

2015 SENATE JUDICIARY

SB 2331

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2331
2/4/2015
23168

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

1,2,3,4,5

Sen. Terry Wanzek: Sponsor, support (see attached 1).

Ch. Hogue: Thank you. Further testimony in support.

Rep. Kathy Hogan: Sponsor, support (see attached 2A and 2B).

Sen. Nelson: There have been a number of allegations against the Church, what would be the impact of this bill.

Rep. Kathy Hogan: The intent of this bill is not in any way to target the church. We want to be very, very clear about this. In the late 1980's and early 1990's it was my privilege to work with Catholic Diocese on establishment of their sexual abuse policies. I think it is one of the things I am proudest of, as a Catholic, about how aggressive and professionally they addressed the allegations of sexual abuse as they were identified. They were first targeted by accountability and the second issue was to offer amazing support to victims. I think we need to be very clear that this is not targeted at the church. This is targeted at the perpetrators. We want to really target the opportunity for victims to address their abusers and not an institutional complaint.

Sen. Casper: Do you have any thoughts on having some limitation. The no limitation or some limitation, have you thought through that at all.

Rep. Kathy Hogan: I think as you hear the testimony from the victims, you will understand why we took the limitations off. Actually, the process of discovery and really working through the many complications that result from child sexual abuse; it often takes 20 years. That's because of the serious nature and impact. That's why we decided to go with no limitation. It was very

intentional based on the actual real stories from the victims. That was the intent.

Ch. Hogue: Thank you. Further testimony in support.

Betty Jo Krenz, citizen: Support (see attached 3).

Ch. Hogue: Thank you. Further testimony in support.

Rep. Brandenburg, citizen: Support. I am here to support my wife, who was abused as a child.

Lovice Brandenburg, citizen: Support. What you will hear from me today is how child sex abuse, incest, rape changes who we were supposed to be. Children have no voice and as an adult, I want a child with a voice when he or she cannot speak. Because of the threats that mom and dad will die or your dog will be killed, it will be your fault. Your sister will be taken away and you will never see them again, all because of you. SB 2331 removing the statute of limitations for sex crimes against children is giving them a voice and when they feel strong enough to handle their abuser in court. People have stated that children are so resilient and that they will get over it, told to just let it go or forget about it, that life is too short to dwell on it. Incest is a horrible act with pain. When a child's sense of security is stripped by someone who is supposed to love you, protect you, and guide you in the right direction, is a family member. They strip you of your innocence, your existence of feeling safe within that family unit, the child is stripped of their innocence and their self-worth as a person, the child puts a huge burden on what he or she did wrong to make that family member hurt them in such a horrific way. Then to be told that it's all your fault. The child was told from the age of 6 until she was 18 that she was nothing but a disgrace to her family name and she was never wanted because Daddy only wanted boys. She is told that she is nothing but a slut, a whore, a tramp, she's stupid, ugly, fat and disgusting piece of crap; left only as a shell of a human being is thrown out into the huge world to fend for herself and now she has a child of her own that is going to be raised by a mother who is so damaged herself, that the baby is no doubt going to be raised with heartbreak and dysfunction; but very loved or at least the mother thinks she is giving him/her the right kind of love. After all, the mother only knows that love is unbearable and painful. That's all she knows is pain. Love to this mom is rage, confusion, depression, suicide, drug and alcohol abuse just to get through a day. PTSD, nightmares, you never feel safe, ever. You can't comprehend even the simplest things. No reasoning, it's nothing

but black and white, there never is a gray. OCD, you don't know what love is; love is abuse, physical, emotional, and verbal; with bad relationships, one right after another; short term attention span, feeling of never fitting in. There is no trust in people regardless of who they are. They are always afraid, you have abandonment issues; always a toxic awareness of your exits. The first thing you do when you come into a room is you look for a way out. The triggers are alcohol and cigarettes on their breath, spit, hay mounds, tree groves, grease, sweat, the dark and outhouses. In closing, the reason I know how it feels to be a child of incest, is because I am one. I am a survivor; I will never get over what happened to me. But with God's grace and my husband's support and my wonderful therapist, she has given me the tools to work through it and to get past it. I ask for SB 2331 to pass and make our beautiful state of North Dakota, the 11th in our nation for removing the statute of limitation for sex crimes against children. Let's give our future a voice.

Rep. Brandenburg: As you deal with this bill and put some thought into it, the impact as a child suffering through this abuse, they can't really deal with it until they get to an older age. If you look around the room and the people that I've met, they end up being in their 30's, 40's, and 50's before they are mentally stable enough to do it or financially able to do it. People ask me, how you know that your wife was abused. I ask them, how do you make up a nightmare. I'm there when the nightmare happens, then we talk and I could share a lot of things that are very personal, but I don't want to get into them now. It is real, it does happen. For her, it's a lifelong sentence. She has gone to counseling and with God's help dealing with it fairly well. It's a challenge every day.

Ch. Hogue: Thank you. Further testimony in support.

Stephen Wonderlich, Ph.D. UND Medical School in the Dept. of Psychiatry: Support (see attached 4). I work at Sanford Health where I am the Chair of the Eating Disorder Dept. and I'm the director of Clinical Research at the Neuropsychiatric Research Institute in Fargo. I'm going to try and talk about the impact of sexual abuse in child trauma. I'm going to do it with a little more of a scientific bent; I think the stories that you heard are probably the most compelling. I think this information brings a little objectivity to what we know about child trauma. Hopefully it will help you in the difficult decisions you'll have to make. I'm not speaking on behalf of UND Medical School, Sanford Health or the Neuropsychiatric Research Institute. I am the director of The Treatment Collaborative for Traumatized Youth, which is an organization that has trained about 250 mental health professionals to treat traumatized kids, frequently have PTSD, mood disorders and other problems. I will speak as

the director of that and I'm speaking for the Coordinator, Heather Simonich, who has done a lot of work in this state. I will walk you through each slide, one by one. If you will turn to slide 2, this is some definitional language for "what is this". Not only is this the material we deal with day in and day out, but this is really not just language, this is what children experience. Child sexual abuse is an interaction between a child and an adult, in which the child is used for the sexual stimulation of the perpetrator or an observer. Sexual abuse can include both touching and non-touching behavior. Touching behavior may involve touching the vagina, penis, breasts, buttocks, oral genital contact, and sexual intercourse. Non-touching behaviors can include voyeurism, exhibitionism, or exposing the child to pornography. Every one of these actions directed toward a child is clearly traumatic, because it overwhelms a child's ability to comprehend what's happening and to make sense of it. Furthermore, it is frequently done by the caretaker, which is an extremely difficult situation for a child to comprehend. Let's talk about what actually happens. We heard the story, what does the evidence tell us. The research article is actually something that was done in California, Kaiser Permanente in conjunction with the Center for Disease Control out of Atlanta. It is becoming one of the biggest studies in the country on the impact of sexual abuse on children. They took almost 20,000 patients in Kaiser Permanente, they did comprehensive medical psychiatric exams and then they did a developmental history. The adverse childhood experiences that they assessed in this history were the 10 listed; child physical abuse, child sexual abuse, emotional abuse, emotional neglect abuse, physical neglect abuse, living with a mentally ill or suicidal person in the home, a drug addicted family member, domestic violence, loss of a parent to death or abandonment, or incarceration of a family member. This is not just about sexual abuse in this particular study, but what I will tell you is that every study that's been done that looks at child sexual abuse in comparison to physical abuse or emotional abuse, essentially says that child sexual abuse seems to have the largest impact. All of us can calculate our ACE score by just calculating the number of events out of those 10 that you have experienced. This study has told us that if you have four or more of those 10 adversities, the numbers are odds ratio. These are the odds that you would have each of these behaviors or conditions if you had four or more adversities as opposed to having three or less. Let's look at some of the bigger ones. Suicide gesture, 12x more likely if you have four or more adversities; injectable drug use 10 xs more likely; alcoholism 7.5 xs more likely and the list goes on. Clearly, I think that all of us understand that there is a psychiatric, psychological impact of abuse. I think for us, as healthcare providers and as policy makers, it goes well beyond the psychiatric and mental health components. These are the same odds ratios for what we think

of as physical diseases. You will see that bronchitis and emphysema is 4 xs more likely if you have four or more adversities. Hepatitis, 2.5x more likely; stroke, 2.5x more likely. If this was a gene that was increasing the risk of all these illnesses as much as it is, as opposed to just adversity, this would be Nobel Prize work. This is powerful. I think this drives home the point even more clearly, this is the suicide attempt and I want you to see what we would call a step-wise progression from the percent attempting suicide in terms of how many adversities that you have. You can see it is a dose-response relationship. As you increase the dose of adversity, the response of suicide increase is in a step-wise manner. Each time you get a little more adversity, your chances of trying to kill yourself increases. In looking at the pyramid, this is the theory that the CDC has put forth, in trying to understand how in the world could this happen. That is, that adverse childhood experiences disrupt the neuro-development of the child, which in turn, impacts their social, emotional, and cognitive development; everything they do, think, and experience has changed, which leads to adopting high risk health behaviors, which increases the chance of disease, disability, which increases the chance of early death. Interestingly, if you have 6 more adversities, you lose 20 years of life, compared to people who don't. This goes all the way to increasing the risk of early death. I looked for some recent literature and reviews to look explicitly at child sexual abuse to make the point that this is not just some conglomerate of adversity. This just highlights the scientifically supported elevations in a variety of different psychiatric problems. Many of which were mentioned in the previous testimony; depression, anxiety, psychosis, self-mutilation, substance abuse, PTSD, eating disorders, OCD, suicide, severe personality disorders. All of these are substantially elevated in people who are sexual abuse victims. The bar graph is local data. This is a study done back in the late 1990's, early 2000's, we published it in the Journal of Traumatic Stress, Kevin Thompson from NDSU was the lead author. This is four groups of women. If you look at the colors, the green bars are women who had experienced childhood sexual abuse before the age of 18 and were also then raped in adulthood. The blue bars are women who had childhood sexual abuse only. The yellow bars are women who were raped in adulthood and the red bars are those who had no history of trauma. If you look at each one of these different psychiatric conditions, and these are serious conditions, we had very well trained interviewers to conduct the interviews to find out their histories, the interviewers did not know their trauma status, so she was blind to this. She didn't know. This is what we found. If you look at mood disorders that are major depression, bipolar disorder, etc. you can see that all three of the trauma groups are very substantially elevated compared to the red bar. If you move next door to anxiety disorders, what you see is something

interesting. All three trauma groups are elevated but the two who have the childhood component, the blue and green bars are incrementally above the yellow bar, meaning that there is something about this window of adversity in childhood which increases your risk of serious problems, even above and beyond being raped as an adult. There is something about the developmental status. The next one is substance abuse. It was very interesting to find that it was the women who had both traumas, which seemed to be most likely to use substances. Again, the point that somehow maybe the alcohol is a way to manage all of the dysregulation in their life because so much has gone wrong. Lastly, eating disorders, which is where I work. I will just tell you, the reason I got into all this child trauma in 1996, I was treating eating disorder patients all over the state of ND and about 40% of them were child trauma victims and I didn't know what to do with it. I didn't have a clue and all of my treatments were less effective with trauma victims than they were with non-trauma victims. Again, eating disorders you see childhood trauma increases your risk quite substantially. Anorexia nervosa, is fairly prevalent in ND is the most lethal psychiatric disorder we have, 20% dead within 20 years of initial diagnosis. These are serious conditions; the medical consequences of childhood sexual abuse. All of these medical conditions are elevated. Functional GI problems, chronic pelvic pain, headaches, musculoskeletal pain, joint pains, ischemic heart disease and obesity. All of these increased in child trauma victims. We are all trying to get to this place where change can happen. You see the pictures of a brain and what we now know is that experience changes the brain. In the areas that are highlighted in these figures are the parts of the brain that tend to regulate emotional states and inhibit rash impulsive responses. These are the areas which seem to be most affected by histories of child abuse, particularly child sexual abuse. The brain is changed. The good news is treatment also changes the brain. So the comments about the therapy, there is evidence to suggest that brains change as victims get treated in beneficial ways. I think the point we want to make is that this is literally changing neurons in the brain. This is not a moral choice; this is down to the fabric of who we are. My colleague, Heather Simonich, has done a lot of work with the Dept. of Public Instruction for the state of ND on what happens to school kids, and if you just look at the educational consequences, trauma kids have lower GPAs, miss school more, drop out more, suspended more, they are expelled more, they have decreased IQ's, probably because the overall size of the traumatized child's brain, a sexually abused child's brain is smaller than non-abused kids. Significant deficits in attention, abstract reasoning, long term memory and increased use of special education services. If you talk to the teachers, they don't know what is going on with these kids and they are trying to run a classroom. Social vocational

consequences of child trauma, increased unemployment, more financial problems, work absenteeism and much more involvement in the courts. Behaviorally these are people who are struggling. Lastly, the economic impact, and this was also mentioned in the previous testimony, this breaks it down a little bit more. A recent 2012 estimate, and one of the questions was, what does this do, not only to the mental, physical and social fabric of the child, but what happens to us. What do we do in terms of taking care of these kids after it happens? As Betty Jo said, \$210,000 above and beyond a non-abused child is thought to cost in terms of lost revenue or having to treat special conditions associated with a trauma; \$32,000 up to the age of 18; \$10,000 more after the age of 18; and healthcare costs per activity losses because these folks are not going to be extremely reliable work people if they have PTSD, depression or alcoholism. Child welfare costs are important, criminal justice costs are important and special ed costs are important. No matter how you look at it, the way I see it, this touches everything. It is fundamental. Lastly, my summary, childhood sexual abuse and I would add other types of abuse, but today I am talking about childhood sexual abuse only. It has significant health, educational and social impacts on children. Not all victims experience these consequences. Children's temperament, the nature of the abuse itself, the quality of the environment surrounding the child at the time, and even particular genes may influence the degree to which the child has a negative outcome after trauma. It's estimated that half to 2/3rds of all kids have serious psychiatric conditions after serious sexual abuse. The effects tend to be enduring and require intensive treatment. I think this point is the one that goes most towards the point of this bill. I could have shown you a study of 20 women, who were raped 20 years earlier, and they were measuring cortisol in these women's bodies compared to other women, and it was different. It was dramatically different. Cortisol is a stress hormone; it's what we need when we're standing up here talking to people. They didn't have it, and that was 20 years after the trauma. Whatever we are talking about it lasts a long time and I think it goes to the point of, are sexually abused children really able to speak for themselves in a reliable and competent way given what they've been through, given their developmental state, and given a psychiatric consequences of what they have developed.

Ch. Hogue: Can you clarify that last point, about the 20 women. You said they didn't have the stress hormone, cortisol. What are you saying; they aren't able to as easily cope with stress.

Stephen Wunderlich: Right. Twenty year after the fact, they had suppressed cortisol levels; meaning their body's ability to rise to the occasion for whatever

seemed impaired. The point I took out of that paper that was really compelling, you see the same thing in Vietnam veterans, and they have suppressed biological responses. The part that was impressive about this for me was that it had been on average 20 years since the trauma happened. It seems to scar the biology. The good news is, of course, if we can treat people, I think we can change biology.

Sen. Armstrong: On the graph for the ND study, is it saying that 40% of the control group had a serious mood disorder.

Stephen Wonderlich: At some point in their life. These were people who are seeking financial counseling, but they never had any trauma of any kind. They probably had some difficulties, but they were not traumatized.

Sen. Armstrong: So for substance abuse disorder, this isn't supposed to be control like across the population and I think you said that this was only women, right.

Stephen Wonderlich: Right.

Sen. Armstrong: So this isn't ND.

Stephen Wonderlich: No.

Sen. Armstrong: This is not a ND-based control group.

Stephen Wonderlich: It's not an epidemiologic population based estimate. It's a group of women who were seeking mental health and financial counseling services but had no trauma histories. The other three groups of women were seeking mental health services and all had trauma histories.

Ch. Hogue: On the graph, the green is childhood sexual abuse with rape and the blue is childhood sexual abuse. I would not have guessed that there would be large segments of individuals who experience childhood sexual abuse that does not also include rape. Does that go back to your definition of just touching?

Stephen Wonderlich: That's a very good point. The green bar denotes people who had sexual assault or rape as a child and then were subsequently raped again separately as adults and the blue bar are the children who could have been raped but all before the age of 18.

Sen. Luick: Has there been a nationwide study to determine the effects of where we have gone as far as media and all of the exploitation of sexual experiences on internet and everything else. How is that affecting kids and what age has that been noted.

Stephen Wonderlich: It's early. We don't know as much about that kind of media based exploitation of children as we do about these kinds of trauma. It's frequently being studied but I don't think we know, for example, is it as potent an effect as being beaten or raped directly. We don't have that sorted out yet, at least scientifically. I think clinicians would tell you that the kids that they are treating that have been traumatized or victimized in some way on the internet, it has powerful effects, but I don't think we have scientific data to clarify that.

Sen. Luick: Could you maybe give me an example of how a case would be treated, such as this. You have some juniors or seniors in high school that get "in love". So they end up getting into petting and maybe even intercourse and then they fall "out of love". Now years later one of them decides that they were abused. How do you handle something like that because they were both minors in this instance and could that be designated in this bill as being a rape or sexual abuse?

Stephen Wonderlich: I think if we're going to define sexual abuse as consensual contact between two people at the time, about the same age, I think the point that you're making is someone is going to come back later and say it wasn't consensual, it was imposed. Is that right. I think the key point there is one of the things that help to define sexual abuse and it's in the definition I gave, typically it is about an adult to a child or someone who is at least some increment in age above the age of the alleged victim. If it's two same aged individuals, then I think it is probably just a potential for a rape allegation; I don't think we would put it in the category of a childhood sexual abuse, because again there is not an age differential.

Sen. Luick: But it doesn't spell that out here in the bill, I don't think.

Ch. Hogue: We have Ms. Krenz' testimony about the pervasiveness of child sexual abuse, do you have any studies that you regard as reliable that speak directly to that issue, particularly in ND.

Stephen Wonderlich: ND is a little less clear, but interestingly the best national estimate of the rate of sexual abuse of women in the United States was done by researchers at the UND. It was conducted on a national sample and I'm speaking to the work done by Dr. Sharon Wilsnack and Dr. Nancy Vogeltanz-Holm in the Medical School. They had the national opinion research center, which is based in Chicago, interview in the homes of over 1,000 women, with a whole host of things looking at their psychiatric histories, there personal histories, and then also their sexual histories, including sexual trauma. They estimate that the average prevalence of childhood sexual abuse in the United States is on average about 25%. It depends on the definition you use for what is sexual abuse. What behaviors are included and it can range actually anywhere from 21 to 34%. The average is 1 in 4 women.

Ch. Hogue: Thank you. Further testimony in support.

Theresa Semmens, citizen: Support (see attached #5).

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

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Minutes:

Ch. Hogue: Let's take a look at SB 2331. This bill would remove the statute of limitations for victims of childhood sexual abuse.

Sen. Casper: If a person at the age of 12 was a victim and did not come forward, did not realize the crime that occurred. The 7 year length of the statute of limitation would not begin running until they are 18, so they would have until 25 years old.

Sen. Armstrong: That's why I pulled the book. I wanted to make sure that I was sure on current law. If you are a minor, you have 7 years from the date it commenced unless you don't report it. Then it's 3 years from the date of reporting. If it happens to you when you are 12, you have 7 years from that date, they would be 19. If you don't report it to anybody, then you have three years from whatever date you reported. So if you don't report it until you're 25, if it happened when you are 12, you have until you're 19; unless you don't report until you are 25 then you have until you're 28 years old. That is how it is written for minors. "If the victim was under 18 years of age, at the time the offense was committed, must be commenced in the proper court within 7 years after the commission of the offense, or if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities". That's the current law right now. The statute is very different than any other statute of limitations we have in the law right now. To me, who didn't come to testify in favor of the bill is almost as telling as who did. We didn't have a single law enforcement agent or a state's attorney. This is the kind of bill that people come and testify for if there is a need for solving of the problem. No one from states' attorney or sheriff testified in favor of the bill, because I think the reason is that I think our statute

of limitations now works pretty well. The reason is because you have that catch-all on the back end of those three years from date of reporting.

Ch. Hogue: The civil statute of limitations is 7 years from when the child should have known that a potential claim exists. I don't think the court is going to let that statute run on a minor. For civil claims, you have until age 25. If the committee wanted to extend that out more than 7 years we could do that; or we could leave it as is, or I guess we could pass the bill as well.

Sen. Armstrong: Civilly, are there any other claims that have no statute of limitation.

Ch. Hogue: Yes and no. We have the discovery rule, which means if you don't know you have a claim; for example those who are injured by exposure to asbestos, you could be exposed during your working career. That can be anywhere, that could be on a naval, installing insulated pipe, lots of different things, and those folks don't see the disease manifesting itself for 30 or 40 years after the exposure. Your statute doesn't run until you have an injury and the doctor says you have mesothelioma as the known cancer; that's when your statute of limitations starts to run, and it is a 6 year statute for those people. In the case of malpractice, you're under anesthesia; you don't know how the surgeon did in your surgery. You could come out of surgery feeling fine but at some point, there is a complication and you don't have any occasion to determine if the physician committed malpractice until the complication arises. That's when the statute starts to run; not from the date of the surgery. In answering Sen. Armstrong's question, yes there isn't a place where it is unlimited, but at the same time there are many places where the statute doesn't run until you know you have an injury.

Sen. Armstrong: So this language has no limitation, just straight, regardless of when the injury occurred, regardless of whatever, this would be unique to the civil code.

Ch. Hogue: Yes.

Sen. Casper: In looking at 28-01-25.1, it is the child sexual abuse - a claim, a claim for relief for child sexual abuse must be commenced within seven years after the plaintiff knew or reasonably should have known that a potential claim exists which has been determined by the court and in the civil matter, the reasonability standard of what they would litigate if they tried to push it beyond the boundaries.

