certified in trauma-focused cognitive behavioral therapy. I have received training in the Neurosequential Model of Therapeutics (NMT; Perry), a developmentally sensitive, neurobiology-informed approach to working with at-risk children; Trust-Based Relational Intervention (TBRI; Purvis), a therapeutic model that trains caregivers to provide effective support for at-risk children; and Eye Movement Desensitization and Reprocessing (EMDR; Shapiro), an intervention approach that helps reduce the long-lasting effects of traumatic memories. I offer trainings in trauma-informed interventions for caregivers, schools and agencies, both nationally and internationally. I also serve as the vice-chair of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. Established by Congress, the bipartisan commission is tasked to examine and offer recommendations to address the challenges facing Native American children.

In addition to maintaining a busy patient caseload, I own a Bismarck-based private practice that employs several mental health providers who are uniquely trained in the application of trauma-specific interventions for adults, children and families. Thank you for holding this hearing relating to the statute of limitations on sexual trauma.

I would like to focus my testimony on support for HB 1387. The information provided below is based on my clinical perspective on trauma and the corroborating science regarding sexual trauma and delayed disclosure of sexual trauma.

In order to understand the complexity involved in the disclosure of traumatic sexual events, one must first understand the science behind trauma and traumatic memories.

Trauma by definition is an unbearable and out of control sensation in the body. It leaves an imprint on the mind, body and brain and results in reorganization of the way the mind and brain manage perceptions. Trauma changes what we think, how we think, and our very capacity to think. Traumatized people have trouble deciphering what is going on around them. Their mind replays the traumatic sensations and memories over and over, and they may feel triggered into fear without understanding the source. Individuals who become conditioned to

adversity come to believe they have no control over their lives so they give up trying – a response referred to as learned helplessness.

The gut-wrenching impact of trauma on children is evident in their persistent hyperarousal and hyperactivity. These children struggle to regulate their own emotions, attend to stimuli, and their capacity for learning is often greatly impaired. While they are desperate for love and affection, their persisting fear-response causes them to perceive everything as threatening, and they are likely to have trouble trusting adults.

Difficulty trusting is one of several components of a phenomenon referred to as “delayed disclosure”, where survivors of child sex abuse wait years before reporting their abuse. Delayed disclosure is often associated with emotional and psychological trauma and accompanied by fragmented and poorly integrated memory of the abuse. Child victims frequently do not discover the relationship of their psychological injuries to the abuse until well into adulthood — usually during the course of psychological counseling or therapy. Data shows that a high percentage (58%-72%) of child sex abuse victims delay disclosure well into adulthood. The average age at the time of reporting is 52 years. Additional barriers to childhood disclosure include fears of threats made by the perpetrator, severity of abuse, relationship to the perpetrator, lack of understanding needed to recognize sexual abuse, lack of trusted adult they can disclose to, lack of ability to articulate their abuse, and that they often aren’t believed when they try to disclose. As a result, very few disclosures (6%-15%) are made to legal authorities during childhood. When children do disclose their disclosure often involves an evidenced-based pattern of delayed disclosure that can take decades to complete. This pattern usually involves “telling” through indirect hints and signs, withholding, deciding to tell, re-deciding and delaying, all of which hinge on the availability of trusted and responsive adult confidants (Priebe & Svedin, 2008; Sprober et. al, 2014).

Because many laws fail to account for the scientific fact that child sex abuse victims delay disclosure, most victims of childhood sexual abuse are denied justice. By the time victims are able to come forward the statute of limitations have expired, leaving abuse victims without the atonement needed for healing, enabling the perpetrator to continue to harm other children, and preventing legal authority from mitigating the negative consequences of sex abuse.

Statutes of limitation were originally put in place in part to discourage convictions based on “unreliable witness testimony,” including memories of events that occurred years in the past. The issue of repressed or suggested “fake” memories has been overreported and sensationalized by the media. The reality is that most victims of sex abuse remember all or parts of what happened to them. Statistically, disclosures of the history of the abuse is the most important aspect in concluding if a child has been sexually abused (Heger et. al, 2002). In recent years, evidence that does not erode over time such as DNA, recordings and digital communication is often available and play a role in prosecuting crimes of sexual violence.

Mr. Chairman and honorable members of the Committee, childhood sexual trauma is a long-standing societal problem that has detrimental effects on our State budgets, health, and overall well-being. As our understanding of the psychological effects of sexual violence and the reasons why victims may not immediately report the crime has evolved, so must our State laws.

In summary, I strongly support HB 1387 relating to the extension of statute of limitation from 3 to 7 years for prosecuting sexual abuse and other crimes involving sexual violence. I thank you for the time and opportunity to share my perspective on sexual trauma and statute of limitation for reporting.

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**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

Kathleen Wrigley, MS, LICSW

Re: House Bill No. 1387

Good morning, Chairman and Members of the Judiciary Committee. My name is Kathleen Wrigley. I am a Licensed Independent Clinical Social Worker and a school counselor at Shiloh Christian School, here in Bismarck.

You will hear from an impressive group of individuals who support House Bill 1387. Lawyers, mental health professionals and advocates will attempt to persuade you to vote in favor of this Bill. Perhaps the most authentic and brave witnesses are the victims who will share their stories with you. Please listen to them with your hearts. You will also hear from one of the most decorated and proficient trauma psychologists in North Dakota, Dr. Tami De Coteau.

I know victims. I know victims' families. I know children. I know what trauma does to child victims. And I know the criminal justice system. I know that there are kinks in the system.