Ch. Hogue: Well, 25 is the minimum; here's what has happened in the past; with respect to cases involving spiritual ministers, priests or leaders. The plaintiff or the victim of the sexual abuse will argue as supported by their therapist, that they often repress the memory. They don't remember it, it stays buried deep within their mind for years. They can say, judge, the statute shouldn't have run when I was 18, it should have only started to run when this came to my mind, when I turned 30. So it would be 30 + 7. I actually had experience with a case where that happened. The gentleman was 51 or 52 and said that his memory, mind and brain had repressed the memories, only until recently. He claimed he refreshed his mind and memory was of the same alleged perpetrator was in the newspaper somewhere else with another victim. So it is 18 + 7 is the minimum, 25 years old.

Sen. Luick: I have a concern, what if you have other abuses, oral or psychological or physical abuse, are they treated in the same way as sexual abuse or are they treated differently. I would think that there would be issues with that also.

Ch. Hogue: I think sexual abuse is defined.

Sen. Luick: I didn't see anything in here to set it out.

Ch. Hogue: Line 13, childhood sexual abuse means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under 18, which would have been a violation of 12.1-20. So we go to 12.1-20, I'm pretty confident that it does not preclude verbal abuse. It's got to be a physical act.

Sen. Luick: My question is, wouldn't those crimes also be just as detrimental as sexual abuse or could be.

Ch. Hogue: I assume it could. I don't feel qualified to answer that one. It's possible.

Sen. Armstrong: I was involved in a case where I was helping the victims, but it was a girl, who when she was 5 and 6 years old, was abused by a close family member and she didn't report it to the police until she was 26. So we're going on 21 years and the only thing that triggered at that point, if you're going to bring up a 20 year old case, after you report it to law enforcement, within three years law enforcement has to charge them. This is criminal not civil, that's why I was asking. That's why I was asking about the civil case, because

I could see a reason on the civil side possibly to start at the age of majority or do some things differently that way. On the criminal side, the way it is written now, works pretty well. The case I was involved with, this was obviously significantly passed the seven years. But from the time she reported it until they charged out 6 or 7 months later, that's when the statute started running, that 3 years started running when she was 26. They would have had until she turned 29 to charge it. I think from the criminal side, I think that's important because when you start getting into 35-40 year old cases, at some point in time you make a decision whether you are going to fish or cut bait. You can still charge it out at that point and there weren't any repressed memories or anything of that nature; it was just reporting to law enforcement. A lot of the testimony we heard, at least from the criminal side, is that as they mature and get the ability to report those things, that's one thing, but once they report it to law enforcement, law enforcement only has "x" number of years to act at that point. I think our current law is definitely, the statute of limitations for this crime, the most generous we have with the exception of murder, which is not. It's significantly more generous than any other criminal act we have in the Code. In practical experience, I think it is working.

Sen. Casper: Going back to the civil case, we were talking about the minimum at age 25. Essentially you're saying that the minimum would be 25, and beyond that the plaintiff would have to show that they either lacked knowledge or they reasonably wouldn't had knowledge before regarding the person that had repressed feelings or thoughts, memories. I don't think it accounts for the testimony we heard on this bill. I think the folks that testified would not fall under this because I think it could be proven that they had knowledge. In general, I think the law is good that way it is.

Ch. Hogue: They are going to know, of course, that they've been sexually abused, but the knowledge that this statute relates to you, that you have a claim, the ability to assert a law suit against this person. That's why I don't think there would ever be a judge that would say that it starts to run before age of 18. I can see judges extending it saying, well he was still in high school, and he probably wouldn't have known that he had a right to assert a law suit.

Sen. Nelson: In looking at Rep. Hogan's testimony and she had attached the statute of limitations for sexual assault, the piece that comes from the US Dept of Justice. On the cover page, I found it interesting, it says that it highlights states that have a DNA exception to the statute of limitations and the specifics vary from state to state, a DNA exception allows for the tolling of the statute of

limitations in cases where the perpetrators later identified through DNA evidence. And at this point, 27 states have some form of DNA exception that extends the length of time. As far as I could see, we don't have a DNA exception and we're not listed as any of those states. It is interesting to see what the different lengths of time; ND is listed in what we've just said it is, but it doesn't indicate 7, 7 and 3 as what's listed for us out of the Century Code. But then 8 states don't have any statute of limitations. Delaware has no statute of limitations for any sexual offense. Wyoming and South Carolina have none for any criminal prosecution and states without a statute of limitation would not need a DNA exception. So if we took this the way it is you wouldn't need to put in a DNA exception because we'd have an unlimited length of time to send it. She said that there are more and more people now, in the last 10 years, states are recognizing the need to revise their statutes and that this was put in for the victims.

Sen. Luick: Another way to look at this is, right now, currently the statute of limitations that we have in place was brought to this point how long ago. Was it just recently?

Ch. Hogue: I don't know how it is. Are you talking about the civil one or the criminal one?

Sen. Luick: The criminal one.

Sen. Casper: Civil looks the annotations from 2011.

Sen. Luick: Are we going to solve something by opening this up or are we going to create more of a problem with witch hunts and be less beneficial than looking at how we make sure that we are looking forward instead. I understand there are victims; they're victims in almost aspect of human life, whether it's not having enough food to eat, etc. I'm concerned as far as, are we looking at something that we cannot fix or are we making the situation worse by trying to open it up.

Ch. Hogue: That's another policy question we should ask. I'm not sensing any momentum on this bill. I won't support a bill that has an unlimited or no statute of limitations and I think that's where most of the committee is at. If somebody wants to bring an amendment tomorrow to lengthen the statute of limitations, I think we could look at that on the civil side. I think the bill without a statute of limitations is not good policy.

Sen. Grabinger: I looked through the information that Rep. Hogan brought, looking at the other states and clearly there's a broad spectrum of where these states are going. For the most part, I've seen many of them in the 30 year range. They just make it a blanket of 30 years. Does anyone have feelings towards that?

Sen. Armstrong: I'll just speak on the criminal because I don't think this bill addresses civil.

Ch. Hogue: Are you talking about the handout.

Sen. Armstrong: Yes. The DNA exception is interesting to me; essentially I am assuming that would work if you are 12 and you are assaulted and don't know who the assaulter was but they collected DNA evidence. Those seven years would toll, because the seven years would, in that case, attach immediately because it's been reported to law enforcement. So if they collected DNA, they didn't know who it was and they found that person later, I don't know how I couldn't support that, I suppose if it was brought. I think in all honesty most of the people, in vast, vast majority of those cases are somebody they owe, unfortunately which is sick in and of itself. The other matter is whether you do a straight 30 years or anything of that nature. In all honesty, that could reduce the statute in ND. They have three years from the date of reporting, whenever that is. They could theoretically report 32 years later and then you would have three years, if it was a minor and an adult. That's something to keep in mind. Our statute is very open ended on the criminal side. That's why the DNA exception intrigues me. I don't know how many cases that would affect. I would think it is a small number, but that's just anecdotal from all the cases I've ever seen.

Ch. Hogue: I wasn't focused on the DNA part; on the civil side I think our outer statute is 10 years. I think once you get out beyond 10 years, the primary purpose behind statute of limitations is it is just patently unfair to the defendant because the evidence starts to disappear, either through death or just can't be found any longer, people's memories fade, they tend to embellish the details. It's just not fair to go back so far to bring a claim. I certainly can support lengthening this several more years but to go out 30 years, I go back to Sen. Luick's comment. Thirty years plus, what are we really doing at this point on the civil side. All of our civil cases require you to come forward with reasonable diligence for that reason, that's when people's memories are the best; when the evidence is the most reliable and to sit back and put it out there indefinitely, even beyond 10 years, is just not justice.

Sen. Grabinger: Did I hear you suggest a 10 years.

Ch. Hogue: I wouldn't oppose 10 years if somebody wanted to lengthen this time limit.

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2331
2/11/2015
23647

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

1,2

Ch. Hogue: Let's take a look at SB 2331.

Sen. Nelson: Explained the amendments (see attached 1A). The .01001 version had the unlimited number of years to bring an action.

Sen. Casper: It had unlimited timeframe based on the new DNA in version .01001.

Sen. Nelson: Yes.

Sen. Armstrong: But it does toll the statute until the person is found.

Sen. Nelson: Yes.

Ch. Hogue: Are they bringing a Christmas tree version of this amendment.

Sen. Nelson: They said they would bring one.

Sen. Grabinger: I visited with the prime sponsor on this bill for a few minutes and he said whatever we decided was best; he didn't understand the civil and criminal portion of it.

Sen. Casper: The 10 year timeframe would be for civil and criminal.

Ch. Hogue: No, the bill proposes to make it unlimited for civil and criminal cases. Currently, under section 2 of the bill, we have murder has no statute of limitation and this would add sexual abuse of a minor, so it would be the two crimes of murder and sexual abuse. On the civil side, we have 7 years from

the time of majority and the bill would make it unlimited, no statute. Sen. Nelson, I understand your amendments to say is, on the civil side, it will make it 10 years, and what was the other feature of your amendment.

Sen. Nelson: On page 1, line 11 it changes the 7 to 10 years and takes out all the overstrike and takes out the new language that was put in with no limitation. On page 2, line 11, changes 7 to 10 years; then she has a sentence that says prosecution may commence within 3 years after suspect is conclusively identified by DNA. Then it removes lines 15-20.

Ch. Hogue: From civil from 7 to 10 years. Is everybody okay with that?

Sen. Casper: I think it probably gives us the most liberal laws in the country.

Sen. Nelson: There are some that are unlimited. We'll be in the middle.

Ch. Hogue: So the first change on the civil from 7 to 10 years sounds like everyone is okay with that.

Sen. Nelson: Section 2 stays the same; Section 3 - changes are made so that it commences within 10 years instead of 7 years. It looks like she is deleting sections 4 and 5 and putting in subsection 2, under sexual assault of minors.

Ch. Hogue: Any indication when the amendments will be done.

Sen. Nelson: They are done, but we don't know where they are.

Ch. Hogue: We need to see the new amendments. Reconvened at 10:30 am

Ch. Hogue: Let's take a look at Sen. Nelson's amendments to SB 2331.

Sen. Nelson: Explained amendments for SB 2331 version .01002 (see attached 2B). It does what we were talking about yesterday when I got the message that you didn't like the "no limitations" but you might go for a few more years on the number of years they had to bring the action, so I moved it up to 10 years in 28-01-25.1. On the Christmas tree bill (see attached 2A) you will see what happened there; basically the piece in green is the amendment 10. Then according to Vonette Richter, Legislative Council, we didn't need section 2 and the new section 2 on page 2, we made the same change to 10 years. A section to that subsection 2, "if, based upon evidence containing DNA obtained at the time of offense, a suspect is conclusively identified by

DNA testing after the time period prescribed in subsection 1 has expired, a prosecution may be commenced within 3 years after the suspect is conclusively identified by the DNA testing". One of her colleagues commented that the first time he ever saw DNA written out it was three times in the same sentence. Then, of course, we didn't need sections 4 and 5, so those are deleted. The bill is shorter than it started out to be. It does give them three years.

Ch. Hogue: I don't know that we're helping the people that testified. Let's say a young woman is 25, I could see where she still would not be comfortable coming forward, so I think three more years is a reasonable proposal.

Sen. Armstrong: I move the amendment 15.0851.01002.

Sen. Casper: Second the motion.

Ch. Hogue: We will take a voice vote. Motion carried. We now have the bill before us as amended.

Sen. Nelson: I move a Do Pass as amended.

Sen. Casper: Second the motion.

6 YES 0 NO 0 ABSENT DO PASS AS AMENDED

CARRIER: Sen. Nelson

10 f2
TN
2/11/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2331

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

Page 1, line 3, remove "; to repeal section 29-04-03.2 of the North"

Page 1, remove line 4

Page 1, line 5, remove "application"

Page 1, line 10, remove "there is no limitation of the time within which"

Page 1, line 11, remove the overstrike over "within"

Page 1, line 11, after "seven" insert "ten"

Page 1, line 11, remove the overstrike over "years after the"

Page 1, remove the overstrike over line 12

Page 1, line 13, remove the overstrike over "~~alleged childhood sexual abuse~~"

Page 1, remove lines 18 through 24

Page 2, remove lines 1 through 4

Page 2, after line 7 insert:

"1."

Page 2, line 8, remove "If the victim was under eighteen years of age at the time the offense was committed, there"

Page 2, line 9, replace "is no limitation of the time within which a" with "Except as provided in subsection 2, a"

Page 2, line 10, remove the overstrike over "~~if the victim was under eighteen years of age at the~~"

Page 2, line 11, remove the overstrike over "~~time the offense was committed~~"

Page 2, line 11, remove the overstrike over "~~in the proper court within~~"

Page 2, line 11, after "seven" insert "ten"

Page 2, line 11, remove the overstrike over "years"

Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "authorities"

Page 2, after line 14, insert:

"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

2 of 2

prosecution may be commenced within three years after the suspect is conclusively identified by the deoxyribonucleic acid testing."

Page 2, remove lines 15 through 20

Renumber accordingly

SB 2331
2/11/15

Date: 2/11/15
Voice Vote # 1

2015 SENATE STANDING COMMITTEE
VOICE VOTE
BILL/RESOLUTION NO. 2331

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 15.0851.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Seconded By

Motion Made By Sen. Armstrong Sen. Casper

Senators	Yes	No	Senators	Yes	No
Ch. Hogue			Sen. Grabinger		
Sen. Armstrong			Sen. C. Nelson		
Sen. Casper					
Sen. Luick					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice Vote: Motion Carried

Date: 2/11/15

Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 2331

Senate _____ **JUDICIARY** _____ Committee

Subcommittee

Amendment LC# or Description: 15.0851.01002 02000

Recommendation: Adopt Amendment

Do Pass Do Not Pass Without Committee Recommendation

As Amended Rerefer to Appropriations

Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Nelson Seconded By Sen. Casper

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Nelson

REPORT OF STANDING COMMITTEE

SB 2331: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

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

Page 1, line 3, remove "; to repeal section 29-04-03.2 of the North"

Page 1, remove line 4

Page 1, line 5, remove "application"

Page 1, line 10, remove "there is no limitation of the time within which"

Page 1, line 11, remove the overstrike over "~~within~~"

Page 1, line 11, after "seven" insert "ten"

Page 1, line 11, remove the overstrike over "~~years after the~~"

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Page 1, line 13, remove the overstrike over "~~alleged childhood sexual abuse~~"

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Page 2, line 11, remove the overstrike over "~~in the proper court within~~"

Page 2, line 11, after "seven" insert "ten"

Page 2, line 11, remove the overstrike over "years"

Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "authorities"

Page 2, after line 14, insert:

"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."

Page 2, remove lines 15 through 20

Renumber accordingly

2015 HOUSE JUDICIARY

SB 2331

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2331
3/17/2015
25032

- Subcommittee
 Conference Committee

Committee Clerk Signature

Donna Whelton

Explanation or reason for introduction of bill/resolution:

Relating to the statute of limitations on the prosecution of and claim for relief on actions alleging childhood sexual abuse.

Minutes:

Testimony # 1-5.

Chairman K. Koppelman: opened the hearing on SB 2331.

Senator Terry Wanzek: District 29: Introduced SB 2331. This bill comes to you at a constituents request. You will hear from one of the constituents today. The way she presented it to me it made sense that a child victim under the age of 18 would not be able to fully understand or reasonably comprehend the severity of the situation or the crime of childhood sexual abuse. They would most likely be unable to bring forth a claim until many years later. It made sense to me. The bill addresses both the criminal and civil statutes of limitations on the prosecution and claims of relief for alleged claims of childhood sexual abuse. The original bill as presented eliminated the statute of limitations in both the civil and criminal cases. The bill was amended in the Senate and it put the statute back and raised the statute from 7 to 10 years and also added a clause about DNA if it is ever present at the time of the offence, the suspect if he or she is conclusively identified by DNA that could open the case back up many years later. This is not an area of expertise for me. Thankfully I grew up in an environment of loving, caring and protective family. So I can only imagine the atrocity of being a victim of childhood sexual abuse. I can never completely what kind of suffering they have gone through and can only imagine it would be terribly horrific. On the other hand I do not want falsely accuse and convict innocent persons of such a heinous crime. In my opinion that could be a tragedy in itself. There may be a sound legal reason why there is a statute of limitations. I do believe these victims deserve to have that discussion. I recognize there are some legal knowledge on this committee and a lot of expertise and I have respect for you and your members. I believe this bill will be heard fairly and considered in a rational thoughtful legal conclusion will be reached in the end.

Rep. L. Klemin: It seems like we dealt with this same section of statute of limitations not so long ago do you know when this was previously amended?

Senator Wanzek: I understand it was not too long ago and there was a study. To me it seems like it is an issue that I have not really dealt with before so I went ahead on behalf of the constituent introduced the bill.

Rep. L. Klemin: it seems like it wasn't so long ago, and I remember a lot of people coming in and telling their personal experiences with childhood sexual abuse.

Senator Wanzek: I am not certain when that was and this is new to me and I haven't seen it before and I felt it was worthy of discussion.

Chairman K. Koppelman: It seems the bill does two things; one is extend the statute of limitations to 10 years and also in the current law it says if the victim failed to report the offense within this limitation period it extends it to three years after the offense was reported to law enforcement. It seems the new language on page 2 basically just dovetails with that to include DNA evidence in that 3 year window. Is that what you intend with the bill?

Senator Wanzek: If I understand this right while visiting with some Senators that were lawyers, it dovetails it somewhat but this could be 20-30 years later when they bring the case back up and through DNA that might have been gathered during an offense by a nurse for instance and if that conclusively identifies the offender, maybe 20 or 30 years later. It would almost provide an unlimited statute of limitations. It would open it up again and there would be 3 more years from identifying that individual and bringing a claim.

Chairman K. Koppelman: So it is 3 years after reporting in the current law and this would say 3 years after the individual is identified by DNA.

Senator Wanzek: There might have been DNA gathered but they didn't conclusively identify the individual and maybe with new technology they could now identify them now. It could be 20 -30 years down the road. That allows the case to be opened up again. Then they have 3 years from that point in time to do something about it.

Rep. Kathy Hogan: District 21: (See Testimony #1). In support of SB 2331. (8:00-11:50).

Rep. P. Anderson: When you talk about this happened many years after the incident, when and how do they disclose?

Rep. Hogan: The disclosure process really happens in lots of different ways. Sometimes it is a family talking to each other and a sister disclosed to her younger sister and the discovered that they were both sexually abused and they thought they were protecting each other from the perpetrator. As they talked they became concerned that one of their nieces had addition problems. They found she was also abused by the same perpetrator. There are some interesting situations. Often times you find similar victims in therapy groups and they will have three people describe the same pattern and find they have had the same perpetrator and at which point you have a pattern and you have a risk to society and to children. Examples of victims in a community. The discoveries were all beyond 10 years and that is the issue. Typically most victims of sexual abuse don't want prosecution but some do and there is no legal option for them now. That is what this bill is about.

Rep. P. Anderson: Sometimes you read articles or someone says I was abused and another say I was too and then another I was too. The first time somebody says I was abused by that particular person and they all say me too.

Rep Hogan: That is exactly what happens and then the issue is, the victims may want some action and the second issue is to protect in my first family situation because they were concerned because that person was still alive and instantaneously those women became quite good mother hens and they were going to assure that person had no access to children. Particularly girls and they put a notice out saying everybody watch out this is a danger. There are some protection issues here and some justice issues here and it is a very complicated issue. That is why I think this is a good bill.

Rep. L. Klemin: In Section 2, subsection 2, line 3 it says "after the time period has expired" ; there are two time periods in subsection one so that raises the question is that the 10 year period or the 3 year period or should that be plural on page 2.

Rep. Hogan: I don't know the answer to that. It probably should be both. I think the DNA evidence is an issue because in most of the examples I am aware of finding DNA evidence from actual abuse that happened thirty years ago is going to be very hard to do. I don't know of any specific situation where it might be a usable tool.

Rep. G. Paur: Do you have any idea for the reason for putting on a statute of limitations?

Rep. Hogan: I have the sense from the prior discussion with Representative Klemin, because it is hard to go back and prove things from 20 years ago. That is the concern and the perpetrators rights to adequate legal defense. The things without statute of limitations tend to be murder. That is the concern if it is harder to prove the longer you go.

Rep. L. Klemin: We have two different situations, one is a criminal and one is civil statute of limitations.

Betty Jo Krenz: Resident of Woodworth, North Dakota: (See Testimony #2). In support of SB 2331. (18:04- 26:34).

Rep. Brandenburg: To speak about this bill that has a lot of meaning to me because my wife is a victim of child abuse and she is here to testify and I will let her do that and I will close with some comments.