My brother, Police Officer Danny Boyle, was a 21-year-old rookie Philadelphia Police Officer when he was shot and killed in the line of duty by a man who was set free from the prison system in Philadelphia. At the time of his release, he wasn't deemed violent enough and set free because of the overcrowded prison system. He was out for a handful of weeks when he shot and killed a man over drugs. Two weeks later, my brother, Danny, stopped him for a traffic violation. This man fired 13 shots into the cab of the police car. The second of those 13 bullets penetrated Danny's brain. Danny died two days later. Two murders in a matter of several weeks because of a breakdown in the criminal justice system. My parents and I were dragged through the criminal justice system for 25 years, for unending appeals.

You might ask yourself, "What on earth does this have to do with North Dakota, House Bill 1387, or the statute of limitations on reporting child sexual abuse?"

Since my brother's murder, I have spent my entire adult life advocating for the rights and protections of crime victims. I was a victim advocate in the Homicide Unit of the Philadelphia

District Attorney's Office. I was Director of the Child Advocacy Center in Bismarck, ND, and— at the time--was one of only two trained forensic interviewers of suspected child abuse in the state of North Dakota. Currently, I am a school counselor at Shiloh Christian School, here in Bismarck.

I am trained, both professionally and personally, to know victims, particularly child victims.

Children who suffer from the trauma of sexual abuse are handed a life sentence. It is not uncommon for a “delayed disclosure.” If you close your eyes and open your hearts, imagine the cross a child shoulders from this type of hurt: there's fear of the abuser, a power that an abuser has over a child, an innocence stolen coupled with a complete lack of capacity for understanding their abuse, a panic that no one will believe them, a lack of trust that adults and/will keep them safe, the shame and blame, and the burden of knowing that telling someone might tear their family apart, in some instances.

I am here today to urge you to carefully consider, judicially deliberate, and then courageously support victims, specifically for the extension of the statute of limitations for prosecuting sexual abuse, in House Bill 1387.

Thank you for your time and commitment to stand with child victims of crime.

Testimony Prepared FOR: The Honorable Lawrence R. Klemin, Chair
And Honorable Members of the **House Judiciary Committee**
The North Dakota Legislature
600 E. Boulevard
Bismarck, ND 58505-0360

February 1, 2021

RE: HB 1387 (Extends the Statute of Limitations) Support by Kathleen K. Murray & PCAND

Hello, my name is Kathleen K. Murray. I represent Prevent Child Abuse of North Dakota (PCAND) Board, as I am a board member. PCAND supports a “do pass” for HB 1387. I am also here with my personal support for HB 1387. Thank you for allowing me an opportunity to submit my testimony.

As an introduction, I have been a licensed attorney since 1995, and I have been a prosecutor since 1997, and the Wells County State’s Attorney since 2002. Before working primarily as a prosecutor, I also had a private practice law firm for over ten years and have been an active member of my local child protection team since 2002. I have been fortunate enough to work with the ND Bureau of Criminal Investigation (BCI) to help teach criminal investigation and advanced criminal investigation courses for more than ten years.

The main reason I am in support of HB 1387 and wanted to testify for the bill was related to the extension of the statute of limitations for child sex abuse crimes. In my experience and training, many child sex crimes are not prosecuted. Some of the reasons for the lack of prosecution includes at least the following: 1) child victims don’t understand the abuse; 2) child victims are afraid to tell anyone for various reasons; 3) child victims do not want the perpetrator to be punished; 4) child victims are unable to articulate the date, time, location and description of the abuse; 5) law enforcement mistakes and/or lack of training; 6) prosecutor mistakes.

The extension of the statute of limitations would be helpful for those child victims that do not understand the abuse. For example, I had a case that was almost barred by the statute of limitations because the child was only six years old at the time of the abuse. The child victim didn’t understand what had happened until somebody provided this child victim with sex education, at which point the child broke down and cried and remembered the abuse. Luckily, in that case, the child was brought to counseling early and disclosed to a counselor and later to a Children’s Advocacy Center (CAC) forensic child interviewer that the abuse occurred. Many child victims are not so fortunate that they are brought to counseling early and/or can even describe the abuse.

Sex crimes upon children almost always include some grooming of the child. This grooming, which usually allows the perpetrator to convince the child not to tell the “secret” of the abuse, may begin with gifts or other special treatment. In other cases, the grooming sometimes includes a threat or other reason to make the child afraid to tell about the abuse. The child may not need a threat of violence to keep the secret, as just the possibility of being ashamed and the child thinking that they somehow did something wrong to cause the abuse, may deter the child from reporting. Disclosures of abuse are often delayed by the grooming and fears.. These delayed disclosures are part of the reason we need to have a longer statute of limitations to prosecute the perpetrators.

I had a case in which multiple child victims were being sexually abused. This abuse occurred over a six (6) year period. It wasn't until one of the older child victims was approximately 16 years old and talking to a school counselor about being ashamed of a bruise that there was an investigation. Even though the older children described instances of abuse involving the youngest child, that youngest child still denied that any abuse occurred and didn't seem to understand that she had been abused and photographed. I am telling you about this case to give an example of a lack of understanding and/or lack of ability to describe sex abuse. This was also a rare case in which there were other victim-witnesses. However, if there were no other witnesses, there likely would not have been enough evidence to prosecute the perpetrator from the youngest child's information. This type of case would need the extension of the statute of limitations if the youngest child later recalls the events and reports the crime.

Child victims often do not want a perpetrator punished. One of the reasons that the child victims do not want the perpetrator punished might be from the perpetrator grooming the victim and the perpetrator making the victim believe that they are a good friend that cares about them. Another reason that a child victim will not want a perpetrator to be punished is that the abuser is a parent, family member, or family friend. Even if the child might be willing to disclose that the sex abuse occurred, they might be told by their parents not to report it to the police. When a child does not want a perpetrator to initially be punished, this often causes a delay in law enforcement even being able to investigate the crime. Sometimes the trauma itself causes a lack of memory or lack of ability to describe the abuse. In these types of cases, the extension of the statute of limitations is beneficial because it takes a lot of courage for a child to disclose the sex abuse. Sometimes this courage is not found until that child victim has become an adult and can deal with the trauma and fully describe the abuse.

Prosecuting sex crimes is extremely difficult. While we all want to end child sex abuse, there is a huge stigma and shame associated with the abuse. Many people do not want to believe that a perpetrator would cause such trauma and harm to children. Mistakes by law enforcement and prosecutors' mistakes may sometimes be rectified by additional and later investigation of the same case. This further investigation takes more time and better training. Thus, even when there are mistakes, this is another reason for extending the statute of limitations.

Proper investigations also involve time for the investigation from the time that the crime is reported. If the victim is still a child, there should be a forensic interview by a child forensic interviewer such as the ones that are at the Children's Advocacy Center (CAC) in North Dakota locations. Proper investigations involve search warrants and processing of the search warrant items that may include detailed review of digital evidence, photographs, videos, emails, and other social media locations. In some investigations, DNA and other items will need to be processed at the state crime lab. These state crime lab items take time to process and analyze and for the prosecutor to receive the reports. There is usually further investigation after the reports.

Even if the investigation locates DNA at the crime scene, this DNA alone is not sufficient. The lab also needs a sample from the perpetrator to match the DNA sample. If fingerprints are located at a crime scene, the lab also needs the fingerprint to match the fingerprint sample located at the crime scene. If the perpetrator is not immediately apprehended, obtaining a DNA sample and/or

fingerprints from the perpetrator may take extra time and require an additional search warrant to obtain the DNA sample and/or fingerprints. Further, law enforcement will still have to follow up with an investigation to determine how the DNA and/or how the fingerprints were found at the crime scene. For there to be sufficient evidence to prosecute a case, law enforcement will have to investigate to determine the other evidence available to prove the crime occurred.

Thank you for allowing me the opportunity to provide testimony. I am willing to answer questions. I am also ready to give more examples of cases and information to support the testimony that I have provided for you today. Thank you.

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Testimony in Support of HB 1387
February 3, 2021

Chairman Klemin
Members of the Committee

My name is Anna Frissell. I am the Executive Director of the Red River Children's Advocacy Center. North Dakota Children's Advocacy Centers serve every corner of our state, including: our Center, Red River Children's Advocacy Center, with offices in Fargo and Grand Forks; Dakota Children's Advocacy Center, located in Bismarck and Dickinson; and Northern Plains CAC, with offices in Minot and Bottineau.

I am before the Committee today to testify in support of HB 1387. This bill expands the statute of limitations for felonies other than murder from three to seven years. It also extends the statute of limitations for certain crimes involving child victims from three years to ten years. The crimes include: gross sexual imposition; continuous sexual abuse of a child; sexual imposition; corruption; solicitation; luring; sexual abuse of a ward; sexual imposition by a therapist; sexual assault; and fornication.

Although I will speak most directly about child sexual abuse victims, many of the causal links to delayed disclosure that I will mention in conjunction with child sexual abuse also apply to human trafficking victims and other victims of trauma, as well.

When a victim of child sexual abuse comes forward to disclose the details of their abuse they are showing immense courage. They have to overcome so many obstacles. One of these obstacles is the negative impact on their family or on a trusted relationship. At the North Dakota Children's Advocacy Centers we have found that 25% of alleged offenders are parents and 57% of all offenders are family members. In 2019, 99% of the children who came to Children's Advocacy Centers in North Dakota knew their offender. Clearly the complexity of disclosing abuse is compounded when the abuser is your parent or someone you have a close relationship with like a family friend! Someone that you know or trust.

Likewise, other obstacles to a child's ability to disclose abuse are the child's perception of personal shame (typically males disclose later than females but females may also feel deep personal shame), a fear of not being believed, a fear of the offender causing harm to the child victim or someone they care about, or a feeling of being personally responsible for the sexual abuse. (London, Bruck, Ceci and Shuman, 2005).

When you think of the gravity of these obstacles to a young child or youth a delay of time between the incident and the disclosure is not surprising. In fact, of the children who do disclose, approximately two-thirds of child victims delay disclosing their abuse and about half of those do not disclose until adulthood (Finkelhor, Hotaling, Lewis, & Smith, 1990; Goodman et al., 2003; London, Bruck, Wright, & Ceci, 2008).

Perhaps the most serious obstacle to the timing of disclosure is the psychological effects of child sexual abuse on the victim (Goodman-Brown et. al., 2003). Research tells us that children who are sexually abused typically accommodate it psychologically by coping mechanisms such as denial, minimization, dissociation and or traumatic amnesia regarding the sexual abuse. The result of these psychological effects are that many victims do not disclose the abuse or even begin to perceive its impact on their lives until many years later, often well into adulthood.

Research tells us that most child victims delay disclosing child sexual abuse to friends, family or the authorities (London, et al., 2005; London, et. al, 2008). • This delay can happen even when there is corroborative evidence that the abuse has occurred -- like medical evidence. Other factors may delay disclosure as well, like the age of the victim, severity or frequency of the sexual abuse, threats by the perpetrator (Coburn, Patricia I., Harvey, Madison B., Anderson, 2019).

Serious crimes in our legal system, like those in 12.1-2, murder, do not have any statute of limitations in recognition of their serious impact on the victim and society. Child sexual abuse is one of the most devastating and heinous crimes. The impact on the victim is both immediate and long-term and often one consequence of the seriousness of the crime is that the victim does not disclose for many years, if at all.