Mrs. Lovice Brandenburg: in support of SB 2331. What you will hear about me today is how child sex abuse, incest and rape changes who we are as a person because a child has no voice. As an adult I want to give a child a voice when he or she can't speak for themselves because of threats such as your mom and dad will die, your dog will be killed and what it will be is all your fault. Your sisters will be taken away and it is going to all be because of me. By SB 2331 removing the statute of limitations for sex abuse against children is giving them a voice when they feel strong enough to handle their abuser in a court of law. People have stated that children are resilient and they will get over it and are told to let it go and forget about it. That life is too short to dwell on the past. Incest is a horrible act of pain. The child's sense of security is stripped by someone who is supposed

to love you, protect and guide you in the right direction as a family member. They strip you of their very existence of feeling safe in a family unit. I was stripped of my innocence, my self-worth and that puts a huge burden on what I did. What did I do wrong? To make this family hurt me in such a horrible way. Then to be told by your own mother it is all my fault. I was a child at the age of 6 to 17 that I was nothing but a disgrace to the family name and that I was never wanted and that I should have never been born because I should have been a boy. That is all daddy ever wanted. I was referred to as a slut a whore, tramp, stupid, ugly, and fat. I was broken. This shell of a human being is thrown out in the world to fend for herself and now I had a child, a son of my own to take care of and is going to be raised by a mother that is so damaged herself that the baby no doubt is going to be raised with heartbreak and dysfunction. But very loved or at least I think I am giving him the right kind of love. After all the mother knows of love is unbearable pain. To me a mom is rage, confusion, depression, worthlessness, eating disorder, suicidal thoughts, drug abuse daily just to cope. PTSD, crippling anxiety attacks, nightmares and never feeling safe ever, when you go into a room you always look for the exits and you can't comprehend even the simplest things. There is no reasoning with me, it is either black or white, there is never gray with me, OCD and what is love it is abuse physical, emotional, verbal and bad relationships one after another, short attention spans and feeling like you never fit in. There is no trust you have abandonment issues and toxic awareness of exits. You never park by two vehicles. The triggers for me are alcohol on the breath, spit, tree groves, grease, sweat, the dark, grain bins, and gravel beds. In closing I want to tell you I am a victim of incest but I am a survivor and I will never get over it, but I am getting past it by the grace of God and my wonderful husband and an awesome therapist. Who has given me tools of how to deal with this and I ask the SB 2331 to pass and make North Dakota the 12th in the nation for removing the statute of limitations for sex crimes against children.

Rep. Brandenburg: in support of SB 2331. I have many people back home because Lovice has come out and talked about the situation and they say how do you know it is true? How do you make up a nightmare, she has nightmares. I am there and we deal with it. It is hard dealing with this bill because currently you only have seven years to go after a person that offended you. When you start with a civil offense it becomes costly and not every can afford to do that and not everybody can deal with it at that young age. My wife is in counseling with a wonderful counselor and that is why she is able today to come here and share with you. The reason she shared with you is because of the children. We have children and grandkids, also the concern was in the Senate. They added to the limitations of 7 years and it went to 10 years and they did add the DNA. I think that is a really good part of this bill. We don't want to overreact but we do want to react in a manner that we take care of the people that offend. When it comes to people that are offended, either the family comes forward and they have remorse and they are sorry or else you have nothing to do with the family and that is where my wife is at. I urge the committee to support what the Senate did with their actions and if you can work something better I would encourage that but that is up to this committee.

Rep. D. Larson: Did the bill have no statute of limitations before the Senate got it?

Rep. Brandenburg: It was extended to seven years after a person has been victimized. The Senate added 3 years to that they went from 7 to 10 years. I would like to remove the statute of limitations. They should be prosecuted instead of running around free right now.

The good part they did is to add in the DNA, which someone can have done something 20-30 years ago and you got them if you have the DNA. I think this bill does a lot.

Rep. L. Klemin: In the Senate hearing was there any discussion about people filing claims against someone's estate based on childhood sexual abuse after the person who was alleged to have committed the act has died?

Rep. Brandenburg: No, that did not happen.

Rep. G. Paur: Representative Hogan professionally in your opinion, after 30 years and there is a conviction there is probably some feelings revenge and of justification is there psychological healing that takes place by being able to follow that path?

Rep. Hogan: The therapeutic term we use is get trying to get closure, you never get over it you never get past it but you can work through it and at times confronting the victim and have some resolution of that brings some calm and peace. Many victims won't want to do that but for some victims it helps. That why this movement is in place to help find some peace for the victim.

Heather Simonich: Coordinator, Treatment Collaborative for Traumatized Youth, The Neuropsychiatric Institute, Fargo, ND: Went through the handouts. In support of SB 2331. (Handout #3). (50:50-1:00:06)

Chairman K. Koppelman: We have bill on the topic of human trafficking. Do you think people who have been victimized in human trafficking have a greater propensity to fall into victimization in that realm?

Heather Simonich: Yes, about 1/3 of childhood sexual abuse victims are at risk of again being victimized in a different form and about 1/3 at risk in reoffending themselves. I can't speak specifically to human trafficking though.

Chairman K. Koppelman: Reoffending themselves in term of becoming a perpetrator?

Heather Simonich: An offender, yes.

Rep. Lois Delmore: In the ND study what were the numbers you used?

Heather Simonich: There were 25 women in each of those groups so it was a total of 100.

Brenda Frost: North Dakota resident: speaking for Theresa Semmens: one of the bills primary advocates. (See Testimony #4) (1:00:10-1:13:17) I would like to add it is very difficult to comprehend a four year old having seven years to bring some type of justice for the crime. When you are dealing with adolescence even teenagers do they even know what judicial processes are and hopefully they don't know. It is very difficult to broach the subject with your parents much less to tell a officer, lawyer, or a representative. It is very difficult to not block that out. In my own case it was when I was four years old. It manifested itself when I was 45. It is difficult to understand it and unfortunately there are

way too many people that are having to deal with situations of this matter. There are usually 20 victims to one perpetrator and unfortunately a third of those who have been a victim become a perpetrator. It is not a comfortable situation for anyone to deal with but statute of limitations can be a hindrance to the healing process.

Jonathan Byers, Attorney General's office: in support of SB 2331. The Attorney does want to lend his support to the bill. Representative Brandenburg talked about the importance of the DNA provision. We talk about sex crimes we think that comes from a semen sample and that is not always the case. It can come from other places other than semen such as under fingernails. Cited the case of Mindy Morgenstern. The state medical examiner sent her fingernails to the crime lab and profiled it and when it was put into the data base it matched an unsolved rape that had occurred in Fargo some 4 years before that. They did finally identify the perpetrator was charged and convicted. The campus rapist in the Grand Forks area was also identified by saliva and not by semen samples. This DNA portion is very important.

Chairman K. Koppelman: Looking back who are now talking about abuse years before was there a practice of gathering evidence like you are talking about back then, is there a any hope that it would help for old, the old crimes that we hear about?

Jonathan Byers: The modern criminal code was actually passed in 1973, and it wasn't until in Great Britain in 1989 that the very first person was identified for a rape case by his DNA. We are playing catch up now making sure we are doing things so that it will use the technology even if it is many years later.

Rep. K. Wallman: Was the Attorney General in support of this bill before it was amended to 10 years rather than just removing the statute of limitations on this offense?

Jonathan Byers: I am not exactly sure what happened on the Senate side. I did talk to the Attorney General today and he said we wanted to be supportive now.

Rep. K. Wallman: Could we find out the AG feels about the original bill?

Jonathan Byers: I would be glad to find out.

Rep. L. Klemin: On the new subsection dealing with DNA evidence, trying to interface that with subsection 1 which this references. We have two time periods in subsection 1, 7 years after the commission of the offense or 3 years after the offense was reported. When we take subsection 2 which tacks on an indefinite period which starts the three year it sounds like. This seems to me to be the functional equivalent of no statute of limitations except for this case where we have DNA evidence. It could have been many, many years later, we don't know how far in the future we are going but we have all the DNA stored in the data bases. Isn't the effect of this where we have DNA available extend that statute of limitations practically indefinitely.

Jonathan Byers: I think in effect it may have that impact but what was happening in some cases before provisions such as this was they would actually do the profiling and file a criminal charge against somebodies DNA code which in effect would give you forever for

that person to be identified just like this does. So I don't think the end effect is going to be anything different than criminally charging somebodies DNA code and because of the fact it relates to a positive DNA sample. As I indicated I think the fear of a false accusation is much less when you consider the fact that there is DNA there.

Rep. L. Klemin: The term conclusively identified is probably subject to debate too?

Jonathan Byers: It is certainly not a term we normally work with in the criminal realm. When you are dealing with and adult victim, which this does not as I understand this relates to child sexual abuse victims, with an adult victim there would still be question if there is a sample, whether it was a consensual case or not. Here we are talking about a DNA with a minor victim and I can't envision where that is going to relate to a false report.

Rep. L. Klemin: I don't know what the original version of this bill said with respect to eliminating the statute of limitations but I was thinking it was only the civil side. On the criminal side a report can be filed and you have 3 years to prosecute. That can be many, many years after the offense was committed and there had been no previous report filed. Then we have this DNA section added on here and that adds another twist to it. It seems like on the criminal side we practically have no statute of limitations now.

Chairman K. Koppelman: Just for the members of the committee, we are going to get copies of the original bill and the amendments so we have that as we consider.

Jonathan Byers: I do have the mark up version of the original bill and it was primarily for the criminal provision it was essentially removing it entirely. There was some fear about the false report thing and because of that rather than eliminate it entirely they tagged on this DNA provision which at least would indicate for many cases it would not be a false report.

Chairman K. Koppelman: Essentially this addition to the bill is sort of a safeguard to say that fear of a false identification should be mitigated by the idea that they are only going to extend this for virtually an unlimited time if there is DNA evidence which is virtually impossible to have a false report is what I am hearing you say.

Jonathan Byers: Especially for minor victims, what we are dealing with are minor victims here so that is a safe guard for the circumstances this bill deals with.

Chairman K. Koppelman: It appears with the three year window after positive identification is just a window of time for prosecutors saying you need to move on this in three years, right?

Jonathan Byers: Yes.

Chairman K. Koppelman: As you read this does this say that the report of the DNA must be conclusively identified or that the individual to whom the DNA belongs must be conclusively identified?

Jonathan Byers: The suspect has to be conclusively identified.

Chairman K. Koppelman: Linking it to a human person?

Jonathan Byers: Yes, I think that would be the correct reading of that.

Rep. G. Paur: How long do you keep evidence and you can get DNA samples off that. How long have we had DNA profiles on past crimes?

Jonathan Byers: The earliest it was done is 1989 and it began to happen here in the 90's. It is very accurate and they like to profile it and keep it in a data base and then all you have to keep is the profile.

Rep. G. Paur: If somebody was charged now how far back could you go to compare profiles?

Jonathan Byers: If there was a profile done in 1993 or something there could still be something done.

Rep. K. Wallman: I feel like we are being asked to look at the benefit of taking away the statute of limitations, the benefits for victims if we do that which is very compelling to me but on the other hand it was amended because there was the fear of false accusations. Can you say what percentage of rape acquisitions of children are actually proven false?

Jonathan Byers: The studies would say it is around 3% turn out to be false. Many times it is a non-offending parent whose accusations are false when the kid maybe has never said anything or it was misunderstood. That 3% when you are actually looking at the child's report is even smaller than 3%. Some of the false reports get big media coverage but we need to remember that it is false only very rarely.

Rep. Brandenburg: There is a disconnect when this happens to when you are a youth and you get to be 45 or 50 years and you have to prove to the courts that this actually happened. It is very hard to do. There is no clear path to be able to convince the courts that they will hear your case and if there is an area that needs to be worked in, that is it. That is the issue of the day is we can do all the extending that we want but if you don't have a clear path for proving to the courts that they will actually hear the case you haven't accomplished anything.

Chairman K. Koppelman: The standard in criminal cases is beyond a reasonable doubt which is a very high standard to prove and DNA can accomplish that but in a civil case it is typically a preponderance of the evidence.

Rep. L. Klemin: The issue a lot of times is repressed memory or are you just saying that?

Rep. Brandenburg: It is a fair statement because some people do forget and some things do get clouded. That is the issue is trying to convince the court, those are the questions that are going to be asked and usually they go well I give up.

Betty Jo Krenz: Advocate for Women or Children of Sexual Abuse: One thing that is very common if you look at the time in your life you will see a lot of similarities. It is not that you can walk up to an attorney and say this happened to me, can you prove it. I have been diagnosed bi-polar, border line personality, borderline depressed, I tried to kill myself 6 times and I have had 3 failed relationships and I have given up a child for adoption. I am not making that up, that is my life. When I turned 32 years old I finally came into my family that I can sit down at the supper table and I look around and I think this is weird. When you talk to other victims they will have a parallel life. You will see throughout their life broken periods at almost the same time in their life. That is nothing that you can just make up, you just can't do it.

Chairman K. Koppelman: Any other testimony in support of SB 2331? Any testimony in opposition to SB 2331? Any testimony neutral to SB 2331? Seeing none. Closed the hearing on SB 2331.

Rep. L. Klemin: 29-04-03.2. Statute of limitations as to child victim. (See Testimony # 5).

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2331
3/24/2015
25361

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Chairman K. Koppelman: Reopened the meeting on SB2331.

Rep. P. Anderson: Instead of the ten years I would like forty. There is still the burden of proof. I don't think ten years is where it should be. There is nothing worse murder first; then raping children.

**Rep. P. Anderson moved to amend the ten year statute of laminations to twenty:
Seconded by Rep. K. Wallman.**

Rep. L. Klemin: I am going to resist that motion. It was two sessions ago that we changed it from three to seven; and this bill changes it from seven to ten. We have another section of law that says that if the victim is under the age of 15 this statute of limitation, if any, does not begin to run until the victim reaches the age of 15 so this would give a victim under the age of 15 until at least 25 on this to bring a claim for relief after he knew or reasonably should have known. They go on to talk about childhood sexual abuse which would have been a violation committed when the plaintive was under 18 which would have been a violation. We have a statute of limitations that is already up to age 25. Now we are getting into a situation where claims become pretty stale and witnesses die and a claim could be brought against a deceased estate. There has to be a reasonable period of time where the limitation period runs out. I think ten years is more than sufficient.

Rep. P. Anderson: There is an unlimited statue for murder so I think there are scenario petrifies out there and if we can get rid of them and put them in jail. There is still that burden of proof.

Rep. K. Wallman: There is still a process for deciding whether it could go to court or not based on how much evidence there is. The further you go away from the incident the less likely you could prove a crime was committed. It has the weeding out effect. I read that very often in case of women who are victims of sexual abuse a lot of times having their own children will give them reason that I don't want that to happen to my own child; that they will follow through with criminal proceedings. Maybe it is not the case with civil issues. I think having up to 35 is not such a bad thing now. I don't want this bill to go down because other people think that is too big of a leap.

Rep. K. Hawken: Every case is different. This topic was not even talked about before. There are lots of people who repress this memory because it is so horrific. The number of years does make a difference. I think this crime is worse than murder.

Rep. Mary Johnson: There is virtually an unlimited period of time here. Then you add the DNA that is unlimited.

Rep. L. Klemin: I am assuming you intend to change that ten to twenty in both cases on the bill. In the civil one I agree with Rep. Johnson so that is covered there. Then on the second section that ten year period is one period in there but there is another period in there then it is within three years of when the offense was reported. Then finally we have the DNA which is a new part that could give the prosecution three years after that date.

Rep. P. Anderson: Don't you think sometimes people haven't repressed it or said anything and all of a sudden someone says that happened to me and then you remember.

Rep. L. Klemin: The purpose of the statute of limitations is you can't sleep on your rights. There are cases where you have a memory of something that didn't happen. To make a claim against the church long after the defender has died so that is just not right either. There has to be a time limit here.

Rep. K. Wallman: There are 12 other states that have done away with this statute of limitations. States have done away with this because they couldn't or weren't brave enough or far along enough in their recovery process to come confront the perpetrator. What is wrong with doing away with the statute of limitations if it doesn't actually increased false reporting?

Chairman K. Koppelman: Is that the criminal statute; the states you are referring to?

Rep. K. Wallman: I don't have the breakdown with criminal versus civil.

Rep. Kretschmar: The law over the years have put in statutes of limitations before; but to increase it because of the loose of evidence maybe those cases can never be brought on the criminal side. I would vote not on the proposed motion to amendment.

Chairman K. Koppelman: Someone talked about these statutes when a perpetrator leaves the state and then they come back. Does it apply in these cases?

Rep. L. Klemin: Yes that was Mr. Byer's testimony.

Rep. G. Paur: I oppose the amendment.

Rep. Brabandt: I also oppose the amendment.

Chairman K. Koppelman: So the proposed amendment was to change the 10 to 20 on lines 9 and 22 of the bill; which would double the statute of limitations both in the civil and criminal realm.

Voice vote failed.

Tabled further action.

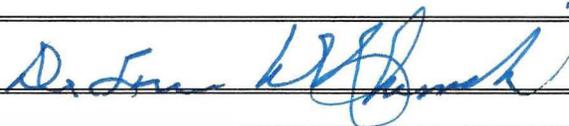
2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2331
3/25/2015
25416

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Chairman K. Koppelman: Reopened the meeting on SB 2331. It is fine for us to go forward on this bill.

Do Pass Motion Made by Rep. G. Paur; Seconded by Rep. Lois Delmore

Discussion:

Chairman K. Koppelman: Last session we had some bills that would have shortened the statute of limitation on civil.

Roll Call Vote: 10 Yes 0 No 3 Absent Carrier: Rep. Karls:

Date: 3-24-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2331**

House JUDICIARY Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep. Anderson Seconded By Rep. Wallman

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Handwritten notes:
 Voice
 Failed
 XE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Change 10 to 20 on lines
 9 + 22*

Date: 3-25-15
Roll Call Vote #: 7

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 582331

House JUDICIARY Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider _____

Motion Made By Rep. Paur Seconded By Rep. Delmore

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls	✓		Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	—				
Rep. D. Larson	✓				
Rep. Maragos	—				
Rep. Paur	✓				

Total (Yes) 10 No 0

Absent 3

Floor Assignment Rep. Karls

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2331, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)
recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
Engrossed SB 2331 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

SB 2331

Senator Terry M. Wanzek**Testimony on SB 2331****Judiciary Committee- 2/4/15**

Good morning Chairman Hogue and members of the Senate Judiciary Committee. My name is Terry Wanzek, State Senator for District 29 and prime sponsor of SB 2331. This bill comes before you as a result of a constituent's request. You will hear from that constituent today. As she presented her case to me it made sense that a child victim under the age of 18 would not be able to fully understand or comprehend the severity of the situation or the crime of childhood sexual abuse and would most likely be unable to bring forth a claim until many years later.

The bill addresses both the criminal and civil statute of limitations on the prosecution and claims of relief for alleged childhood sexual abuse. It eliminates the statute of limitations in both civil and criminal cases.

Mr. Chairman and Senate Judiciary members, to be frank with you, and it may appear to be obvious, this is not an area of expertise for me. Thankfully, I grew up in an environment of loving and caring and protective parents and family. So I can only imagine the atrocity of being a victim of childhood sexual abuse. I can never claim to completely understand what kind of suffering they have gone through, and again can only imagine it would be terribly horrific.

On the other hand, I do not wish to falsely accuse and convict any innocent person of such a heinous crime. This could be a tragedy in itself too. There may be sound rational legal reason why there is a statute of limitations, I am not sure, but I believe these victims deserved this chance to have this discussion. Thus the bill before you.

Mr. Chairman and fellow Senators, I recognize the legal knowledge, experience and expertise of this committee and have respect for you and your members. And in sincerity, I believe this bill will be fairly heard and considered and a rational, thoughtful legal conclusion will be reached.

Thank you Mr. Chairman and Judiciary Committee members, and I will try to answer any questions you may have.

#2A-1
2/4/15

Testimony in support of
SB 2331,
January 12, 2015
By Kathy Hogan, Rep. District 21

Chairman Hogue and members of the Senate Judiciary Committee, for the record, my name is Kathy Hogan. I represent District 21 which is the heart of Fargo.

Senate Bill 2331 is a bill that would change the statute of limitation and claims of relief on actions alleging child sexual abuse. This bill was introduced on behalf of a group of victims of child sexual abuse. Over the last 20 years, our society has become much more aware of both the frequency of child sexual abuse and the significant lifelong impacts of these tragic situations. You will be hearing both personal stories and expert testimony on this critical issue.

Over the last 10 years, states are recognizing the need to revise their statutes. I am attaching for your information, a 2013 comparison study of various state statutes.

Thank you for your consideration. I urge your support of this bill. I would be more than willing to answer any questions.

2B-1

Statutes of Limitations for Sexual Assault

A State-by-State Comparison

Current as of 8/21/2013

This chart summarizes the applicable state statutes of limitations for the prosecution of various sexual assault crimes. The chart also highlights states that have a DNA exception to the statute of limitations. Though the specifics vary from state to state, a DNA exception allows for the tolling of a statute of limitations in cases where a perpetrator is later identified through DNA evidence. As of the date of this chart, 27 states have some form of a DNA exception that extends the time limit for prosecuting the offense.

Additionally, 8 states do not have any statute of limitations for prosecuting felony sexual assault. Of these states, Delaware has no statute of limitations for any sexual offense; Wyoming and South Carolina have no statute of limitations for any criminal prosecution. States without a statute of limitations would not need a DNA exception.

Prepared by:
Brittany Ericksen, Staff Attorney
Ilse Knecht, Project Manager, Deputy Director Public Policy



copyright laws apply to the proper use and crediting of these materials. This chart is supported by Grant No. 2011-TA-AX-K048 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in these materials are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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Statute of Limitations for Sexual Assault Offenses

State	Crime	Statute of Limitations ¹	DNA Exception	DNA Exception Text
Alabama Ala. Code §§ 15-3-1, 15-3-2, 15-3-5				
	Rape; Sexual abuse with violence or threat of violence; Sexual offense (victim under 16)	None		
	Felony sexual abuse	3 years		
	Misdemeanor sexual abuse	1 year		
Alaska Alaska Stat. § 12.10.010				
	Sexual assault; Sexual abuse against a minor	None		
	Sexual offense against an unaware, incapacitated, or mentally incapable victim	10 years		
	Other sexual offenses	5 years		
Arizona Ariz. Rev. Stat. § 13-107			✓	(E) The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.
	Violent sexual offenses; Sexual assault; Sexual conduct with a minor (under 15 or perpetrated by family/guardian)	None		

¹ Most states have provisions tolling the period of limitations if the accused purposely avoids prosecution or does not reside within the state.