Given the ample research on the numerous obstacles to a child's early disclosure of sexual abuse, compounded with the likelihood of psychological effects from the abuse, it seems imperative that a system seeking to do justice expands the statute of limitations for these crimes. The public interest in bringing these cases to justice is obvious as they involve grave injustice and by naming perpetrators there is the very real potential of stopping future abuse of others.

Finally, statutes of limitations are housekeeping rules of the legal system: they are arbitrary and technical legal rules. It is wrong to impose them in a way that stops victims from seeking justice. After all, prosecutors in every case can and will determine whether the case is ripe for charges. Let them decide not an arbitrary rule.

For the above reasons I would ask that the legislature consider extending the statute of limitations for child sexual abuse and the categories of crimes set forth in the HB 1387.

Thank you for your consideration of my testimony.

References

Finkelhor, D., Hotaling, G., Lewis, I. A., & Smith, C. (1990). Sexual abuse in a national survey of adult men and women: Prevalence, characteristics, and risk factors. *Child Abuse & Neglect*, 14 (1), 19-28.

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London, K., Bruck, M., Wright, D. B., & Ceci, S. J. (2008). Review of the contemporary literature on how children report sexual abuse to others: Findings, methodological issues, and implications for forensic interviewers. *Memory*, 16(1), 29-40.

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House Bill 1387
House Judiciary Committee
Testimony in Opposition by Travis W. Finck
Executive Director N. D. Comm. On Legal Counsel for Indigents
February 3, 2021

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck, I am the Executive Director of the Commission on Legal Counsel for Indigents. We are the state agency responsible for the delivery of indigent defense services in North Dakota. I appear today on behalf of the Commission on Legal Counsel.

The Commission on Legal Counsel for indigents takes no position on section 1 of the bill. However, sections 2 and 3 cause great concern to the Commission.

Statute of limitations exist for a reason. Statute of limitations were enacted to ensure prosecutions were made on actual evidence. The longer the period of statute of limitations, the more likely it is for witnesses to have faded memories, to have witnesses lost, physical evidence be altered or destroyed and the ability of the accused to recall events be significantly altered. This country bestows upon us all certain inalienable rights, such as due process and the right to counsel. These rights, having been enshrined in the Constitution were to protect the accused from the awesome weight of the government. Noticeably absent from the Bill of Rights is the founders' intent to bestow such awesome authority on the government. In fact, statute of limitations are as old as time itself. The ancient Greeks had a statute of limitations on all crimes except murder. The Romans continued suit, as did most civilizations in history.

Additionally, while the Commission can not say with specificity how many more jury trials will be caused and how much additional expense there will be with the expansion of statute of limitations on all criminal actions, there will be additional costs. As memories fade and evidence is lost, defendants will

have no choice but to try cases. Statute of limitations in shorter periods of time promote prompt enforcement of substantive law. They avoid retrospective application of contemporary standards to behavior that happened in the past. However, most importantly, they adhere to the principle of due process guaranteed in the constitution.

Lastly, HB 1387 continues to cause what I believe to be unintended consequences when reading this proposed change in conjunction with other parts of the century code, principally as it pertains to juveniles and juvenile offenders. If a juvenile were to commit a crime listed in one of the statutes mentioned, the time table for the commencement of prosecution could defeat the purpose of Juvenile Court. NDCC 27-20-34(5) provides "No child subject to the jurisdiction of the juvenile court, either before or after reaching eighteen years of age, may be prosecuted for an offense previously committed unless the case has been transferred as provided in this section." However, NDCC 27-20-34(8) provides "A person at least twenty years of age who committed an offense while a child and was not adjudicated for the offense in juvenile court may be prosecuted in district court as an adult, unless the state intentionally delayed the prosecution to avoid juvenile court jurisdiction. The district court has original and exclusive jurisdiction for the prosecution under this subsection." The two statutes seemingly contradict each other in regard the statute of limitations in the prosecution of juveniles alleged to have committed a sex offense against another juvenile. The North Dakota Supreme Court provided some clarity in State v. Woodrow, 2011 ND 192, determining an offender who commits a delinquent act while a juvenile, can in fact be prosecuted as an adult in District Court after their 20th birthday, as the Juvenile Court would be divested of jurisdiction.

In practice, Juvenile Court is meant to be a rehabilitative court and offenders who commit acts as a juvenile are treated differently throughout the code in comparison to their adult counterparts. NDCC 12.1-32-15(1)(f) lists those offenses which classify a perpetrator as a "sexual offender" requiring registration. Within the definition, you will find most, if not all, of the offenses for which HB 1387 seeks

an extended statute of limitations. NDCC 12.1-32-15(2) provides an individual who commits a sexual offense must register as a sex offender. However, 12.1-32-15(2)(c) provides a court may deviate from requiring a juvenile to register when adjudicated delinquent for a felony sex offense under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03 or for a misdemeanor if the court finds the juvenile had not been previously convicted and the offender did not exhibit mental abnormality or predatory conduct. The same deviation is not available to an adult offender.

For reference, the following crimes would be implicated by HB 1387 section 3:

- 12.1-20-03: Gross Sexual Imposition (sexual act)
 - a) force or threat b) substantial impairment c) victim unaware d) under 15 e) disease
- (2) (Sexual Contact)
 - a) under 15 b) force or threat c) victim unaware
- 12.1-20-03.1: continual Sexual Abuse of a Child
- 12.1-20-04: Sexual Imposition (Sexual act or contact)
- 12.1-20-05: Corruption or Solicitation of a Minor (Requires Adult to Solicit)
- 12.1-20-05.1: Luring Minor by Computer
- 12.1-20-06: sexual Abuse of a Ward
- 12.1-20-06.1: Sexual Exploitation by therapist
- 12.1-20-07: Sexual Assault
- 12.1-20-08: Fornication (A minor engaging in the Act is a misdemeanor)
- 12.1-20-11: Incest

NDCC 12.1-20-01, provides the age limitations for sex offenses under 12.1-20, and they are implicated in this legislation. If an offender commits a delinquent act, such as having sex with another juvenile who is not above the age of 15 (12.1-20-03(1)(d)), and the victim does not report until such time as the child offender would exceed 20 years of age, the offender would no longer be able to avail themselves to the juvenile court or the registration provisions associated with it.

Mr. Chairman, members of the committee. All children matter and need to be protected. This legislation has potential to unintentionally cause harm. Furthermore, statute of limitations exist for a

reason, therefore, the Commission on Legal Counsel for Indigents respectfully requests a DO NOT pass recommendation.

Respectfully submitted:

A handwritten signature in dark ink, appearing to read 'Travis W. Finck', is written over a horizontal line.

Travis W. Finck, Executive Director
N.D. Commission on Legal Counsel
(701) 845-8632

February 2, 2021

Testimony to the **House Judiciary Committee**

Submitted By: Jesse Walstad on behalf of the ND Association of Criminal Defense Lawyers

Testimony **in Opposition to H.B. 1387**

Chairmen and Members of the House Judiciary Committee:

My name is Jesse Walstad and I represent the ND Association of Criminal Defense Lawyers. The NDACDL is made up of lawyers throughout our state who dedicate a portion of their practice to criminal defense. The mission of the NDACDL is “to promote justice and due process” and to “promote the proper and fair administration of criminal justice within the State of North Dakota.” With that mission in mind, the NDACDL **opposes H.B. 1387** and recommends a **DO NOT PASS**.

Statutes of limitations are not deadlines for victims or finish lines for perpetrators, they serve essential functions designed to ensure justice and fairness within our criminal justice system. They vindicate victim’s rights by requiring the State to swiftly investigate and prosecute crimes. They protect the accused’s right to fairness and due process by ensuring access to reliable evidence that may demonstrate innocence. In doing so, they codify the age old maxim that “Justice delayed is justice denied.”

H.B. 1387, Section 2, would more than double the statute of limitations for felony offenses other than murder. The current three year statute of limitations has been proven to work for more than thirty years. It ensures the swift collection of credible evidence and prosecution of criminal offenses in pursuit of justice for victims and the accused. It spares the accused from the unfair disadvantage of having to defend against stale allegations after exculpatory evidence has been lost. Nearly all forms of evidence decay. With time memories fade or change, documents and digital evidence is destroyed or misplaced, physical evidence deteriorates, and witnesses relocate or pass away. As the reliability of the evidence deteriorates, the corresponding risk of wrongful conviction increases. Increasing the general statute of limitations from three to seven years will result in cases being untimely brought to trial on evidence of diminished reliability. H.B. 1387 will dramatically increase the risk of wrongful conviction in such cases.

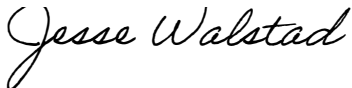
One of the aims of Section 3 is to mitigate trauma induced by childhood sexual abuse. A great deal of testimony has been provided to this point, some statistical, some heart wrenchingly personal, all sobering proof of a compelling societal ill. However, Section 3 will not expand access to justice for victims of childhood sexual abuse. Under N.D.C.C. §29-04-03.1, prosecution of an offense must commence within twenty-one years of the offense, or if not reported within the twenty-one years, within three years of the offense being reported to law enforcement. H.B. 1387, Section 3, would grant law enforcement an additional seven years to commence prosecution after the victim reports the offense. This does not expand a victim’s access to justice, nor does it account for trauma induced disclosure delay. Under the proposed amendment, law enforcement could wait nearly a decade before taking material steps to vindicate the rights of victims. Permitting long delays between a victim’s report and the prosecution of the offense denies swift justice to victims and dramatically increases the risk of wrongful convictions.

Similar to Section 2, the triggering event of greatest concern in Section 1 is law enforcement’s receipt of a report of child abuse by surgical alteration of a female minor’s genitals. Page 2, line 1, would extend the time law enforcement may commence prosecution after receiving a report from three to ten years. Granting law enforcement ten years to prosecute an offense after the victim has reported it does not increase the victim’s access to justice. To increase access to justice law enforcement must be required to swiftly gather credible and reliable evidence and commence the prosecution of individuals whom they

have probable cause to believe committed the offense. Failure to do so in a timely manner deprives society of justice and dramatically increases the risk of wrongful convictions.

H.B. 1387, if passed into law, would diminish access to justice. It would reduce the speed with which allegations of criminal misconduct must be investigated and prosecuted and it would dramatically increase the risk of wrongful convictions as reliable exculpatory evidence is lost with the passage of time. To safeguard against the increased risk of wrongful conviction, the NDACDL strongly urges a **DO NOT PASS** on H.B. 1387.

Respectfully,

A handwritten signature in cursive script that reads "Jesse Walstad".

Jesse Walstad

Mr. Chairman!

My name is Ted Becker. I was born in 1938 at Mandan and grew up at Selfridge.

I was sexually abused by a priest at Selfridge when I was about 10. Five other boys told me they were also sexually abused by the same priest. All are now dead. The organization for which the priest served presented them no accountability for what happened to them. I consider myself their voices. The abuse happened to me for several years. The worst memories I have of this time in my life are of sleeping with the priest. He served as a priest at a mission at Shields and would travel from Selfridge to the mission early Sunday mornings to say mass. I was an altar boy. He would get permission from my parents to have me sleep overnight so as not to disturb my parents by picking me up early in the morning. My parents, like the vast majority of parents in the community held priests above reproach. It was believed that they were just one step below God.