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Statute of Limitations for Sexual Assault Offenses

	Sexual conduct with a minor, age 15-18; Sexual abuse	7 years ²		
Arkansas Code § 5-1-109			✓	(i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person. (j) When DNA testing implicates a person previously identified through a search of state or national DNA database, a statute of limitations shall not preclude prosecution.
	Sexual offenses against a minor	Before victim turns 28		
	Rape	6 years		
	Sexual assault	3 years		
California Cal. Penal Code §§ 799, 800, 801, 803			✓	A criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing , if both of the following conditions are met: (A) The crime is one that is described in subdivision (c) of Section 290. (B) The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004, or the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.
	Sexual offenses against a minor	Before victim turns 28		
	Rape	10 years		
Colorado Colo. Rev. Stat. § 16-5-401			✓	(a.5) Except as otherwise provided in paragraph (a) of subsection (1) of this section concerning sex offenses against children, in any case in which the identity of the defendant is determined, in whole or in part, by patterned chemical structure of genetic information, and in

² "After actual discovery by the state or political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs."

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Statute of Limitations for Sexual Assault Offenses

			<p>which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission of the offense, there shall be no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense charged:</p> <p>(I) Under section 18-3-402, C.R.S. [sexual assault], or section 18-3-403, C.R.S. [sexual assault (2nd degree)], as said section existed prior to July 1, 2000; or</p> <p>(II) As criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in subparagraph (I) of this paragraph (a.5).</p>
	Sexual offense against children under 15	None	
	Sexual assault	10 years	
<p>Connecticut Conn. Gen. Stat. § 54-193</p>			<p>✓ [T]here shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70 [sexual assault (1st degree)], 53a-70a [aggravated sexual assault (1st degree)], 53a-70b [sexual assault in a spousal or cohabitative relationship], 53a-71 [sexual assault (2nd degree)], 53a-72a [sexual assault (3rd degree)], or 53a-72b [sexual assault (3rd degree) with a firearm], provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.</p>
	Sex assault of a minor under 16 and with force	None	
	Other sexual assault of a minor if no force	30 years after victim attains the age of majority, or within five years after report to authorities, whichever is	

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Statute of Limitations for Sexual Assault Offenses

		earlier ³	
	Sexual assault	5 years	
Delaware Del. Code Ann. tit. 11, § 205			✓ (i) If the limitation period has expired, a prosecution for any offense in this title may be commenced within 10 years after it is committed if based upon forensic DNA testing.
	Sexual offenses	None ⁴	
District of Columbia D.C. Code § 23-113			
	Sexual abuse against a minor	15 years after victim turns 21	
	Sexual abuse	15 years ⁵	
Florida Fla. Stat. § 775.15			✓ (15) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused: 1. An offense of sexual battery under chapter 794. 2. A lewd or lascivious offense under s. 800.04 or s. 825.1025. (b) This subsection applies to any offense that is not otherwise barred from prosecution between July 1, 2004, and June 30, 2006. (16) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:

provided that if the prosecution is for 2nd degree sexual assault and victim is 13 or older but under 16 and offender is more than 3 years older, the victim notified such police officer or state's attorney not later than five years after the commission of the offense.

so long as prosecution is not based solely on the victim's memory, if recovered through psychotherapy without independent evidence.

⁵ The period of limitation shall not begin to run for 1st degree sexual abuse of a ward (D.C. Code § 22-3013) or 2nd degree sexual abuse of a ward (D.C. Code § 22-3014) until the victim is no longer a ward. The period of limitation shall not begin to run for 1st sexual abuse of a patient or client (D.C. Code § 22-3015) or 2nd degree sexual abuse of a patient or client (D.C. Code § 22-3016) until the victim is no longer a patient or client of the actor.

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Statute of Limitations for Sexual Assault Offenses

			<ol style="list-style-type: none"> 1. Aggravated battery or any felony battery offense under chapter 784. 2. Kidnapping under s. 787.01 or false imprisonment under s. 787.02. 3. An offense of sexual battery under chapter 794. 4. A lewd or lascivious offense under s. 800.04, s. 825.1025, or s. 847.0135(5). 5. A burglary offense under s. 810.02. 6. A robbery offense under s. 812.13, s. 812.131, or s. 812.135. 7. Carjacking under s. 812.133. 8. Aggravated child abuse under s. 827.03. <p>(b) This subsection applies to any offense that is not otherwise barred from prosecution on or after July 1, 2006.</p>
	Sexual battery, if victim under 18 years	None	
	Sexual battery with threat/force	4 years ^{6,7}	
	Other sexual battery	3 years	
Georgia Ga. Code §§ 17-3-1, 17-3-2.1			<p>✓ (c-1) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:</p> <ol style="list-style-type: none"> (1) Armed robbery, as defined in Code Section 16-8-41; (2) Kidnapping, as defined in Code Section 16-5-40; (3) Rape, as defined in Code Section 16-6-1; (4) Aggravated child molestation, as defined in Code Section 16-6-4; (5) Aggravated sodomy, as defined in Code Section 16-6-2; or (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2; <p>provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as</p>

⁶ If the victim was under 18 at the time the offense was committed, the applicable period of limitation does not begin to run until victim has reached the age of 18 or the offense is reported to a law enforcement agency, whichever occurs first.

⁷ If the victim was 18 or older at the time of commission of the offense and the offense was reported to law enforcement within 72 hours after its commission, there is no statute of limitations; if the offense was not reported within 72 hours after its commission, the prosecution must be commenced within the original statute of limitations.

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Statute of Limitations for Sexual Assault Offenses

			provided in subsections (b) and (c) of this Code section.
	Sexual assault against a minor, committed after July 1, 2012	None	
	Sexual assault against a minor, committed before July 1, 2012	7 years after victim turns 16 or the violation is reported to authorities, whichever occurs earlier	
	Forcible rape	15 years	
Hawaii Haw. Rev. Stat. § 701-108			✓ (3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for: ... (c) Any felony offense involving evidence containing deoxyribonucleic acid from the offender, if a test confirming the presence of deoxyribonucleic acid is performed prior to expiration of the period of limitation prescribed in subsection (2), but in no case shall this provision extend the period of limitation by more than ten years from the expiration of the period of limitation prescribed in subsection (2).
	Sexual assault, class A	6 years	
	Sexual assault against a minor	3-6 years	
	Other sexual assault	3 years	
Idaho Idaho Code §§ 19-401, 402			
	Rape; Sexual abuse of a child	None	
	Sexual abuse	5 years	
	Ritualized abuse of a child	3 years after disclosure	
Illinois 720 Ill. Comp. Stat. 5/3-5, 5/3-6			✓ (a) A prosecution for: . . . any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code which the DNA profile of the offender is obtained and entered into a DNA

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			database within 10 years after the commission of the offense, may be commenced at any time . Clause (2) of this subsection (a) applies if either: (i) the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.
	Sexual abuse/assault against a minor	20 years after victim turns 18	
	Sexual abuse/assault ⁸	10 years (as long as victim reported offense within 3 years); otherwise, 3 years	
Indiana Ind. Code § 35-41-4-2			✓ (b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state: (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.
	Rape (class A, level 1, 2)	None	
	Rape (class B, C, D, level 3, 4, 5, 6)	5 years	
	Listed sex offenses against children ⁹	Until victim turns 31	
	Other sex offenses against children	Within 10 years of	

⁸ For any offense involving sexual conduct or sexual penetration where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within 1 year after the discovery of the offense by the victim.

⁹ Ind. Code § 35-42-4-3(a) (Child molesting); Ind. Code § 35-42-4-5 (Vicarious sexual gratification); Ind. Code § 35-42-4-6 (Child solicitation); Ind. Code § 35-42-4-7 (Child seduction); Ind. Code § 35-46-1-3 (Incest).

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		commission or 4 years after the person ceases to be a dependent of the perpetrator, whichever is later	
Iowa Iowa Code § 802.2			✓ 1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile , whichever is later. 2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile , whichever is later.
	Sexual abuse of a minor	10 years after victim turns 18	
	Sexual abuse	10 years	
Kansas Kan. Stat. Ann. § 21-5107			✓ (c) Except as provided in subsection (e), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the

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			identity of the suspect is conclusively established by DNA testing, whichever is later.
	Rape	None	
	Sexually violent crimes against a minor ¹⁰	10 years after victim turns 18	
	Sexually violent crimes ¹¹	10 years	
Kentucky Ky. Rev. Stat. § 500.050			
	Rape; Felony sex abuse	None	
	Misdemeanor sex abuse with minor	5 years after victim turns 18	
	Misdemeanor sex abuse	1 year	
Louisiana La. Code Crim. Proc. arts. 571, 571.1, 572			
			✓ (1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile. (2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing.
	Forcible rape	None	
	Sexual offenses against a minor	30 years after victim turns 18	
	Sexual offenses	30 years	
Maine Me. Rev. Stat. tit. 17-A, § 8			
	If victim is under 16: Gross sexual assault; Rape; Incest: Unlawful	None	

¹⁰ The statute of limitations is tolled when (A) The victim was a child under 15 years of age at the time of the crime; (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

¹¹ Same as above.

Statute of Limitations for Sexual Assault Offenses

	sexual contact; Sexual abuse			
	Unlawful sexual contact; Gross sexual assault (class A, B, or C)	8 years		
	Sexual offense (class D or E)	3 years		
Maryland				
Md. Code, Cts. & Jud. Proc. §§ 5-106, 117				
	Felony sexual offense or misdemeanor punished by imprisonment in a penitentiary	None ¹²		
	Other misdemeanor sex offense	1 year		
Massachusetts				
Mass. Gen. Laws ch. 277, § 63				
	Rape or abuse of a child under 16	None ¹³		
	Rape	15 years		
	Other sexual offenses	6 years		
Michigan				
Mich. Comp. Laws § 767.24				
			✓	(2)(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.
	Criminal sexual conduct (1 st degree)	None		
	Criminal sexual conduct (2 nd - 4 th degrees)	10 years (or by the victim's 21 birthday, whichever is		

¹² *Smallwood v. State*, 443 A.2d 512, 1006 (Md. 1996).

¹³ Any indictment or complaint found and filed more than 27 years after the date of commission of such offense must be supported by independent evidence that corroborates the victim's allegation.

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Statute of Limitations for Sexual Assault Offenses

<p>Minnesota Minn. Stat. § 628.26</p>		<p>later)</p>	<p>✓ (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.342 to 609.344 [criminal sexual conduct (1st, 2nd, and 3rd degree)] may be found or made and filed in the proper court at any time after commission of the offense, physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.</p> <p>....</p> <p>(n) The limitations period contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.</p>
	<p>Criminal sexual conduct with a minor</p>	<p>9 years after commission of the offense or within 3 years after the offense was reported to authorities, whichever is later</p>	
	<p>Criminal sexual conduct</p>	<p>3 years¹⁴</p>	
<p>Mississippi Miss. Code Ann. § 99-1-5</p>			
	<p>Rape (including statutory rape); Sexual battery of a child</p>	<p>None</p>	
	<p>Other sexual offenses</p>	<p>2 years</p>	

¹⁴ The limitations periods shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section Minn. Stat. § 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

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Statute of Limitations for Sexual Assault Offenses

Missouri Mo. Rev. Stat. §§ 556.036, 556.037			
	Forcible rape	None	
	Other sexual offenses involving a minor	30 years after victim turns 18	
	Other sexual offenses	2 years	
Montana Mont. Code § 45-1-205			✓ (b)(9) If a suspect is conclusively identified by DNA testing after a time period prescribed in subsection (1)(b) or (1)(c) has expired, a prosecution may be commenced within one year after the suspect is conclusively identified by DNA testing.
	Sexual assault against a minor	10 years after victim turns 18	
	Sexual assault; Sexual intercourse without consent	10 years	
	Other felony sexual offense	5 years	
Nebraska Neb. Rev. Stat. § 29-110			
	Sexual assault (1 st or 2 nd degree); Sexual assault of a minor (1 st or 2 nd degree); Sexual assault of a minor (3 rd degree), if victim under 16; Incest	None	
	Other felony sexual offenses	3 years	
Nevada Nev. Rev. Stat. Ann. §§ 171.083 , 171.085, 171.095			
	Sexual assault, if written report made before statute of limitations expires	None	
	Child sexual abuse	Before the victim turns 21, if victim	

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Statute of Limitations for Sexual Assault Offenses

		discovered or should have discovered she was a victim, otherwise age 28	
	Sexual assault	4 years	
New Hampshire N.H. Rev. Stat. § 625:8			
	Sexual assault if victim is under 18	22 years after victim turns 18	
	Sexual assault	6 years	
New Jersey N.J. Stat. Ann. § 2C:1-6			✓ (c) An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed, except that when the prosecution is supported by physical evidence that identifies the actor by means of DNA testing or fingerprint analysis, time does not start to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.
	Sexual assault	None	
	Other sexual offenses	5 years	
New Mexico N.M. Stat. Ann. § 30-1-8, 30-1-9.1, 30-1-9.2			✓ (A) When DNA evidence is available and a suspect has not been identified, the applicable time period for commencing a prosecution pursuant to Section 30-1-8 NMSA 1978 [statute of limitations] shall not commence to run for an alleged violation of Section 30-9-11 NMSA 1978 [criminal sexual penetration] until a DNA profile is matched with a suspect.
	Criminal sexual penetration resulting in bodily harm or victim	None	

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Statute of Limitations for Sexual Assault Offenses

	under 13 (1 st degree)		
	Criminal sexual penetration (2 nd degree)	6 years ¹⁵	
	Criminal sexual penetration (3 rd and 4 th degrees)	5 years ¹⁶	
New York ¹⁷ N.Y. Crim. Pro. Law § 30.10			✓
	Rape; Criminal sexual act; Aggravated sexual abuse; Course of sexual conduct against a child	None	
	Other felony sex offenses	5 years	
North Carolina <i>State v. Hardin</i> , 201 S.E.2d 74 (N.C. Ct. App. 1973)			
	Rape; Other felony sexual offenses	None	
North Dakota N.D. Cent. Code, §§ 29-04-02.1, 29-03.1, 29-03.2, 29.04.02			
	Sexual abuse of minor	7 years or 3 years after report is made ¹⁸	
	Gross sexual imposition, if serious bodily injury	7 years	
	Other felony sex offenses	3 years	
Ohio Ohio Rev. Code Ann. § 2901.13			

¹⁵ If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

¹⁶ If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

Although New York does not have a statutory DNA exception, the common law suggests its existence in certain cases. See *People v. Ramos*, 877 N.Y.S.2d 177 (N.Y. App. Div. 2009) (extending the 5 year statute of limitation to 10 years, noting that the defendants whereabouts were unknown until he was identified through a DNA profile match from a rape kit); *People v. Brown*, 890 N.Y.S.2d 415 (N.Y. App. Ct. 2009) (allowing an action to continue though the complaint was filed well beyond the 5 year statute of limitations because recent DNA evidence made the defendants identity known).

¹⁸ If victim is under 15, the statute of limitations will not run until victim reaches age 15. N.D. Cent. Code § 29-04-03.2

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Statute of Limitations for Sexual Assault Offenses

	Unlawful sexual conduct with a minor	20 years after victim turns 18 or after notification to authorities	
	Rape; Sexual battery; Gross sexual imposition	20 years	
Oklahoma 22 Okla. Stat. tit. 22, § 152			✓ 2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if: a. the victim notified law enforcement within twelve (12) years after the discovery of the crime b. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and c. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph b of this paragraph. A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.
	Lewd or indecent proposals or acts against children	12 years after discovery ¹⁹	
	Rape; Forcible sodomy	12 years	
Oregon Or. Rev. Stat. § 131.125			✓ (8) Notwithstanding subsection (2) of this section, if the defendant is identified after the period described in subsection (2) of this section on the basis of DNA (deoxyribonucleic acid) sample comparisons, a prosecution for: (a) Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or sexual abuse in the first degree may be commenced at any time after the commission of the crime. (b) Rape in the second degree, sodomy in the second degree or unlawful sexual penetration in the second degree may be commenced within 25 years after the commission of the crime. (9) Notwithstanding subsection (8) of this section, if a prosecution for a

¹⁹ "Discovery" means the date a victim under 18 is reports the crime to a law enforcement agency, up to and including one year after the victim turns 18.

Statute of Limitations for Sexual Assault Offenses

			felony listed in subsection (8) of this section would otherwise be barred by subsection (2) of this section, the prosecution must be commenced within two years of the DNA-based identification of the defendant.
	Rape or sexual abuse of a minor	Before the victim turns 30 or within 12 years after the offense is reported to authorities, whichever occurs first	
	Rape; Sodomy; Unlawful penetration; Sexual abuse	6 years	
Pennsylvania 42 Pa. Cons. Stat. § 5552			✓ (c-1) Notwithstanding any provision of law to the contrary, if evidence of a misdemeanor sexual offense set forth in subsection (c)(3) or a felony offense is obtained containing human deoxyribonucleic acid (DNA) which is subsequently used to identify an otherwise unidentified individual as the perpetrator of the offense, the prosecution of the offense may be commenced within the period of limitations provided for the offense or one year after the identity of the individual is determined, whichever is later.
	Sex offenses against a minor victim	Until victim turns 50	
	Rape; Sexual assault; Sexual abuse; Deviant sexual intercourse	12 years	
Rhode Island R.I. Gen. Laws § 12-12-17			
	Rape; Sexual assault (1 st degree); Child molestation (1 st and 2 nd degree)	None	
	Other sex assault	3 years	
North Carolina			
	Any criminal prosecution	None	
South Dakota S.D. Codified Laws §§ 22-22-1, 23A-42-2			

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Statute of Limitations for Sexual Assault Offenses

	Rape (1st and 2 nd degree)	None	
	Rape (3 rd and 4 th degree)	Before victim turns 25 or within 7 years of the commission of the crime, whichever is longer	
	Other sex offenses	7 years	
Tennessee²⁰			
Tenn. Code Ann. § 40-2-101			
	Child victim, prior to July 1, 1997: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 18 or 4 years after offense, whichever is later	
	Child victim between July 1, 1997- June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 21	
	Child victim on or after June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	25 years after age 18	
	Aggravated rape	15 years	
	Rape; Aggravated sexual battery	8 years	
	Other sexual offenses	4-2 years	
Texas			✓ [F]elony indictments may be presented within these limits, and not afterward:
Tex. Code Crim. Proc. art. 12.01			

²⁰ The Tennessee legislature considered a bill that would allow for the prosecution of aggravated rape, rape, aggravated rape of a child, rape of a child, aggravated sexual battery, and sexual battery to be commenced within a year of when DNA evidence established the identity of the accused. This bill assigned to subcommittee on 3/26/2013. See H.B 2685, S.B 2136, 107th Gen. Assemb., Reg. Sess. (Tenn. 2012).

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Statute of Limitations for Sexual Assault Offenses

			(1) no limitation: ... (B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
	Sexual assault of a child; Abuse of a child	None	
	Sexual assault	10 years	
	Other felony sex offenses	3 years	
Utah Utah Code Ann. §§ 76-1-301, 76-1-302			✓ (2)(a) Prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (BB) [habitually violent offenders] may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date ²¹ (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed. (3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within one year of the discovery of the identity of the perpetrator.
	Rape; Rape of a child; Object rape; Object rape of a child; Forcible sodomy; Sodomy on a child; Aggravated sexual abuse of a child; Sexual abuse of a child; Aggravated sexual assault	None	
	Forcible sexual abuse; Incest	Within 8 years after the offense is committed, provided that	

²¹ The above provision does not apply if the statute of limitations on an offense has run as of May 5, 2003, and no charges have been filed

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Statute of Limitations for Sexual Assault Offenses

		the offense was reported to a law enforcement agency within 4 years after commission of the offense	
	Other felonies	4 years	
Vermont Vt. Stat. Ann. tit. 13, § 4501			
	Aggravated sexual assault; Aggravated sexual assault against a child	None	
	Sexual assault of a minor	Within 40 years of the assault	
	Sexual assault; Sexual abuse against a vulnerable person	6 years	
Virginia Va. Code Ann. § 19.2-8			
	Felony criminal sexual assault	None	
Washington Wash. Rev. Code § 9A.04.080			✓ (j)(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing , whichever is later.
	Rape of victim under 18 (1 st or 2 nd degree); Rape of a child (1 st , 2 nd or 3 rd degree)	Before victim turns 30	
	Rape (1 st or 2 nd degree)	10 years if reported to law	

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Statute of Limitations for Sexual Assault Offenses

		enforcement within 1 year of commission	
	Rape (1 st or 2 nd degree), if not reported within 1 year	If victim age 14 or older: within 3 years of commission. If victim under 14 years: 3 years after victim turns 18, or 7 years after commission, whichever is later	
	Other felony sex offenses	6-3 years	
West Virginia W. Va. Code § 61-11-9			
	Felony sex offense	None	
	Misdemeanor sex offense	1 year	
Wisconsin Wis. Stat. § 939.74			<input checked="" type="checkbox"/> (2d) (c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), or (cm) for commencing prosecution of a felony under ch. 940 [crimes against life and bodily security] or 948 [crimes against children], other than a felony specified in sub. (2) (a) [including sexual assault (1 st degree) and sexual assault of a child (1 st degree)], expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

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Statute of Limitations for Sexual Assault Offenses

		(e) If, within 6 years after commission of a felony specified under sub. (2) (a) [including sexual assault (1 st degree) and sexual assault of a child (1 st degree)], the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for a crime that is related to the felony within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.	
	Sexual assault (1 st degree); Sexual assault of a child (1 st degree)	None	
	Other listed sexual offenses against children	Before victim turns 45	
	Other felony sexual assault	6 years	
Wyoming <i>Boggs v. State</i> , 484 P.2d 711 (Wyo. 1971)			
	Any criminal prosecution	None	

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SB 2331

Chairman Hogue and members of the Senate Judiciary Committee:

For the record, my name is Betty Jo Krenz. I am from Woodworth North Dakota and I am an advocate for victims of abuse.