You cannot begin to imagine the abuse. During my lifetime the abuse manifested itself during my sleep with such things as sensing horrid tastes in my mouth, smelling bad breath in my nostrils, feelings of tugging on my penis and so on.

I lived 60 years of my life experiencing these horrible manifestations during my sleeping hours, not understanding them and not knowing what was causing them.

Further, I lived 60 years of my life more often **NOT** trusting than trusting. I had no clue as to why I was like this other than that was "just the way I was."

About 10 years ago when the priest sexual abuse issue began to become widely public, I began to be aware of a marked increase in the frequency of these manifestations. With the loving encouragement of my children, when I was about 71-years old I sought counseling. Early on in the two-years I went to counseling I was diagnosed with Post Traumatic Stress Disorder, the same disorder which many soldiers returning from battle as well as rape victims experience. Today I am telling you of some of the sexual abuse done to me by the priest. Telling you is part of my healing. My healing will continue until I die, though these sores do not heal up 100%. Scars remain. They can easily be scratched open.....like they are at this very moment.

If bill 1382 is given a do-pass, that would be a step in the right direction for the abused. I believe that any of the proposed legislations, 1382, 1384 and 1387, will give courage to the abused to step forward and among other things to seek help. If one of the "other things" is to pursue litigation, the abused would be the one to decide whether or not to do so. If another is to seek counseling, that would be even better. It was better for me. I ask you to pass any of the proposed legislations to give the abused a chance to begin their healing journey.

In closing, please allow me to pose a question to this committee! Will you do the right thing to make sure this legislature passes this much-needed legislation before I die? It is absolutely time for the organization which allowed and continues to allow this abuse to happen to be held accountable in the public arena.

Thank you, members of the Judiciary Committee, for giving me the opportunity to continue to heal!

HB 1387 increases the Statute of Limitations from 3 years to 7 years.

I see no good reason to do this. If a case can not be charged out in 3 years it probably does not need to be charged out.

I understand some may think this will good as it will be 'tough on crime'. In North Dakota we really do NOT have a need to be tougher on crime.

Don Krassin

Once again, Good Morning Mr. Chairman and members of the House Judiciary Committee.

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

House Bill 1387 comes before you today seeking to **extend** the Statute of Limitations in three areas:

- 1. The surgical alteration of the genitals of a female minor or otherwise known as FGM.**
- 2. Felonies other than murder.**
- 3. Sexual abuse of minors.**

As you know, the statute of limitations ends **ALL** legal rights after a certain amount of time.

It is a deadline set by the legal system for victims to bring their case forward.

It is a deadline that perpetrators welcome knowing they will not be held accountable.

But should there be a deadline on justice?

Should the one who committed awful crimes be saved by the clock?

Or should that deadline be **extended** to give victims and their families the opportunity to seek justice?

On January 4th of this year, the North Dakota Attorney General announced the results of an 18-month investigation into allegations of child sexual abuse by two living priests.

They found **extensive** evidence but because of Statute of Limitations, too much time had passed for prosecution.

Page 2

On September 1st, 2016, authorities in Paynesville, MN found the body of 11-year-old **Jacob Wetterling**.

Jacob had been kidnapped, molested, and killed in 1989.

After 27 years, the man who committed this crime confessed but because of Statute of Limitations, authorities were prevented from pursuing charges.

Later, the killer cut a deal with prosecutors for taking investigators to the body. He was convicted on **one count** of child pornography.

House Bill 1387 calls for an extension of the statute of limitations for FGM from three years to 10 years; (page one, line 23 and page 2, line 1).

For Felonies, **HB 1387** calls for an extension of SOLs from three to seven years (page 2 lines 7,8,9 and 10).

HB 1387 also calls for SOLs to be extended from three years to ten years in the prosecution of sexual abuse of minors. (Page 2, lines 20 and 25).

Mr. Chairman, a perpetrator can escape criminal prosecution by watching the clock.

The question is, can a victim escape the emotional and psychological damage by watching the clock?

Mr. Chairman, we have several people willing to testify on **HB 1387**, but I am open to any questions to or your committee may have.

February 3, 2021

Testimony to the **House Judiciary Committee**

By Jackson Lofgren on behalf of the ND Association of Criminal Defense Lawyers

Testimony In Opposition to HB 1387

Chairman Klemin and Committee Members:

My name is Jackson Lofgren and I represent the ND Association of Criminal Defense Lawyers. The NDACDL is made up of lawyers who dedicate at least a portion of their practice to criminal defense. The mission of the NDACDL is “to promote justice and due process...” and “...promote the proper and fair administration of criminal justice within the State of North Dakota. **We are strongly opposed to HB 1387.**

Statute of limitations in a criminal case serve a commonsense purpose. They ensure the prompt prosecution of criminal charges thereby sparing the accused of the unfair burden of having to defend against stale charges after memories have faded and evidence has been lost.

We like to think our brains perfectly record data. But, we know over time we lose some of this information. We might be able to recall what we had for lunch the next day or a few days later but not a month later. Just as information is lost over time our minds can create memories of events that did not happen. Studies have revealed just how susceptible we are to false memories. In what has been labeled the “lost in the mall” study researchers were able to plant false childhood memories in approximately 30% of the participants.¹ During the 1980s there was a wave of hysteria that children around the country were being subject to satanic sexual abuse at schools and daycares. The most prominent case, the McMartin preschool trial, went on for seven years and cost over \$15 million dollars. It resulted in no convictions in large part because recordings proved the children had been pressured into stating they had been abused by coercive interview techniques. This underscores why statute of limitations are important and cases must be persecuted in a timely manner before memories fade and change.