I want to visit with each of you about why it is so important to pass SB 2331.

Today, we speak for the girl that lives next door, your cousin, your sister, your sister-in-law, your niece, your best-friend, your wife, your classmate or your dorm mate. We speak for all the children who have been sexually abused and do not have the courage to stand up and speak for themselves.

Sexual abuse is more prominent that we choose to think. It is in your neighborhood, in your community and in your county.

We can look away from it or choose to ignore it. This behavior makes it impossible for the victims to come to terms with and to heal from the long-term symptoms they develop from the abuse. Looking away from or ignoring sexual abuse is happening allows the offender to continue to abuse those around them.

By the time the human brain matures at 25 years of age, long term abuse has already taken place and the effects from it are firmly cemented into the person's being. If and when they find the courage and strength to disclose the abuse, they are called liars and branded as troubled youth and problematic. Many are told that no one will believe their story and "who is going to care anyway?" Defeated, the victims slide into an unrealistic self-image, self-harm, legal issues and failed relationships are typical of an individual that fights this internal battle. They are told they are trouble makers and are labeled as damaged. They live in constant emotional pain and most are not allowed to talk about what is hurting so badly. If somebody has cancer or a broken bone, they are given the opportunity to heal, and people have empathy for their situation. When a victim of sexual abuse, or any childhood abuse for that matter, show behaviors that demonstrate their pain, they are referred to as liars or attention seekers. This cycle needs to end. Healing needs to take place. Taking away the statute of limitations on sexual abuse of a minor will give the victim a chance to validate the crime and have a starting point from where they can begin to heal. Not every victim will step forward and take advantage of the bill, but it will leave the door open for anyone who chooses that path.

One in six boys and one in four girls will be sexually abused by the time they are 18. If you put that into perspective for North Dakota, consider this:

In 2013, North Dakota's population count for children under the age of 18 was 162,688. Of that population, 83,267 were boys and 79,421 were girls. Using the percentages given above, 13,877 boys and 19,855 girls will be sexually abused by the time they are 18. To add further perspective, if you have a classroom with forty students, at some point, eight of those students will have been or will be sexually abused. That rounds out to 20 percent of North Dakota's youth who will or have suffered sexual abuse by the time they are 18. According to statistics published for 2013 on the NDKidsCount Web site, there were 64 unique cases child sexual abuse. This figure is grossly low. A simple bit of rough math using the above statistics will tell you that in 2013, there were 1784 children who were victimized. The 64 unique cases is not a representative number of the cases that are actually taking place.

The Administration for Children and Families estimates the economic burden of child abuse and neglect in the United States at an average of \$210,012 per child, including long-term health care, lost productivity, child welfare, criminal justice and special education costs.

While working as an advocate in the state of North Dakota, I have spoken to women who claim that 80% of their family members or female friends have been raped or were victims of childhood abuse. That number is not only shocking, but it's unacceptable.

Sexual offenders are masters at grooming their victims, and when they groom the victims appropriately, they (the offenders) know that nobody will believe the victims. They will tell the child that it's a "special kind of love that has to be a secret," and/or they are told "mommy or your sister will be jealous and mad if you tell." These perpetrators are master manipulators and will continue to abuse unless we stop them.

Ten states have removed the statute of limitations on sexual abuse of a minor; in fact, Kentucky has completely removed all statute of limitations on ALL felonies! North Dakota nice does not apply to sex offenders! Let's take the lead in this fight, and tell all abusers that it is not OK to offend in state of North Dakota.

Thank you for your time, I want to personally thank Senator Terry Wanzek for listening to me and offering to work with us to sponsor this bill.

Betty Jo Krenz

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The Impact of Childhood Trauma: An Overview

Stephen Wonderlich, Ph.D.

Director, Treatment Collaborative for Traumatized Youth

Heather Simonich, M.A.

Coordinator, Treatment Collaborative for Traumatized Youth

for

#4-1

Definition

- **Child sexual abuse is any interaction between a child and an adult (or another child) in which the child is used for the sexual stimulation of the perpetrator or an observer.**
- **Sexual abuse can include both touching and non-touching behaviors.**
 - **Touching behaviors may involve touching of the vagina, penis, breasts or buttocks, oral-genital contact, or sexual intercourse.**
 - **Non-touching behaviors can include voyeurism (trying to look at a child's naked body), exhibitionism, or exposing the child to pornography.**

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What are the consequences of
child sexual abuse?

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Research Article

Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults

The Adverse Childhood Experiences (ACE) Study

Vincent J. Felitti, MD, FACP, Robert F. Anda, MD, MS, Dale Nordenberg, MD, David F. Williamson, MS, PhD, Alison M. Spitz, MS, MPH, Valerie Edwards, BA, Mary P. Koss, PhD, James S. Marks, MD, MPH

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ACE Study

Adverse Childhood Experiences

1. Child physical abuse.
2. Child sexual abuse.
3. Child emotional abuse.
4. Emotional neglect.
5. Physical neglect.
6. Mentally ill, depressed or suicidal person in the home.
7. Drug addicted or alcoholic family member.
8. Witnessing domestic violence against the mother.
9. Loss of a parent to death or abandonment, including abandonment by parental divorce.
10. Incarceration of any family member for a crime.

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ACE Study

<u>Disease</u>	<u>4 or More Adversities (Odds Ratio)</u>
Smoking	2.2
Obesity	1.6
Depression	4.6
Suicide Gesture	12.2
Alcoholism	7.4
Illicit Drugs	4.7
Injectable Drugs	10.3
Sexual Promiscuity	3.2
STD	2.5

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ACE Study

<u>Disease</u>	<u>4 or More Adversities (Odds Ratio)</u>
Heart Disease	2.2
Cancer	1.9
Stroke	2.4
Bronchitis/Emphysema	3.9
Diabetes	1.6
Hepatitis	2.4
Fair/Poor Health	2.2

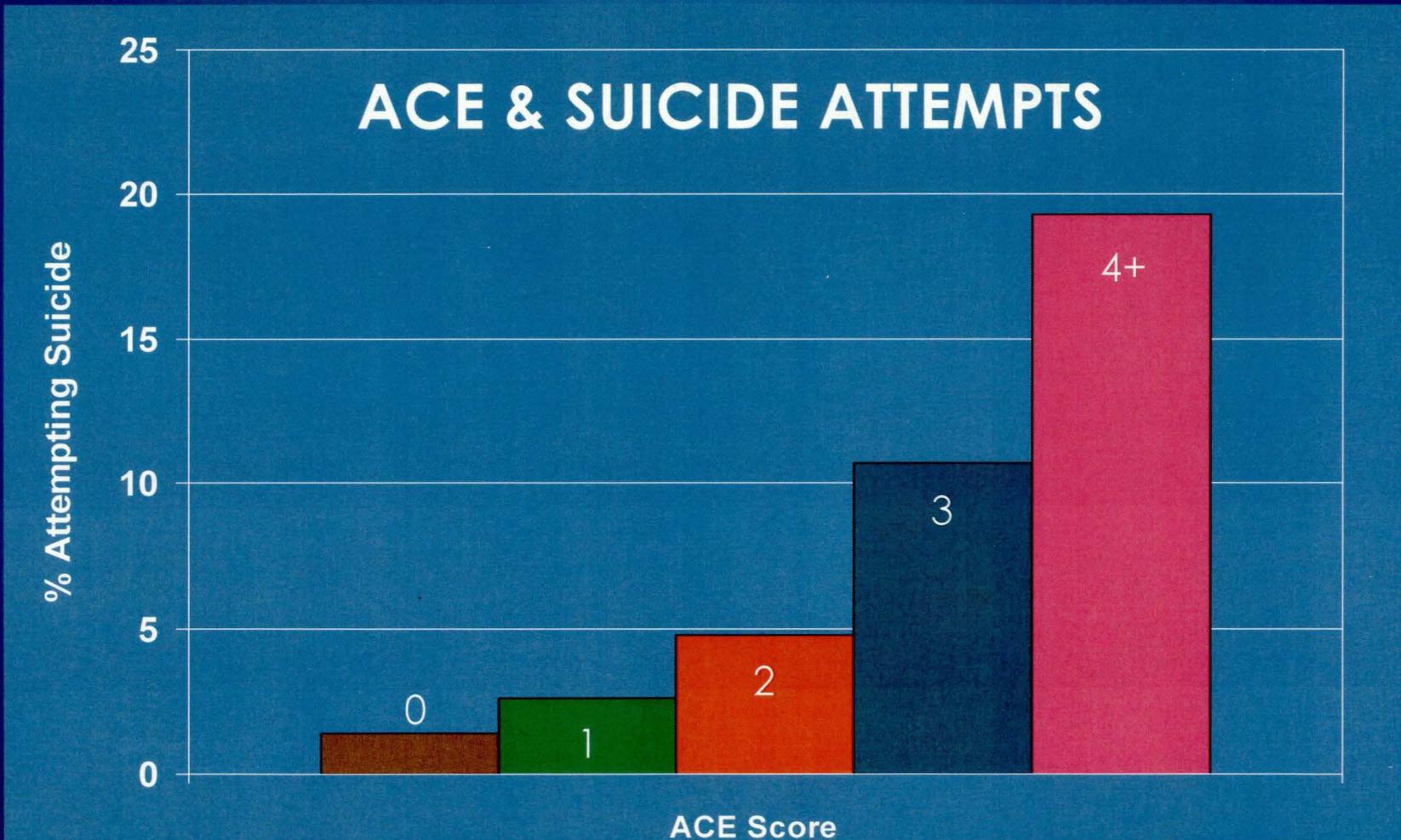
Felitti et al., 1998

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ACE Study

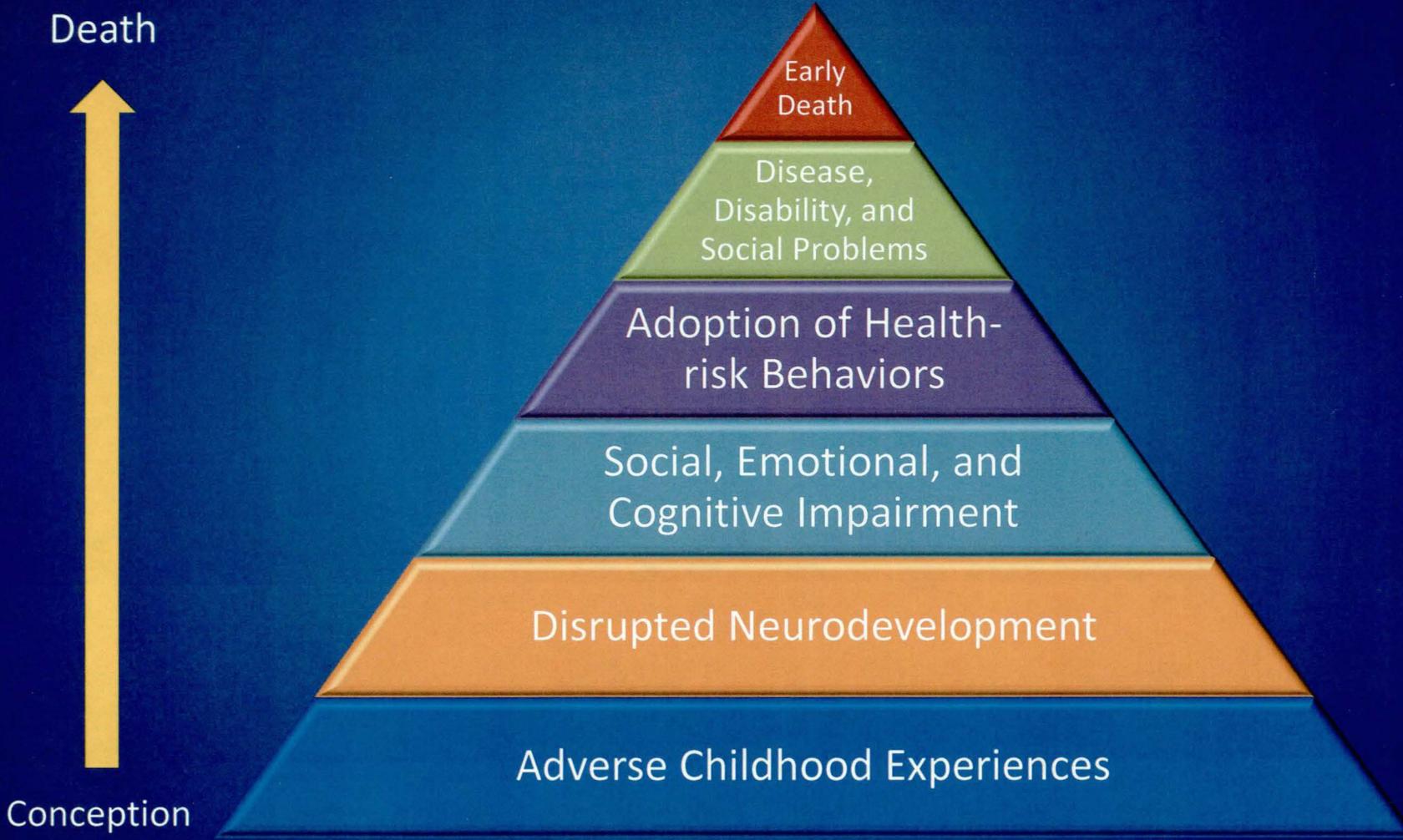
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Long-Term Trauma Impact ACE Pyramid: CDC

SHARE
14 DEC 95



Mechanisms by Which Adverse Childhood Experiences Influence Health and Well-being Throughout the Lifespan

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Psychological Consequences of CSA (Scientifically Supported Elevations)

- Depression
- Anxiety
- Psychosis
- Self Mutilation
- Substance Abuse
- PTSD
- Eating Disorders
- OCD
- Suicide
- Severe Personality Disorders

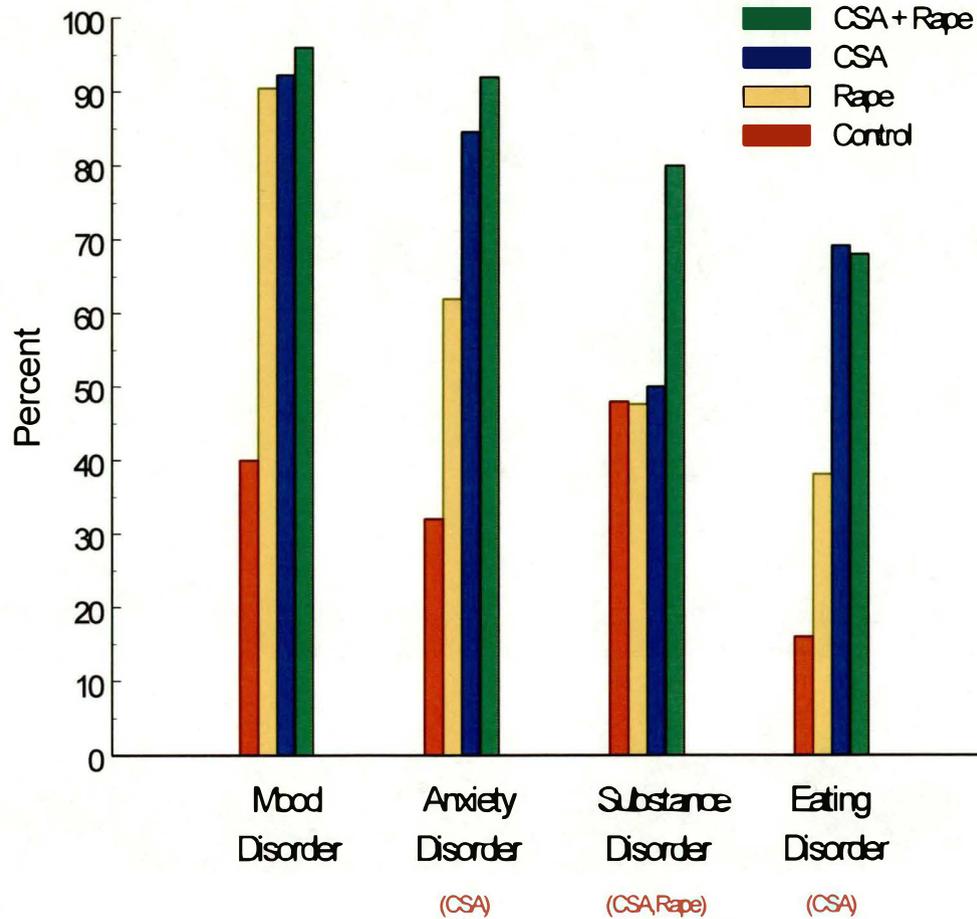
Maniglio, 2009

5/14/15
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11/7

Sexual Trauma and Psychopathology in ND

6/1/02
Feed GIS



Thompson et al., 2002

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Medical Consequences of CSA (Scientifically Supported Elevations)

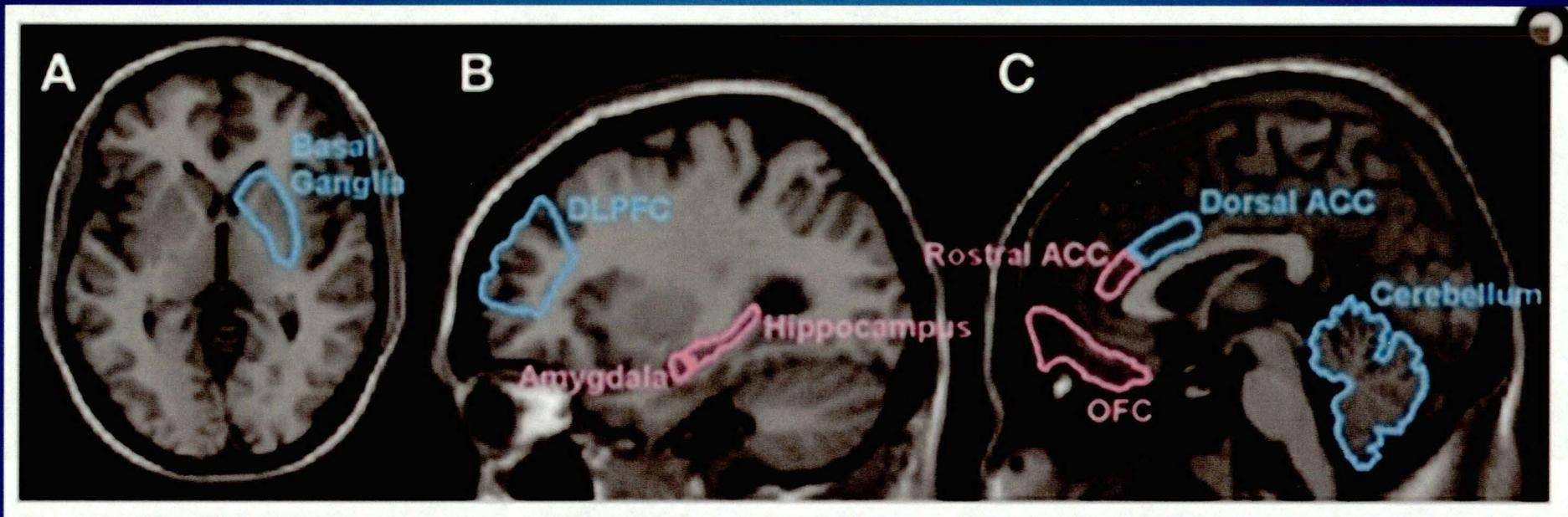
- Functional GI
- Chronic pelvic pain
- Headache
- Musculo-skeletal pain
- Joint pain
- Ischemic heart disease
- Obesity

Irish et al., 2010

SMHC
1222 95

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Brain Areas Implicated in Maltreated Individuals



Anatomical brain regions implicated in maltreated subjects based on structural and functional imaging studies, overlaid on a high resolution structural MRI image. Regions highlighted in pink correspond to fronto-limbic areas involved in emotion and motivation processing and regions highlighted in blue to fronto-striatal brain regions involved in executive functions, working memory, inhibition and attention. Panel (A) shows an axial view containing the basal ganglia and panels (B,C) are sagittal views highlighting the hippocampus, amygdala and DLPFC and ACC, OFC, and cerebellum, respectively.

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Educational Consequences of Child Trauma

- Research demonstrates that children who experience trauma are more likely to have:
 - **A lower GPA** (Hurt et al., 2001; Beers & DeBellis, 2002)
 - **Higher rate of school absences** (Beers & DeBellis, 2002)
 - **Higher likelihood of drop-out** (Grogger, 1997)
 - **More suspensions and expulsions** (Eckenrode et al., 1993)
 - **Decreased IQ and reading ability** (Delaney-Black et al., 2003)
 - **Significant deficits in attention, abstract reasoning, long-term memory for verbal information** (Beers & DeBellis, 2002)
 - **Special education services** (Shonk & Cicchetti, 2001)

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Social/Vocational Consequences of Child Trauma (Scientifically Supported Elevations)

- Unemployment
- Financial problems
- Work absenteeism
- Involvement in juvenile courts
- Involvement in adult courts

Anda et al., 2004

Reaves et al., 2013

SN/AMC
1/2/2015

Economic Consequences of Child Abuse (Estimates per Child)

5/17/12
1465695

Expenses attributed to the Abuse

1 Year Total-2010 dollars

• Short term Health Costs	\$ 32,648
• Long term Health Costs	\$ 10,530
• Productivity Losses	\$144,360
• Child Welfare Cost	\$ 7,728
• Criminal Justice Cost	\$ 6,747
• Special Education Cost	<u>\$ 7,999</u>
	\$210,012

4-16

Summary

- **CSA (and other types of child abuse) has significant health, educational, and social impacts on children**
- **Not all victims experience such consequences. Children's temperament, the abuse itself, and the quality of the environment influence the impact**
- **The effects tend to be enduring and often require intensive treatment**

56 2331
2/14/15

4077

SB 2331

Chairman Hogue and Members of the Senate Judiciary Committee:

I am Theresa Semmens from Fargo. Thank you for your interest in Senate Bill 2331.

As the bill has been introduced and described to you, SB 2331 seeks to remove the statute of limitations for child sexual abuse for criminal and civil proceedings.

Testimony, both personal and expert related to the victims and survivors of childhood sexual abuse has been presented to you for your review and consideration. Today is the start of many conversations, discussions and work that will provide means and ways to protect North Dakota's children against these heinous crimes.

I want to provide you with a description of a "typical" childhood sexual abuse offender profile along with facts related to their behavior. The information I am sharing with you was gleaned from research reports, law enforcement websites and sites dedicated to preventing child abuse.

Who is a child sexual abuse offender? They are a heterogeneous group; they can be the volunteer softball coach, the fourth grade teacher, the football quarterback, the owner of the local bowling alley, an uncle, brother, cousin or neighbor. They can be a farmer, banker, plumber or someone who is retired, and both genders can be offenders. They do not fall along any specific socioeconomic or social achievement spectrums; intelligence levels vary among them; and most are not "crazy" or psychotic. In fact, there is no such thing as a typical profile. But they do have several common denominators or characteristics.

- Offenders justify their behavior through
 - Denial – they refuse to admit to others and even to themselves they have committed sexual assaults. They may say, "It's a lie, I never did that," or "She/he agreed to it."
 - Rationalizing – this involves blaming the victim, other people or circumstances. You might hear, "It wasn't my fault, she/he asked for it," or "I was drunk and didn't know what I was doing."
 - Minimizing – this is used by offenders to deny the seriousness of the acts. It is not unusual to hear "She is too little to understand what happened," "I didn't really hurt her," "It wasn't that bad, he liked it," or "It wasn't penetration, how can it be a crime?"
- Child molesters may engage in incestuous, as well as non-incestuous abuse and may target children of both genders.
- Seventy percent of adult offenders admitted they had begun their deviant sexual behaviors as adolescents.
- If the child victim is under the age of 12, 90% know their offender, and almost half of the offenders are a family member. Of sexual assaults against individuals 12 years-old and up, 80% of the victims know the offender.
- In the majority of cases, abusers gain access to their victims through deception, coercion, enticement, threats and fear. They seldom use force or violence.
- While there is a small subset of offenders who are exclusively attracted to children, the majority who sexually abuse children are (or have been) attracted to adults. Most are married or in a consenting relationship.
- No assumptions can be made about an offender's preference. Research and anecdotal evidence indicate that some sex offenders choose only one type of victim, while others prey on different types.
- Because of the age difference, children are unable to legally consent to sexual acts. They do not have the ability to say no, they can only cooperate.

SB 2331
2/4/15

We received several letters of testimony through our Facebook page, "Child Survivors for Justice," and our email address, childsurvivor@gmail.com. These two excerpts carry a powerful message.

The first excerpt was taken from "Proud Mom of 3 boys under 3:" She states, "You are probably wondering why I did not tell anyone. I can tell you when I was very little, he would threaten me. He told me my toys would be taken away, no one would believe or love me and I would be sent away. He told me it was our secret and I would get into big trouble if I told. The neighbor girl was also molested by him and she came forward. I remember how terrible the entire family talked about this girl, saying that she had problems and that she was lying, that they were poor, etc. This girl was pretty much coerced into saying that she lied and that it didn't happen. I felt ashamed and embarrassed. I knew that if I came forward the same fate would happen to me. I lived in fear every day when I went to my Grandma's house. I would cry and tell my mother I did not want to go. She thought it was because it was "boring" or because Grandma was not the best housekeeper. So she would force me to go. (I know my mother has severe guilt over this because she did not realize what was going on.)"

A second excerpt is taken from an email sent to us from Ginger. She states, "You need to pass this bill so when children are mature and strong enough to face their offenders, they are able to do this, not when they are still children. As the statutes stand, if the abuse stopped at age 7, a victim would only have until age 14 to report it. This needs to CHANGE! Children are not able to express easily that they are being abused. As a victim of child sexual abuse, I can say that it is very hard to express this due to being intimidated, being told that your parents will fight and get divorced, that no one will believe you and that you will no longer have a family. I did tell my grandmother and she did not believe me. When the abuse finally did come out from another victim and I collaborated, I was told to be quiet and that "boys will be boys," and it would "break my grandpa's heart." So, even at 24 years of age I did not pursue the abuse because I was pressured by family members not to say anything. Can you imagine being told this as a child?

It is important to understand that offenders always make a choice when they commit sexual offenses. They decide to act even though it is wrong. Nothing a victim does can make a person commit a sexual offense.

The information presented to you today does not adequately describe how important it is to pass SB 2331. Removing the statute of limitations for child sexual abuse crimes will give victims and survivors, when they are strong in mind, spirit and body, a chance to face their offender or offenders in a legal venue albeit civil or criminal. As Betty Jo Krenz explained to you, often this strength and healing does not happen until the victim is in their 30s, 40s and even 50s.

I would like to thank Senators Terry Wanzek and Joan Heckaman, and Representatives Kathy Hogan and Mike Brandenburg for sponsoring this bill. This bill is important for protecting North Dakota's children. To do this, we are getting the conversation started, and the passing of the bill, or some form of it will help to further that conversation and work.

Thank you for taking the time to listen to and to visit with us today.

Theresa Semmens

Theresa.Y.Semmens@gmail.com

SB 2331
2/4/15

February 1, 2015

RE: SB

To the Members of the Senate Judiciary Committee;

My name is Ginger Westfall, and as a childhood sexual abuse survivor, I want to stress how it is extremely important that SB Bill 2331 passes. **There must be no statute of limitations on child sexual abuse.** Children do not have the skills or the courage to face their offenders. Children are not able to express easily that they are being abused.

As a victim of child sexual abuse I can tell you that it is very hard to express this due to being intimidated, being told that your parents will fight and get divorced, told that no one will believe you, and that you will no longer have a family.

I can say that I did tell my grandmother and she did not believe me. When the abuse finally did come out from another victim and I collaborated, I was told to be quiet and that "boys will be boys," and that it would "break my grandpa's heart." Even at 24 years of age, when I tried to talk about this, I did not pursue the abuse because I was pressured by family members not to say anything. Can you imagine being told this as a child? You must pass this bill so when children are mature and strong enough to face their accusers they will be able to do this.

With the current statute of limitations, if the abuse stopped at age 7, I would have only had until 14 years of age to report it. This needs to CHANGE!

My abuse started at such a young age I do not remember. I either blocked it out, or I do not remember. IT always was. It continued into grade school. I then avoided ever being in the same room as my abuser. However, even in high school he attempted to rape me on 2 occasions. I did fight him off. As an adult he knew I did not want him around me. I made this obvious. He would still try to intimidate me. When in public situations, I could not do anything. For example, at my wedding, he came through the dollar dance. KNOWING I did not want him too, and I am positive it was his arrogance saying, "What are you going to do about it?????"

I am currently 43 years old. This is still traumatizing for me. I can say the abuse affected me. I was in 2 abusive relationships. I have self-loathing, a distorted self-image. I look back at my childhood and I have very few good memories. My childhood was stolen from me

Please pass this bill,

Ginger Westfall

ginwestfall@yahoo.com

SB 2331
2/4/15

January 29, 2014

SB 2331

Chairman and members of the Legislative Judiciary Committee,

I am writing you this letter to stress the importance of the SB 2331 to extend the statute of limitations on child rape. I am a child rape survivor that grew up in the state of North Dakota. I was raped by a family member who we know has victimized at least 5 other girls and a boy. I, however, was molested daily from the earliest I can remember at the age of 2 until 6 by an uncle who lived with my grandmother. My grandmother babysat me during the day while my mother and father worked. It then turned into raping me whenever she babysat me such as on weekends or during family holidays. The latest I remember this individual trying to rape me was the age of 16 when he exposed himself and tried to force his penis into my face while I was babysitting my cousins at their farm house.

You are probably wondering why I did not tell anyone. I can tell you when I was very little he would threaten me. He told me my toys would be taken away, no one would believe or love me and I would be sent away. He told me it was our secret and I would get into big trouble if I told. The neighbor girl was also molested by him and she came forward. I remember how terrible the entire family talked about this girl, saying that she had problems, that she was lying, that they were poor etc... This girl was pretty much coerced into saying that she lied and it didn't happen. I felt ashamed and embarrassed. I knew that if I came forward the same fate would happen to me. I lived in fear every day when I went to my grandma's house. I would cry and tell my mother I did not want to. She thought it was because it was "boring" or because she was not the best housekeeper. So she would force me to go. (I know now my mother has severe guilt over this and not realizing what was going on.)

At about the age of 14, I developed severe body complex issues. I was anorexic and bulimic until the age of 25. I lost many friends and close relationships because of this. I told my mother about the abuse at the age of 18, while I was in college. My roommates in college called my parents about my bulimia and how it was affecting them. My mother called me, at her wits end asking me why I was bulimic, what was wrong etc... I finally got up the courage to tell her. I told her I was sexually abused by my uncle/her brother for years and I thought about it every single day. She remained quiet and hung up. She called some of her family members who then called me and called me a liar, threatened me and told me to shut up. My sister, who was also sexually abused informed them I was telling the truth. I was then called again and told not to tarnish the family name, that it would break my Grandmother and Grandfather's heart and to keep quiet. I was still called a liar by an aunt and was told "boys will be boys."

I was 18 when I came forward and this is how I was treated. Can you imagine being school age and trying to come forward or feeling guilt and shame when you realize it is not ok to be touched sexually and that it is happening to you? We need to have tougher laws to stop these perpetrators from hurting more kids. It is important that when the victims become strong enough to come forward and want to prosecute their abuser we have laws set in place that allow this. I am asking you to please extend the statute of limitations on child rape

Sincerely,

Robin Jo Carter (Proud Mom of 3 boys under 3)

SB 2331
2/4/15

Private Message from a survivor who wishes to remain anonymous. This was sent to the Child Survivor for Justice Facebook page on February 2, 2015.

I was sexually harassed and abused by peers from the age of twelve to the age of eighteen. They kept saying that I was their friend and that it was what friends did. Until I was nineteen I believed it was normal. I realize now what they did and made me do has greatly disrupted my life and I still suffer from symptoms of PTSD because of it. I still haven't confronted them but I admire those who are brave enough to speak out against they people who did them wrong. If you share this I want to be left anonymous. Thank you. I give my full support.



Child Survivors for Justice

Sent by Betty Jo Krenz

Feb 2nd, 2:29pm

Thank you so much for sharing. We will not use your name in any way....your voice will be heard. If you need to talk to anyone just let me know where you are located and I can set up something with a professional who is trained to help get thru this. You are a very brave individual and I applaud you.

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2/4/15

Information About Sexual Offenders

This handout offers information on sexual offenders. It is written to help you understand the common behaviors of sexual offenders and conditions that contribute to their acts. The Harborview Center for Sexual Assault and Traumatic Stress (HCSATS) is here to help you.

Observations About Sexual Offenders

There is no "typical" sexual offender. Rapists and child molesters come from all backgrounds and can often seem like ordinary law abiding people. Although most offenders are male, females can also commit sexual offenses.

Sexual offenders can range in age, from young teenagers to senior citizens. More than half of adult sexual offenders begin offending in their teens. Although young children can be sexually aggressive or inappropriate, they are not offenders and are not prosecuted. Instead they are treated as children with serious behavior problems who should have treatment and be supervised.

This handout tries to answer these commonly asked questions:

- What are the common characteristics of sexual offenders?
- What are the punishments for sexual crimes and what treatment available for sexual offenders?

What can be done to help prevent someone from becoming a sexual offender?

Common Behaviors and Characteristics of Sexual Offenders

Most sexual offenders think about their crimes ahead of time. Sexual assault is rarely an impulsive act although sometimes sex offenders take advantage of opportunity to offend. Offenders most often know their victims and use these relationships to set up situations in which a chosen victim can be sexually assaulted. Sexual assaults can involve physical violence, threats, or overpowering. In other cases victims go along with the assaults because they are afraid to resist or to try to get away.

Planning and manipulating relationships over time to commit sexual offenses is called *grooming*. In these situations victims may come to believe that they are responsible for what happened even though this is never true. After the assaults, offenders often threaten, pressure or use guilt to keep victims from telling anyone.

How Offenders Justify Their Behavior

Offenders may justify their behavior in several ways:

Denial is used by offenders to avoid facing the consequences of their actions. Denial means that offenders refuse to admit to others or sometimes even to themselves that they have committed sexual assaults. They may say, "It's a lie. I never did it," or "That wasn't really rape, she agreed to it."

Rationalizing involves blaming the victim, other people or circumstances. Typical thoughts are, "It wasn't my fault, she led me on", "he didn't fight back" or "I didn't know what I was doing, I had too much alcohol..." These are ways of placing responsibility on someone or something else.

Minimizing is used by offenders to deny the seriousness of the acts or the harm done to the victims. "It wasn't that bad – he liked it," or "I didn't really hurt her." By minimizing their actions, offenders try to make it seem as though what they did was not such a big deal.

Common Conditions Which Contribute to Sexual Offending

Several conditions can contribute to the likelihood of sexual offending. Typically a case involves a combination of factors and circumstances. It is important to understand that sex offenders always make a choice when they commit sexual offenses no matter what the reasons are that go into why they did it. They decide to act even though they know it is wrong. Nothing a victim does can make a person commit a sexual offense.

Feeling Motivated –Offenders often have abnormal or unusual sexual interests. They may be sexually attracted to children or young teenagers. It does not bother them to have sex with someone who doesn't want to.

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Antisocial Attitudes – Some offenders believe it is acceptable to take advantage of other people or break the law. They may not understand or care about the feelings of others and put what they want first.

Background of Offender – Some people who have been abused, mistreated or neglected develop negative feelings and beliefs about themselves and others. They may try to gain control over their lives or relieve emotional pain through abusive sexual behavior towards others.

Lack of External Controls – Offenders create situations that give them the opportunity to offend and where there is little chance of being caught. In the case of child molesters, they may put themselves in situations where they are alone with and have control over children. Rapists will often get victims away from friends or in isolated situations.

Vulnerable Victims – Although the responsibility for sexual offending is always with offenders, rapists and child molesters may look for vulnerable people to victimize. Victims can be vulnerable because they are young, have a disability or are impaired in some way. People can be victimized because they are alone in an isolated area, asleep, under the influence of drugs or alcohol, or suffering from emotional problems. Offenders want victims who cannot protect themselves.

Stopping Sexual Offenders From Offending

Some sex offenders will stop offending on their own, but making a report to the authorities is the best way to lower the chances for repeat offending. When sex offenders are caught and investigated or prosecuted they learn that there are consequences for offending. If they are convicted of a crime, then the courts can impose punishment, require them to get treatment or put restrictions on what they do.

Incarceration: Courts can sentence convicted sex offenders to prison. This serves two purposes. First, it is punishment for breaking the law and second, the community is protected while offenders serve their term in jail or prison. Convicted sex offenders who commit violent offenses, have been convicted before or have many victims will almost always be imprisoned. Sometimes offenders can have treatment while they are in prison. They will be supervised once they get out and have certain restrictions or requirements that they must follow.

Community Sentencing Alternatives: Offenders who have committed less violent offenses and who show that they want to change their behavior, may be given the opportunity to avoid going to prison and stay in the community and get treatment under the supervision of the court. Offenders who get this option may have to go to jail for a few months as well for punishment. If these offenders do not complete treatment or break the rules, they will have to serve a prison term. Victims are allowed to have a say about whether the court should allow this alternative sentence.

Convicted offenders are often court-ordered to pay for their victims' counseling and medical costs, and legal fees. Those who get to remain in the community under supervision must pay for their own treatment.

Sex Offender Treatment

Research has shown that specialized sex offender treatment can lower the chances of repeat offending for some sex offenders. This type of treatment specifically focuses on changing abnormal sexual interests, correcting attitudes and beliefs that justify sexual offending, increasing understanding and empathy for victims and teaching skills to prevent re-offending and to help offenders lead normal lives. Only specialists can give this kind of treatment. Sometimes treatment is given in the community and other times it happens in prison.

Prevention

There are ways in which families and society can work to make it less likely that children will grow up to be offenders.

Children who have been physically or sexually abused should have counseling so that they have an opportunity to express their feeling and recover from their experiences.

Families should teach values about sexual behavior that emphasize the importance of consent, respect, and responsibility.

Children should not be exposed to sexually violent magazines, pictures, or movies.

Children need opportunities to express all kinds of feelings in ways that do not hurt others.

When children sexually misbehave, parents should immediately take steps to control the behavior, to get children treatment, and to protect other children.

More than half of adult sex offenders begin offending in adolescence. This does not mean that all teenage sexual misbehavior will lead to adult sexual offending. However, the evidence shows that rape, child molesting, or other sexual offenses committed by teenagers should not be minimized as adolescent sexual experimentation. If these behaviors are not confronted and treated, they may develop into patterns that will be more and more difficult to change.

We hope the information provided in this booklet will be helpful to you. Every situation of sexual offending is unique and you may have questions that were not answered here. We encourage you to discuss your questions with your counselor. We are here to support you. Please let us know of any way we can be of further assistance to you.

Our mission is to prevent and counter the harmful effects of traumatic experiences on victims, families and our community. These experiences include sexual and physical abuse and neglect of children, rape, sexual harassment, violent crime, accidents and disasters. Services reflect the values, beliefs and traditions of our community and are available to people of all ages. We strive to create a society free of interpersonal violence.

Founded in 1973, the Harborview Center for Sexual Assault and Traumatic Stress is a Washington state accredited Community Sexual Assault Program.

Harborview Center for Sexual Assault & Traumatic Stress
1401 East Jefferson, Ste 400
Seattle WA 98122
206-744-1600 www.hcsats.org

SB 2331

2/4/15



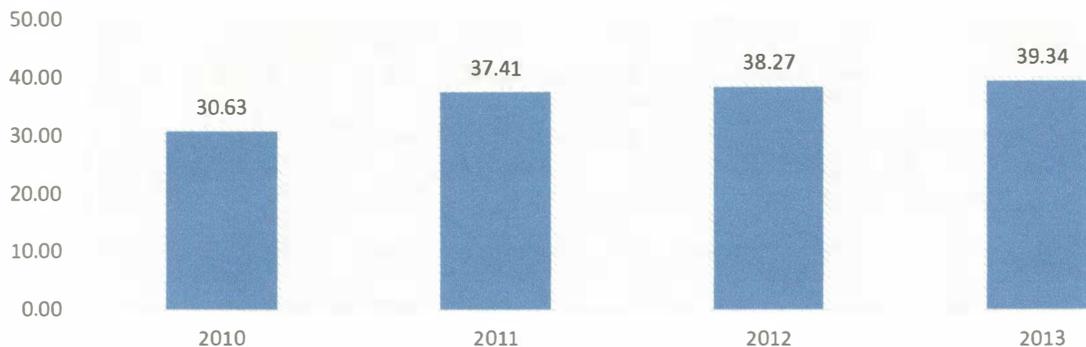
Child Victims of Sexual Abuse in North Dakota

Numbers are rising

In 2013, North Dakota reported 64 unique child victims of sexual abuse. This number is up from 60 in 2012, 57 in 2011, and 46 in 2010. This growth represents a 39 percent increase in the number of child sexual abuse victims from 2010 to 2013. During this same time frame, the total number of children ages 0 through 17 grew 8 percent. When expressed as a rate of all children, child victims of sexual abuse rose from 30.6 per 100,000 children to 39.3 per 100,000 from 2010 to 2013 in North Dakota.

Child victims of sexual abuse in North Dakota

Rate per 100,000 children ages 0-17



Comparison with other states

Nationally, nearly 61,000 children were reported victims of sexual abuse in 2013. This translates to 82.8 per 100,000 children ages 0 through 17 in 2013. This rate is down from 85.7 in 2010.

Among all states and Puerto Rico, North Dakota had the 11th lowest rate of child sexual abuse in 2013. Hawaii and Idaho had the lowest child sexual abuse rates at 22.8 and 22.9 per 100,000 children in 2013 (70 and 98 children, respectively).

Note: As not all cases of maltreatment are reported to the proper authorities, it is important to note that these are conservative numbers. Also, cases of child maltreatment occurring on tribal lands in North Dakota are processed through separate tribal systems and are not included in these numbers.

Sources: U.S. Children's Bureau, an Office of the Administration for Children & Families, Child Maltreatment 2010-2012. <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment/>; U.S. Census Bureau, Population Estimates Division, <http://www.census.gov/popest/>.

SB 2331
2/4/15

February 10, 2015

#1A-1
2/11/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2331

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

Page 1, line 3, remove "; to repeal section 29-04-03.2 of the North"

Page 1, remove line 4

Page 1, line 5, remove "application"

Page 1, line 10, remove "there is no limitation of the time within which"

Page 1, line 11, remove the overstrike over "within"

Page 1, line 11, after "seven" insert "ten"

Page 1, line 11, remove the overstrike over "years after the"

Page 1, remove the overstrike over line 12

Page 1, line 13, remove the overstrike over "~~alleged childhood sexual abuse~~"

Page 1, remove lines 18 through 24

Page 2, remove lines 1 through 4

Page 2, after line 7 insert:

"1."

Page 2, line 8, remove "If the victim was under eighteen years of age at the time the offense was committed, there"

Page 2, line 9, replace "is no limitation of the time within which a" with "Except as provided in subsection 2, a"

Page 2, line 10, remove the overstrike over "~~if the victim was under eighteen years of age at the~~"

Page 2, line 11, remove the overstrike over "~~time the offense was committed~~"

Page 2, line 11, remove the overstrike over "~~in the proper court within~~"

Page 2, line 11, after "seven" insert "ten"

Page 2, line 11, remove the overstrike over "years"

Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "authorities"

Page 2, after line 14, insert:

"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, there is no limitation of the time within which a prosecution may be

This amendment was taken up in 1st morning session.