Probably the most recent public example of why statute of limitations are important is the confirmation proceedings of United States Supreme Court Justice Brett Kavanaugh. Justice Kavanaugh faced allegations from Dr. Christine Blasey Ford that he had sexually assaulted her at a party when they were teenagers nearly forty years prior. Regardless of your views on the allegations, the proceedings demonstrated the problems caused by old claims. Dr. Ford originally reported to her therapist the attack occurred in the mid-1980s. Kavanaugh would have been at Yale at the time. Later she amended the date to the summer of 1982. Dr. Ford was inconsistent on the genders of the people she described at the party. Investigators obtained statements from Kavanaugh, two of the men alleged to be at the party, and a female who was a lifelong friend of Dr. Ford's. They all denied having any recollection of the gathering. There were also inconsistencies in Dr. Ford's statements about the location of the house where the attack allegedly occurred and the layout of the home.

¹ Loftus, E.F. & Pickrell, J.E. (1995) *The formation of false memories. Psychiatric Annals*, 25, 720-725.

Kavanaugh was confirmed by the United States Senate and now sits on our nation's highest court. In North Dakota he would have been charged with a felony sex offense. Our statute of limitations for sex offenses involving minors is already virtually non-existent. Under N.D.C.C. §29-04-03.1 the prosecution has to commence within twenty-one years of the offense, or if not reported within the twenty-one years, within three years of the offense being reported to law enforcement. Hypothetically, in North Dakota a person could wait seventy years to report an alleged sexual offense and the state could bring charges as long as they are filed within three years of the report. This is a recipe for wrongful convictions that HB 1387 will only make worse by giving law enforcement ten years from the date of the report to file charges. If law enforcement cannot find competent evidence to bring a charge in three years it is unlikely the case will get any more reliable by giving them ten years.

Additionally, the bill's changes are not limited to child sex offenses. It drastically extends the statute of limitations for all felonies other than murder. It more than doubles our current three year statute of limitations which has been in place since at least 1987. The three year statute of limitations is reasonable and has worked just fine for over thirty years.

Imagine, you are sitting at home when there is a knock at the door. It is the police. They have come to arrest you because someone identified you as the perpetrator of an aggravated assault that occurred in front of a bar on February 3, 2014. It was not you but the victim wrongly identified you after having come across your Facebook profile.² How do you prove your innocence? Had you been charged months or even a few years afterwards you might remember where you were at or who you were with you on the night of the assault. Some of the businesses in the area might have had video surveillance showing they charged the wrong person. Maybe you would have had access to telephone or credit card records showing you were actually somewhere else. Unfortunately, because of the passage of time all of this information has been lost. With all exculpatory evidence destroyed you find yourself in front of a jury with no way of protecting yourself other than your own word. Cases just like this are going to happen if HB 1387 passes.

As a former prosecutor I would have hated trying to prove a seven year old felony case. Prosecutions are not like wine, they do not get better with age.

The NDACDL is adamantly opposed to HB 1387 and ask that you recommend a **DO NOT PASS** on this bill.

Thank You,

Jackson J. Lofgren

Jackson Lofgren

² Mistaken eyewitness identification contributed to approximately 69% of the more than 375 wrongful convictions in the United States that were later overturned by post-conviction DNA evidence. <https://innocenceproject.org/eyewitness-identification-reform/>

21.0463.02001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1387

Introduced by

Representatives Schauer, Adams, Brandenburg, Hagert, Lefor, Magrum, Satrom, Strinden
Senators Bakke, Dwyer, Heitkamp, Hogan

1 | A BILL for an Act to amend and reenact sections 12.1-36-01, ~~29-04-02~~, and 29-04-03.1 of the
2 | North Dakota Century Code, relating to the statute of limitations for prosecuting surgical
3 | alteration of the genitals of a female minor, ~~felonies other than murder~~, and sexual abuse of
4 | minors.

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

6 | **SECTION 1. AMENDMENT.** Section 12.1-36-01 of the North Dakota Century Code is
7 | amended and reenacted as follows:

8 | **12.1-36-01. Surgical alteration of the genitals of female minor - Penalty - Exception.**

- 9 | 1. Except as provided in subsection 2, any person who knowingly separates or surgically
10 | alters normal, healthy, functioning genital tissue of a female minor is guilty of a class C
11 | felony.
- 12 | 2. A surgical operation is not a violation of this section if a licensed medical practitioner
13 | performs the operation to correct an anatomical abnormality or to remove diseased
14 | tissue that is an immediate threat to the health of the female minor. In applying this
15 | subsection, any belief that the operation is required as a matter of custom, ritual, or
16 | standard of practice may not be taken into consideration.
- 17 | 3. Any parent, adult family or household member, guardian, or other custodian of any
18 | child who willfully allows a child to be surgically altered under this section is guilty of
19 | child abuse under subsection 1 of section 14-09-22.
- 20 | 4. A custom, ritual, religious practice, or the consent of the parent or guardian of a minor
21 | is not a defense against a violation under this section.
- 22 | 5. Notwithstanding the limitations of section 29-04-02, prosecution for a violation of
23 | subsection 3 must be commenced within ~~three~~ten years of the date of the offense or

1 within ~~threeten~~ years after the offense is reported to law enforcement, whichever is
2 later.

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

5 — **29-04-02. Prosecution for felony other than murder within threeseven years.**

6 — Except as otherwise provided by law, a prosecution for any felony other than murder must
7 be commenced within threeseven years after its commission. Prosecution of felony offenses
8 under chapter 12.1-23 must be commenced within the later of threeseven years of commission
9 of the last act that is an element of the offense, threeseven years of discovery of the stolen
10 property, or threeseven years of discovery of the loss of the property or services. Nothing in this
11 section prevents a person prosecuted for murder from being found guilty of any included
12 offense and punished accordingly.