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2/11/2015

commenced after the suspect is conclusively identified by the deoxyribonucleic acid testing."

Page 2, remove lines 15 through 20

Renumber accordingly

SENATE BILL NO. 2331

Sen. Nelson
2A-1
2/11/19

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~~

This amendment contained
the changes needed, .01002

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.

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.

February 11, 2015

Sen Nelson
201
2/11/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2331

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Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "authorities"

Page 2, after line 14, insert:

"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

2-B-2
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2/11/15

prosecution may be commenced within three years after the suspect is conclusively identified by the deoxyribonucleic acid testing."

Page 2, remove lines 15 through 20

Renumber accordingly

#1
SB 2331
3-17-15

**Testimony in support of
SB 2331
March 17, 2015
By Kathy Hogan, Rep. District 21**

Chairman Koppelman and members of the House Judiciary Committee, for the record, my name is Kathy Hogan. I represent District 21 which is the heart of Fargo.

Senate Bill 2331 is a bill that would change the statute of limitation and claims of relief on actions alleging child sexual abuse. This bill was introduced on behalf of a group of victims of child sexual abuse. Over the last 20 years, our society has become much more aware of both the frequency of child sexual abuse and the significant lifelong impacts of these tragic situations.

Over the last 10 years, states have begun to recognize the need to revise their statutes. I am attaching for your information, a 2013 comparison study of various state statutes.

Part of my interest in this issue is a result of my participation in the Fargo Diocese Sexual Abuse Advisory Committee. In the early 90's, the Fargo Diocese acknowledged the serious consequences for both the institution and the victims of child sexual abuse. The Church in ND was a leader in establishing protocols for investigation, for appropriate disciplinary actions and for assuring strong victim services and supports.

SB 2331 allows victims the opportunity to pursue legal action. Disclosure of child sexual abuse typically happens many years after the incidents. I am requesting that you seriously consider the original version of SB 2331.

Thank you for your consideration. I would be more than willing to answer any questions.

Statutes of Limitations for Sexual Assault

A State-by-State Comparison

Current as of 8/21/2013

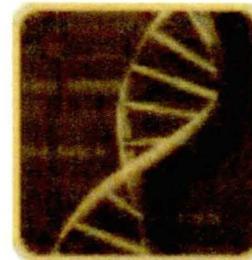
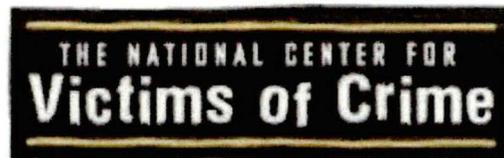
This chart summarizes the applicable state statutes of limitations for the prosecution of various sexual assault crimes. The chart also highlights states that have a DNA exception to the statute of limitations. Though the specifics vary from state to state, a DNA exception allows for the tolling of a statute of limitations in cases where a perpetrator is later identified through DNA evidence. As of the date of this chart, 27 states have some form of a DNA exception that extends the time limit for prosecuting the offense.

Additionally, 8 states do not have any statute of limitations for prosecuting felony sexual assault. Of these states, Delaware has no statute of limitations for any sexual offense; Wyoming and South Carolina have no statute of limitations for any criminal prosecution. States without a statute of limitations would not need a DNA exception.

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Statute of Limitations for Sexual Assault Offenses

State	Crime	Statute of Limitations ¹	DNA Exception	DNA Exception Text
Alabama Ala. Code §§ 15-3-1, 15-3-2, 15-3-5				
	Rape; Sexual abuse with violence or threat of violence; Sexual offense (victim under 16)	None		
	Felony sexual abuse	3 years		
(b)	Misdemeanor sexual abuse	1 year		
Alaska Alaska Stat. § 12.10.010				
	Sexual assault; Sexual abuse against a minor	None		
	Sexual offense against an unaware, incapacitated, or mentally incapable victim	10 years		
	Other sexual offenses	5 years		
Arizona Ariz. Rev. Stat. § 13-107			✓	(E) The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.
	Violent sexual offenses; Sexual assault; Sexual conduct with a minor (under 15 or perpetrated by family/guardian)	None		

¹ Most states have provisions tolling the period of limitations if the accused purposely avoids prosecution or does not reside within the state.

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	Sexual conduct with a minor, age 15-18; Sexual abuse	7 years ²		
Arkansas Ark. Code § 5-1-109			✓	(i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person. (j) When DNA testing implicates a person previously identified through a search of state or national DNA database, a statute of limitations shall not preclude prosecution.
	Sexual offenses against a minor	Before victim turns 28		
	Rape	6 years		
	Sexual assault	3 years		
California Cal. Penal Code §§ 799, 800, 801, 803			✓	A criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing , if both of the following conditions are met: (A) The crime is one that is described in subdivision (c) of Section 290. (B) The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004, or the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.
	Sexual offenses against a minor	Before victim turns 28		
	Rape	10 years		
Colorado Colo. Rev. Stat. § 16-5-401			✓	(a.5) Except as otherwise provided in paragraph (a) of subsection (1) of this section concerning sex offenses against children, in any case in which the identity of the defendant is determined, in whole or in part, by patterned chemical structure of genetic information, and in

² "After actual discovery by the state or political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs."

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			<p>which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission of the offense, there shall be no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense charged:</p> <p>(I) Under section 18-3-402, C.R.S. [sexual assault], or section 18-3-403, C.R.S.[sexual assault (2nd degree)], as said section existed prior to July 1, 2000; or</p> <p>(II) As criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in subparagraph (I) of this paragraph (a.5).</p>
	Sexual offense against children under 15	None	
	Sexual assault	10 years	
57	<p>Connecticut Conn. Gen. Stat. § 54-193</p>		<p>✓ [T]here shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70 [sexual assault (1st degree)], 53a-70a [aggravated sexual assault (1st degree)], 53a-70b [sexual assault in a spousal or cohabitative relationship], 53a-71 [sexual assault (2nd degree)], 53a-72a [sexual assault (3rd degree)], or 53a-72b [sexual assault (3rd degree) with a firearm], provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.</p>
	Sex assault of a minor under 16 and with force	None	
	Other sexual assault of a minor if no force	30 years after victim attains the age of majority, or within five years after report to authorities, whichever is	

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		earlier ³		
	Sexual assault	5 years		
Delaware Del. Code Ann. tit. 11, § 205			✓	(i) If the limitation period has expired, a prosecution for any offense in this title may be commenced within 10 years after it is committed if based upon forensic DNA testing.
	Sexual offenses	None ⁴		
District of Columbia D.C. Code § 23-113				
	Sexual abuse against a minor	15 years after victim turns 21		
	Sexual abuse	15 years ⁵		
Florida Fla. Stat. § 775.15			✓	(15) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused: <ol style="list-style-type: none"> 1. An offense of sexual battery under chapter 794. 2. A lewd or lascivious offense under s. 800.04 or s. 825.1025. (b) This subsection applies to any offense that is not otherwise barred from prosecution between July 1, 2004, and June 30, 2006. (16) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:

³ Provided that if the prosecution is for 2nd degree sexual assault and victim is 13 or older but under 16 and offender is more than 3 years older, the victim notified such police officer or state's attorney not later than five years after the commission of the offense.

⁴ So long as prosecution is not based solely on the victim's memory, if recovered through psychotherapy without independent evidence.

⁵ The period of limitation shall not begin to run for 1st degree sexual abuse of a ward (D.C. Code § 22-3013) or 2nd degree sexual abuse of a ward (D.C. Code § 22-3014) until the victim is no longer a ward. The period of limitation shall not begin to run for 1st sexual abuse of a patient or client (D.C. Code § 22-3015) or 2nd degree sexual abuse of a patient or client (D.C. Code § 22-3016) until the victim is no longer a patient or client of the actor.

Statute of Limitations for Sexual Assault Offenses

			<ol style="list-style-type: none"> 1. Aggravated battery or any felony battery offense under chapter 784. 2. Kidnapping under s. 787.01 or false imprisonment under s. 787.02. 3. An offense of sexual battery under chapter 794. 4. A lewd or lascivious offense under s. 800.04, s. 825.1025, or s. 847.0135(5). 5. A burglary offense under s. 810.02. 6. A robbery offense under s. 812.13, s. 812.131, or s. 812.135. 7. Carjacking under s. 812.133. 8. Aggravated child abuse under s. 827.03. <p>(b) This subsection applies to any offense that is not otherwise barred from prosecution on or after July 1, 2006.</p>
	Sexual battery, if victim under 18 years	None	
	Sexual battery with threat/force	4 years ^{6,7}	
	Other sexual battery	3 years	
Georgia Ga. Code §§ 17-3-1, 17-3-2.1			<p>✓ (c-1) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:</p> <ol style="list-style-type: none"> (1) Armed robbery, as defined in Code Section 16-8-41; (2) Kidnapping, as defined in Code Section 16-5-40; (3) Rape, as defined in Code Section 16-6-1; (4) Aggravated child molestation, as defined in Code Section 16-6-4; (5) Aggravated sodomy, as defined in Code Section 16-6-2; or (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2; <p>provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as</p>

⁶ If the victim was under 18 at the time the offense was committed, the applicable period of limitation does not begin to run until victim has reached the age of 18 or the offense is reported to a law enforcement agency, whichever occurs first.

⁷ If the victim was 18 or older at the time of commission of the offense and the offense was reported to law enforcement within 72 hours after its commission, there is no statute of limitations; if the offense was not reported within 72 hours after its commission, the prosecution must be commenced within the original statute of limitations.

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			provided in subsections (b) and (c) of this Code section.
	Sexual assault against a minor, committed after July 1, 2012	None	
	Sexual assault against a minor, committed before July 1, 2012	7 years after victim turns 16 or the violation is reported to authorities, whichever occurs earlier	
	Forcible rape	15 years	
Hawaii Haw. Rev. Stat. § 701-108			✓ (3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for: ... (c) Any felony offense involving evidence containing deoxyribonucleic acid from the offender, if a test confirming the presence of deoxyribonucleic acid is performed prior to expiration of the period of limitation prescribed in subsection (2), but in no case shall this provision extend the period of limitation by more than ten years from the expiration of the period of limitation prescribed in subsection (2).
	Sexual assault, class A	6 years	
	Sexual assault against a minor	3-6 years	
	Other sexual assault	3 years	
Idaho Idaho Code §§ 19-401, 402			
	Rape; Sexual abuse of a child	None	
	Sexual abuse	5 years	
	Ritualized abuse of a child	3 years after disclosure	
Illinois 720 Ill. Comp. Stat. 5/3-5, 5/3-6			✓ (a) A prosecution for: . . . any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code which the DNA profile of the offender is obtained and entered into a DNA

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			database within 10 years after the commission of the offense, may be commenced at any time . Clause (2) of this subsection (a) applies if either: (i) the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.
	Sexual abuse/assault against a minor	20 years after victim turns 18	
	Sexual abuse/assault ⁸	10 years (as long as victim reported offense within 3 years); otherwise, 3 years	
Indiana Ind. Code § 35-41-4-2			✓ (b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state: (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.
	Rape (class A, level 1, 2)	None	
	Rape (class B, C, D, level 3, 4, 5, 6)	5 years	
	Listed sex offenses against children ⁹	Until victim turns 31	
	Other sex offenses against children	Within 10 years of	

⁸ For any offense involving sexual conduct or sexual penetration where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within 1 year after the discovery of the offense by the victim.

⁹ Ind. Code § 35-42-4-3(a) (Child molesting); Ind. Code § 35-42-4-5 (Vicarious sexual gratification); Ind. Code § 35-42-4-6 (Child solicitation); Ind. Code § 35-42-4-7 (Child seduction); Ind. Code § 35-46-1-3 (Incest).

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		commission or 4 years after the person ceases to be a dependent of the perpetrator, whichever is later		
10	Iowa Iowa Code § 802.2		✓	1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile , whichever is later. 2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile , whichever is later.
		Sexual abuse of a minor	10 years after victim turns 18	
		Sexual abuse	10 years	
	Kansas Kan. Stat. Ann. § 21-5107		✓	(c) Except as provided in subsection (e), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the

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			identity of the suspect is conclusively established by DNA testing, whichever is later.
	Rape	None	
	Sexually violent crimes against a minor ¹⁰	10 years after victim turns 18	
	Sexually violent crimes ¹¹	10 years	
Kentucky Ky. Rev. Stat. § 500.050			
	Rape; Felony sex abuse	None	
	Misdemeanor sex abuse with minor	5 years after victim turns 18	
	Misdemeanor sex abuse	1 year	
Louisiana La. Code Crim. Proc. arts. 571, 571.1, 572			✓ (1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile. (2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing.
	Forcible rape	None	
	Sexual offenses against a minor	30 years after victim turns 18	
	Sexual offenses	30 years	
Maine Me. Rev. Stat. tit. 17-A, § 8			
	If victim is under 16: Gross sexual assault; Rape; Incest: Unlawful	None	

¹⁰ The statute of limitations is tolled when (A) The victim was a child under 15 years of age at the time of the crime; (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

¹¹ Same as above

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	sexual contact; Sexual abuse			
	Unlawful sexual contact; Gross sexual assault (class A, B, or C)	8 years		
	Sexual offense (class D or E)	3 years		
Maryland				
Md. Code, Cts. & Jud. Proc. §§ 5-106, 117				
	Felony sexual offense or misdemeanor punished by imprisonment in a penitentiary	None ¹²		
	Other misdemeanor sex offense	1 year		
Massachusetts				
Mass. Gen. Laws ch. 277, § 63				
	Rape or abuse of a child under 16	None ¹³		
	Rape	15 years		
	Other sexual offenses	6 years		
			✓	(2)(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.
	Criminal sexual conduct (1 st degree)	None		
	Criminal sexual conduct (2 nd - 4 th degrees)	10 years (or by the victim's 21 birthday, whichever is		

¹² *Smallwood v. State*, 443 A.2d 512, 1006 (Md. 1996).

¹³ Any indictment or complaint found and filed more than 27 years after the date of commission of such offense must be supported by independent evidence that corroborates the victim's allegation.

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		later)	
Minnesota Minn. Stat. § 628.26			✓ (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.342 to 609.344 [criminal sexual conduct (1st, 2nd, and 3rd degree)] may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense. ... (n) The limitations period contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.
	Criminal sexual conduct with a minor	9 years after commission of the offense or within 3 years after the offense was reported to authorities, whichever is later	
	Criminal sexual conduct	3 years ¹⁴	
Mississippi Miss. Code Ann. § 99-1-5			
	Rape (including statutory rape); Sexual battery of a child	None	
	Other sexual offenses	2 years	

¹⁴ The limitations periods shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section Minn. Stat. § 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

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Missouri Mo. Rev. Stat. §§ 556.036, 556.037				
	Forcible rape	None		
	Other sexual offenses involving a minor	30 years after victim turns 18		
	Other sexual offenses	2 years		
Montana Mont. Code § 45-1-205			✓	(b)(9) If a suspect is conclusively identified by DNA testing after a time period prescribed in subsection (1)(b) or (1)(c) has expired, a prosecution may be commenced within one year after the suspect is conclusively identified by DNA testing.
	Sexual assault against a minor	10 years after victim turns 18		
	Sexual assault; Sexual intercourse without consent	10 years		
	Other felony sexual offense	5 years		
Nebraska Neb. Rev. Stat. § 29-110				
	Sexual assault (1 st or 2 nd degree); Sexual assault of a minor (1 st or 2 nd degree); Sexual assault of a minor (3 rd degree), if victim under 16; Incest	None		
	Other felony sexual offenses	3 years		
Nevada Nev. Rev. Stat. Ann. §§ 171.083 , 171.085, 171.095				
	Sexual assault, if written report made before statute of limitations expires	None		
	Child sexual abuse	Before the victim turns 21, if victim		

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		discovered or should have discovered she was a victim, otherwise age 28		
	Sexual assault	4 years		
New Hampshire N.H. Rev. Stat. § 625:8				
	Sexual assault if victim is under 18	22 years after victim turns 18		
	Sexual assault	6 years		
New Jersey N.J. Stat. Ann. § 2C:1-6			✓	(c) An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed, except that when the prosecution is supported by physical evidence that identifies the actor by means of DNA testing or fingerprint analysis, time does not start to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.
	Sexual assault	None		
	Other sexual offenses	5 years		
New Mexico N.M. Stat. Ann. § 30-1-8, 30-1-9.1, 30-1-9.2			✓	(A) When DNA evidence is available and a suspect has not been identified, the applicable time period for commencing a prosecution pursuant to Section 30-1-8 NMSA 1978 [statute of limitations] shall not commence to run for an alleged violation of Section 30-9-11 NMSA 1978 [criminal sexual penetration] until a DNA profile is matched with a suspect.
	Criminal sexual penetration resulting in bodily harm or victim	None		

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	under 13 (1 st degree)			
	Criminal sexual penetration (2 nd degree)	6 years ¹⁵		
	Criminal sexual penetration (3 rd and 4 th degrees)	5 years ¹⁶		
New York ¹⁷ N.Y. Crim. Pro. Law § 30.10			✓	
	Rape; Criminal sexual act; Aggravated sexual abuse; Course of sexual conduct against a child	None		
	Other felony sex offenses	5 years		
North Carolina <i>State v. Hardin</i> , 201 S.E.2d 74 (N.C. Ct. App. 1973)				
	Rape; Other felony sexual offenses	None		
North Dakota N.D. Cent. Code, §§ 29-04-02.1, 29-03.1, 29-03.2, 29.04.02				
	Sexual abuse of minor	7 years or 3 years after report is made ¹⁸		
	Gross sexual imposition, if serious bodily injury	7 years		
	Other felony sex offenses	3 years		
Ohio Ohio Rev. Code Ann. § 2901.13				

¹⁵ If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

¹⁶ If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

¹⁷ Although New York does not have a statutory DNA exception, the common law suggests its existence in certain cases. *See People v. Ramos*, 877 N.Y.S.2d 177 (N.Y. App. Div. 2009) (extending the 5 year statute of limitation to 10 years, noting that the defendants whereabouts were unknown until he was identified through a DNA profile match from a rape kit); *People v. Brown*, 890 N.Y.S.2d 415 (N.Y. App. Ct. 2009) (allowing an action to continue though the complaint was filed well beyond the 5 year statute of limitations because recent DNA evidence made the defendants identity known).

¹⁸ If victim is under 15, the statute of limitations will not run until victim reaches age 15. N.D. Cent. Code § 29-04-03.2

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	Unlawful sexual conduct with a minor	20 years after victim turns 18 or after notification to authorities	
	Rape; Sexual battery; Gross sexual imposition	20 years	
Oklahoma 22 Okla. Stat. tit. 22, § 152			✓ 2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if: <ul style="list-style-type: none"> a. the victim notified law enforcement within twelve (12) years after the discovery of the crime b. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and c. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph b of this paragraph. A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.
	Lewd or indecent proposals or acts against children	12 years after discovery ¹⁹	
	Rape; Forcible sodomy	12 years	
Oregon Or. Rev. Stat. § 131.125			✓ (8) Notwithstanding subsection (2) of this section, if the defendant is identified after the period described in subsection (2) of this section on the basis of DNA (deoxyribonucleic acid) sample comparisons, a prosecution for: <ul style="list-style-type: none"> (a) Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or sexual abuse in the first degree may be commenced at any time after the commission of the crime. (b) Rape in the second degree, sodomy in the second degree or unlawful sexual penetration in the second degree may be commenced within 25 years after the commission of the crime. (9) Notwithstanding subsection (8) of this section, if a prosecution for a

¹⁹ "Discovery" means the date a victim under 18 is reports the crime to a law enforcement agency, up to and including one year after the victim turns 18.

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				felony listed in subsection (8) of this section would otherwise be barred by subsection (2) of this section, the prosecution must be commenced within two years of the DNA-based identification of the defendant.
	Rape or sexual abuse of a minor	Before the victim turns 30 or within 12 years after the offense is reported to authorities, whichever occurs first		
	Rape; Sodomy; Unlawful penetration; Sexual abuse	6 years		
Pennsylvania 42 Pa. Cons. Stat. § 5552			✓	(c-1) Notwithstanding any provision of law to the contrary, if evidence of a misdemeanor sexual offense set forth in subsection (c)(3) or a felony offense is obtained containing human deoxyribonucleic acid (DNA) which is subsequently used to identify an otherwise unidentified individual as the perpetrator of the offense, the prosecution of the offense may be commenced within the period of limitations provided for the offense or one year after the identity of the individual is determined, whichever is later.
	Sex offenses against a minor victim	Until victim turns 50		
	Rape; Sexual assault; Sexual abuse; Deviant sexual intercourse	12 years		
Rhode Island R.I. Gen. Laws § 12-12-17				
	Rape; Sexual assault (1 st degree); Child molestation (1 st and 2 nd degree)	None		
	Other sex assault	3 years		
South Carolina				
	Any criminal prosecution	None		
South Dakota S.D. Codified Laws §§ 22-22-1, 23A-42-2				

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	Rape (1st and 2 nd degree)	None		
	Rape (3 rd and 4 th degree)	Before victim turns 25 or within 7 years of the commission of the crime, whichever is longer		
	Other sex offenses	7 years		
Tennessee ²⁰				
Tenn. Code Ann. § 40-2-101				
	Child victim, prior to July 1, 1997: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 18 or 4 years after offense, whichever is later		
	Child victim between July 1, 1997- June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 21		
	Child victim on or after June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	25 years after age 18		
	Aggravated rape	15 years		
	Rape; Aggravated sexual battery	8 years		
	Other sexual offenses	4-2 years		
Texas			✓	[F]elony indictments may be presented within these limits, and not afterward:
Tex. Code Crim. Proc. art. 12.01				

²⁰ The Tennessee legislature considered a bill that would allow for the prosecution of aggravated rape, rape, aggravated rape of a child, rape of a child, aggravated sexual battery, and sexual battery to be commenced within a year of when DNA evidence established the identity of the accused. This bill assigned to subcommittee on 3/26/2013. See H.B 2685, S.B 2136, 107th Gen. Assemb., Reg. Sess. (Tenn. 2012).