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

15 **29-04-03.1. Prosecution for sexual abuse of minors.**

- 16 1. Except as provided in subsection 2, a prosecution for a violation of sections
17 12.1-20-03 through 12.1-20-08 or of section 12.1-20-11 if the victim was under
18 eighteen years of age at the time the offense was committed must be commenced in
19 the proper court within twenty-one years after the commission of the offense or, if the
20 victim failed to report the offense within this limitation period, within threeten years
21 after the offense was reported to law enforcement authorities.
- 22 2. If, based upon evidence containing deoxyribonucleic acid or a fingerprint obtained at
23 the time of offense, a suspect is conclusively identified by deoxyribonucleic acid
24 testing after the time period prescribed in subsection 1 has expired, a prosecution may
25 be commenced within threeten years after the suspect is conclusively identified by the
26 deoxyribonucleic acid testing or fingerprint authentication.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1387

Page 1, line 1, remove ", 29-04-02,"

Page 1, line 3, remove ", felonies other than murder,"

Page 2, remove lines 3 through 12

Renumber accordingly



Testimony in Support of House Bill 1387

Mark Jorritsma, Executive Director
Family Policy Alliance of North Dakota
February 3, 2021

Good morning Chairman Klemin and members of the House Judiciary Committee. My name is Mark Jorritsma and I am the Executive Director of Family Policy Alliance of North Dakota. I am testifying in support of House Bill 1387, and respectfully request that you render a "DO PASS" on this bill.

An Epidemic of Child Abuse

Child abuse is a tragedy that we as a society cannot abide. Child abuse is when a parent or caregiver, whether through action or failing to act, causes injury, death, emotional harm or risk of serious harm to a child. There are many forms of child abuse and maltreatment, including neglect, physical abuse, sexual abuse, exploitation and emotional abuse.¹

Child abuse in the US

Over the years, child abuse has grown in magnitude and most likely also frequency of reporting. Here are some sobering facts about child abuse in our country.

In FFY 2019, there were nationally 656,000 victims of child abuse and neglect.² Based on 2018 statistics, other facts about child abuse include:³

- 1,770 children died from abuse and neglect in 2018.
- 91.7% of victims are maltreated by one or both parents.
- The highest rate of child abuse is in children under age one.

Child Abuse in North Dakota

As for North Dakota, "The most commonly used criminal laws applied to child sexual abuse are located in NDCC, Chapter 12.1-20. Commonly applied laws are gross sexual imposition, continuous sexual abuse of a child, sexual assault, corruption or solicitation of minors, luring minors by computer, incest, indecent exposure, promoting obscenity to minors, minor performing in obscene performance and human trafficking."⁴

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UNLEASHING CITIZENSHIP

FamilyPolicyAlliance.com/NorthDakota

"In 2018, the ND Department of Human Services responded to 1307 reports of suspected child sexual abuse. In 2017, the North Dakota Attorney General's Office reported 587 child sexual abuse victims, North Dakota Children's Advocacy Centers interviewed 826 children who presented primarily for sexual abuse, and North Dakota crisis centers provided services to 364 child sexual abuse victims."⁵

What Do We Do about it?

There are many suggested preventative measures to stop child abuse. Some of these include early childhood home visiting, improving access to child abuse education, and advocacy. All these and more preventative measures notwithstanding, we think it is an unfortunate reality that child abuse will continue nationwide as well as in our state for the foreseeable future. Thus, one way to supplement the prevention of child abuse is by improving/easing reporting mechanisms if it occurs.

House Bill 1387 would help in this regard. Extending the time period for child abuse reporting could be one way of helping to address this issue in our state. One can make the case that the more time that elapses between the act of child abuse and reporting, the more difficult details may be to recall. On the other hand, the potential to stop additional potential abuse and/or ultimately serve justice for crimes committed lends itself to a bill like this. We believe that the good from a bill such as this outweighs any potential downside.

The New Face of Child Abuse

One type of child abuse more recent in our country is Female Genital Mutilation (FGM). In today's environment, FGM would likely be done under the guise of providing a female child with gender identity options. However, gender-reassignment surgery is simply the West's version of FGM that has been a chronic problem worldwide for years. It is appropriate that the Century Code already addresses such practices.

We believe that extending the time period for legal action by a victim of FGM is a good idea. FGM is fundamentally non-reversible, not unlike other experiences of child abuse. It will haunt the victim for the rest of her life. It seems only appropriate that the period for justice be extended for such a significant crime.

For these reasons, I respectfully ask you to vote House Bill 1387 out of committee with a "DO PASS" recommendation.

I would now be happy to stand for any questions.

¹ <https://www.childhelp.org/child-abuse/#:~:text=Child%20abuse%20is%20when%20a,abuse%2C%20exploitation%20and%20emotional%20abuse.>

² Child Maltreatment 2019, U.S. Department of Health & Human Services, Administration for Children and Families

³ <https://americanspcc.org/child-abuse-statistics/#:~:text=National%20Child%20Abuse%20Statistics,by%20one%20or%20both%20parents.>

⁴ North Dakota Task Force on the Prevention of Child Sexual Abuse, Final Report, November 2018

⁵ *ibid*

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1387

2/10/2021

The statute of limitations for prosecuting surgical alteration of the genitals of a female minor, felonies other than murder, and sexual abuse of minors.

Chairman Klemin called the meeting to order at 3:02 PM.

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

Discussion Topics:

- Committee Work

Chairman Klemin: Discussed the bill.

**Do Not Pass Motion Made by Rep. Becker
Seconded by Rep. Vetter**

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	N
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	AB
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	N
Rep K. Hanson	N

10-3-1 Motion carried

Carrier: Rep. Vetter

Stopped 3:10 PM

DeLores D. Shimek
Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1387: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1387 was placed on the Eleventh order on the calendar.