Statute of Limitations for Sexual Assault Offenses

			(1) no limitation: ... (B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
	Sexual assault of a child; Abuse of a child	None	
	Sexual assault	10 years	
	Other felony sex offenses	3 years	
Utah Utah Code Ann. §§ 76-1-301, 76-1-302			✓ (2)(a) Prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (BB) [habitually violent offenders] may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date ²¹ (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed. (3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within one year of the discovery of the identity of the perpetrator.
	Rape; Rape of a child; Object rape; Object rape of a child; Forcible sodomy; Sodomy on a child; Aggravated sexual abuse of a child; Sexual abuse of a child; Aggravated sexual assault	None	
	Forcible sexual abuse; Incest	Within 8 years after the offense is committed, provided that	

²¹ The above provision does not apply if the statute of limitations on an offense has run as of May 5, 2003, and no charges have been filed

Statute of Limitations for Sexual Assault Offenses

		the offense was reported to a law enforcement agency within 4 years after commission of the offense		
	Other felonies	4 years		
Vermont Vt. Stat. Ann. tit. 13, § 4501				
	Aggravated sexual assault; Aggravated sexual assault against a child	None		
	Sexual assault of a minor	Within 40 years of the assault		
	Sexual assault; Sexual abuse against a vulnerable person	6 years		
Virginia Va. Code Ann. § 19.2-8				
	Felony criminal sexual assault	None		
Washington Wash. Rev. Code § 9A.04.080			✓	(j)(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing , whichever is later.
	Rape of victim under 18 (1 st or 2 nd degree); Rape of a child (1 st , 2 nd or 3 rd degree)	Before victim turns 30		
	Rape (1 st or 2 nd degree)	10 years if reported to law		

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Statute of Limitations for Sexual Assault Offenses

		enforcement within 1 year of commission		
	Rape (1 st or 2 nd degree), if not reported within 1 year	If victim age 14 or older: within 3 years of commission. If victim under 14 years: 3 years after victim turns 18, or 7 years after commission, whichever is later		
	Other felony sex offenses	6-3 years		
West Virginia				
W. Va. Code § 61-11-9				
	Felony sex offense	None		
	Misdemeanor sex offense	1 year		
Wisconsin			✓	(2d) (c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), or (cm) for commencing prosecution of a felony under ch. 940 [crimes against life and bodily security] or 948 [crimes against children], other than a felony specified in sub. (2) (a) [including sexual assault (1 st degree) and sexual assault of a child (1 st degree)], expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.
Wis. Stat. § 939.74				

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Statute of Limitations for Sexual Assault Offenses

			<p>(e) If, within 6 years after commission of a felony specified under sub. (2) (a) [including sexual assault (1st degree) and sexual assault of a child (1st degree)], the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for a crime that is related to the felony within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.</p>	
	Sexual assault (1 st degree); Sexual assault of a child (1 st degree)	None		
	Other listed sexual offenses against children	Before victim turns 45		
	Other felony sexual assault	6 years		
Wyoming <i>Boggs v. State</i> , 484 P.2d 711 (Wyo. 1971)				
	Any criminal prosecution	None		

2

#2
SB2331
3-17-15

SB 2331

Chairman Kim Koppelman and members of the House Judiciary Committee:

For the record, my name is Betty Jo Krenz. I am from Woodworth North Dakota and I am an advocate for victims of abuse and a survivor.

I want to visit with each of you about why it is so important to pass SB 2331.

We need to break the silence for ourselves, and others for the safety and protection of the children. When we break the silence together, we strip the shame and stigma of sexual abuse of children.

Today, I speak for the girl that lives next door, your cousin, your sister, your sister-in-law, your niece, your best-friend, your wife, your classmate or your dorm mate. We speak for all the children who have been sexually abused and do not have the courage to stand up and speak for themselves.

Sexual abuse is more prominent than we choose to think. It is in your neighborhood, in your community and in your county.

We look away from it and choose to ignore it. This behavior makes it impossible for the victims to come to terms with the past and to heal from the long-term symptoms they develop from the abuse. Looking away from or ignoring sexual abuse is happening and it allows the offender to continue to abuse those around them. The average sex offender has 20 victims by the time their "career" has ended.

By the time the human brain matures at 25 years of age, long term abuse has already taken place and the effects from it are firmly cemented into the person's being. If and when they find the courage and strength to disclose the abuse, they are called liars and branded as troubled youth and problematic. Many are told that no one will believe their story and "who is going to care anyway?" Defeated, the victims slide into an

unrealistic self-image, self-harm, legal issues and failed relationships are typical of an individual that fights this internal battle. They are told they are trouble makers and are labeled as damaged. They live in constant emotional pain and most are not allowed to talk about what is hurting so badly. If somebody has cancer or a broken bone, they are given the opportunity to heal, and people have empathy for their situation. When a victim of sexual abuse, or any childhood abuse for that matter, show behaviors that demonstrate their pain, they are referred to as liars or attention seekers. The victims have no self worth and do not feel they are deserving of love. We fear abandonment every moment of every day, we are constantly on high alert afraid of what could happen next. There is no such thing as "relaxing". Even in the best of times I fear the worst.

This cycle needs to end. Healing needs to take place. Taking away the statute of limitations on sexual abuse of a minor will give the victim a chance to validate the crime and have a starting point from where they can begin to heal. Not every victim will step forward and take advantage of the bill, but it will leave the door open for anyone who chooses that path.

I am happy the Senate took the time to listen to us and recognized that our law as it stands is not in the best interest of the victims of sexual abuse. They added a few things that are difficult for me to understand.

The so-called reasonable person in the eyes of the law, is a creation of legal fiction. Such a "person" is really an ideal, focusing on how a typical person, with ordinary prudence, would act in certain circumstances. The test as to whether a person has acted as a reasonable person is an objective one, and so it does not take into account the specific abilities of the victim. Thus, even a person who has had chronic abuse and the brain is physically changed is held to the same standard as a non abused person. It has been proven that sexual abuse changes the way the brain develops. See attached photographs.

One in six boys and one in four girls will be sexually abused by the time they are 18. If you put that into perspective for North Dakota, consider this:

In 2013, North Dakota's population count for children under the age of 18 was 162,688. Of that population, 83,267 were boys and 79,421 were girls. Using the percentages given above, 13,877 boys and 19,855 girls will be sexually abused by the time they are 18. To add further perspective, if you have a classroom with forty students, at some point, eight of those students will have been or will be sexually abused. That rounds out to 20 percent of North Dakota's youth who will or have suffered sexual abuse by the time they are 18. According to statistics published for 2013 on the NDKidsCount Web site, there were 64 unique cases child sexual abuse. This figure is grossly low. A simple bit of rough math using the above statistics will tell you that in 2013, there were 1784 children who were victimized. The 64 unique cases is not a representative number of the cases that are actually taking place.

The Administration for Children and Families estimates the economic burden of child abuse and neglect in the United States at an average of \$210,012 per child, including long-term health care, lost productivity, child welfare, criminal justice and special education costs.

While working as an advocate in the state of North Dakota, I have spoken to women who claim that 80% of their family members or female friends have been raped or were victims of childhood abuse. That number is not only shocking, but it's unacceptable.

Sexual offenders are masters at grooming their victims, and when they groom the victims appropriately, they (the offenders) know that nobody will believe the victims. They will tell the child that it's a "special kind of love that has to be a secret," and/or they are told "mommy or your sister will be jealous and mad if you tell." These perpetrators are master manipulators and will continue to abuse unless we stop them.

Ten states have removed the statute of limitations on sexual abuse of a minor; in fact, Kentucky has completely removed all statute of limitations on ALL felonies! North Dakota nice does not apply to sex offenders! Let's take the lead in this fight, and tell all abusers that it is not OK to offend in state of North Dakota.

Thank you for your time, I want to personally thank you for listening to me and offering to work with us to change this law.

Betty Jo Krenz

④

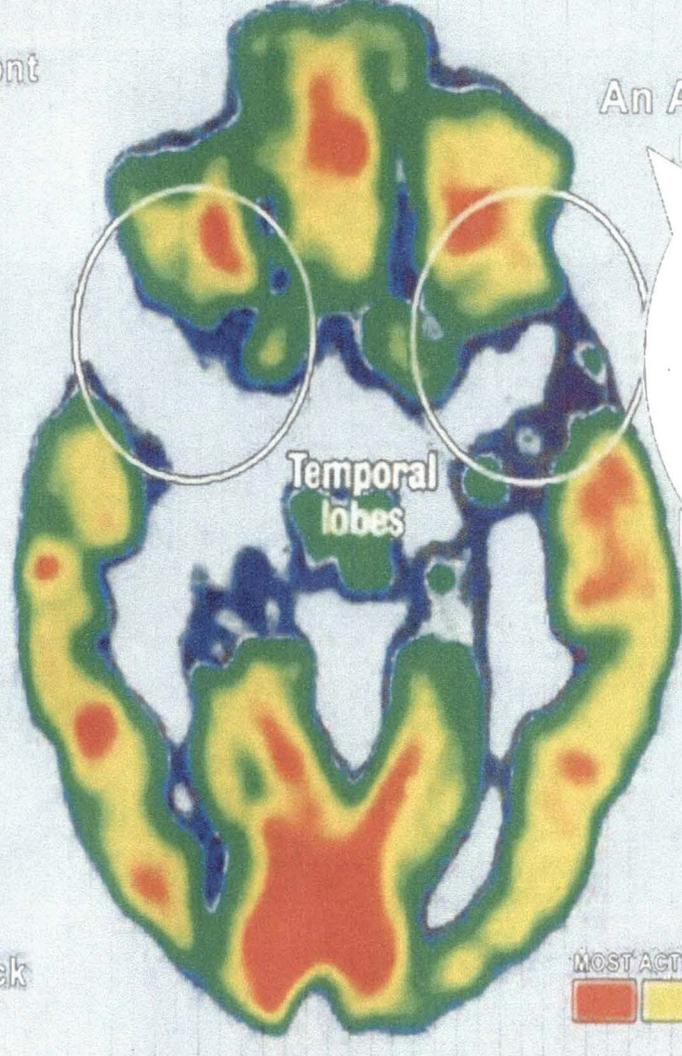
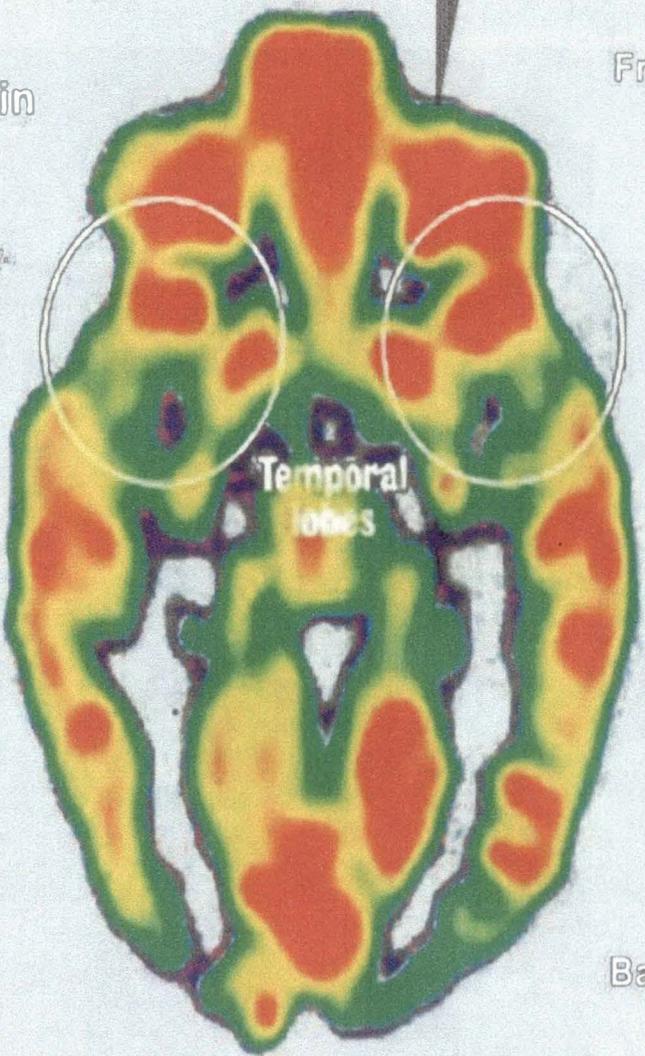
Healthy Brain

Section of a normal brain shows regions of high (red) and low (black) activity. Only primitive areas such as the limbic system (center) are emotional; in the neocortex (top), childhood experiences wire the

Front

An Abused Brain

A Brain of a Sexually Abused Child at the age of 25 Years Old



5

#3

3/17/15
SB 2331

The Impact of Childhood Trauma: An Overview

Stephen Wonderlich, Ph.D.
Director, Treatment Collaborative for Traumatized Youth

Heather Simonich, M.A.
Coordinator, Treatment Collaborative for Traumatized Youth

Definition

- **Child sexual abuse is any interaction between a child and an adult (or another child) in which the child is used for the sexual stimulation of the perpetrator or an observer.**
- **Sexual abuse can include both touching and non-touching behaviors.**
 - **Touching behaviors may involve touching of the vagina, penis, breasts or buttocks, oral-genital contact, or sexual intercourse.**
 - **Non-touching behaviors can include voyeurism (trying to look at a child's naked body), exhibitionism, or exposing the child to pornography.**

What are the consequences of
child sexual abuse?

Research Article

**Relationship of Childhood Abuse and
Household Dysfunction to Many of the
Leading Causes of Death in Adults**

The Adverse Childhood Experiences (ACE) Study

Vincent J. Felitti, MD, FACP, Robert F. Anda, MD, MS, Dale Nordenberg, MD, David F. Williamson, MS, PhD,
Alison M. Spitz, MS, MPH, Valerie Edwards, BA, Mary P. Koss, PhD, James S. Marks, MD, MPH

ACE Study

Adverse Childhood Experiences

1. Child physical abuse.
2. Child sexual abuse.
3. Child emotional abuse.
4. Emotional neglect.
5. Physical neglect.
6. Mentally ill, depressed or suicidal person in the home.
7. Drug addicted or alcoholic family member.
8. Witnessing domestic violence against the mother.
9. Loss of a parent to death or abandonment, including abandonment by parental divorce.
10. Incarceration of any family member for a crime.

Anda & Felitti, 2009

ACE Study

<u>Disease</u>	<u>4 or More Adversities (Odds Ratio)</u>
Smoking	2.2
Obesity	1.6
Depression	4.6
Suicide Gesture	12.2
Alcoholism	7.4
Illicit Drugs	4.7
Injectable Drugs	10.3
Sexual Promiscuity	3.2
STD	2.5

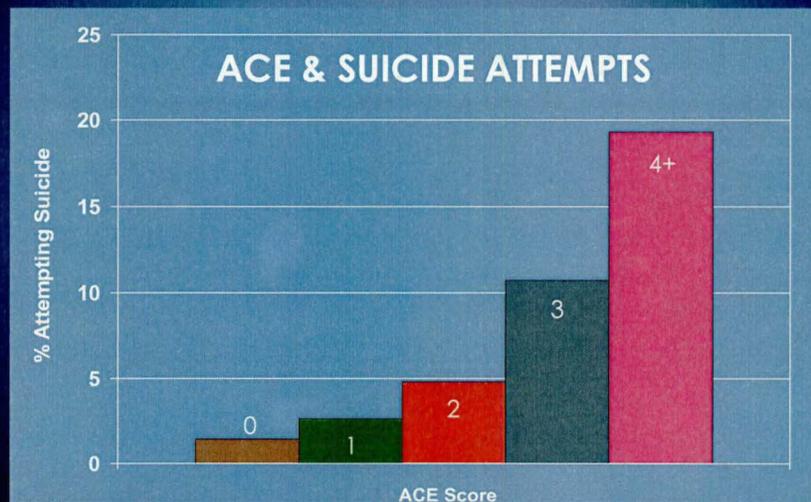
Felitti et al., 1998

ACE Study

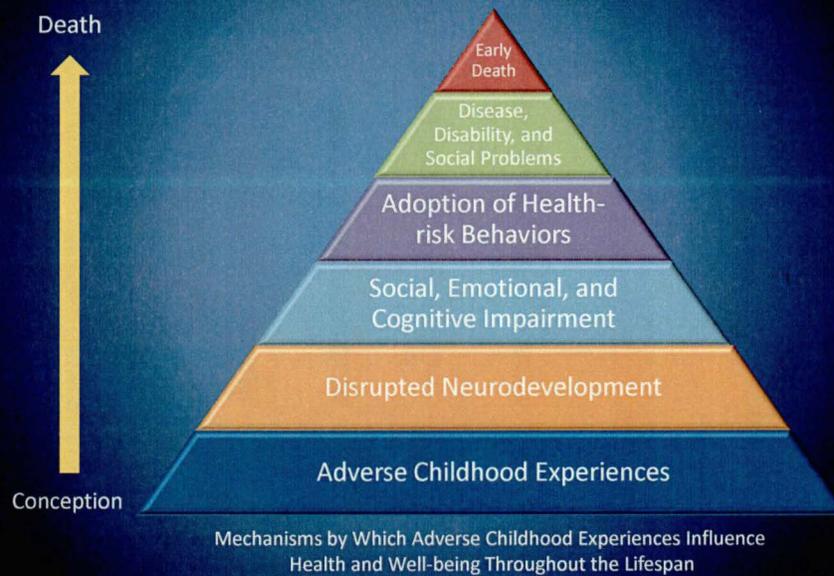
<u>Disease</u>	<u>4 or More Adversities (Odds Ratio)</u>
Heart Disease	2.2
Cancer	1.9
Stroke	2.4
Bronchitis/Emphysema	3.9
Diabetes	1.6
Hepatitis	2.4
Fair/Poor Health	2.2

Felitti et al., 1998

ACE Study



Long-Term Trauma Impact ACE Pyramid: CDC

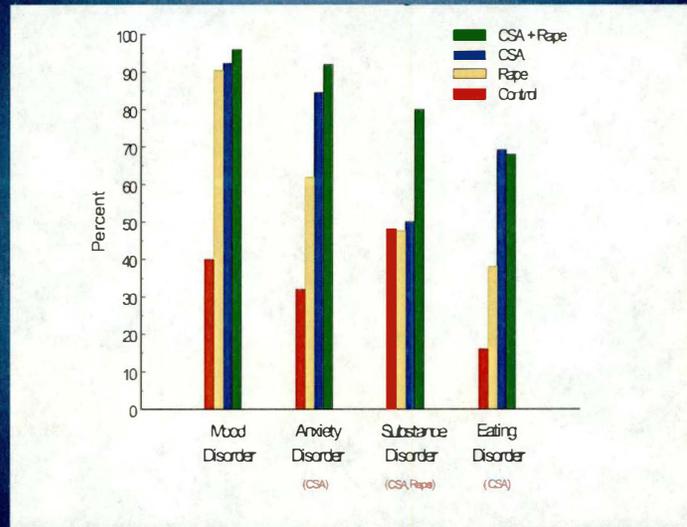


Psychological Consequences of CSA (Scientifically Supported Elevations)

- Depression
- Anxiety
- Psychosis
- Self Mutilation
- Substance Abuse
- PTSD
- Eating Disorders
- OCD
- Suicide
- Severe Personality Disorders

Maniglio, 2009

Sexual Trauma and Psychopathology in ND



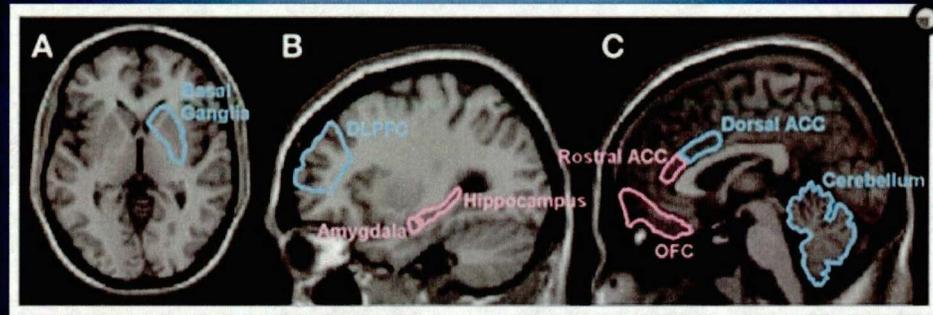
Thompson et al., 2002

Medical Consequences of CSA (Scientifically Supported Elevations)

- Functional GI
- Chronic pelvic pain
- Headache
- Muscle-skeletal pain
- Joint pain
- Ischemic heart disease
- Obesity

Irish et al., 2010

Brain Areas Implicated in Maltreated Individuals



Anatomical brain regions implicated in maltreated subjects based on structural and functional imaging studies, overlaid on a high resolution structural MRI image. Regions highlighted in pink correspond to fronto-limbic areas involved in emotion and motivation processing and regions highlighted in blue to fronto-striatal brain regions involved in executive functions, working memory, inhibition and attention. Panel (A) shows an axial view containing the basal ganglia and panels (B,C) are sagittal views highlighting the hippocampus, amygdala and DLPFC and ACC, OFC, and cerebellum, respectively.

Hart & Rubia, 2012

Educational Consequences of Child Trauma

- **Research demonstrates that children who experience trauma are more likely to have:**
 - **A lower GPA** (Hurt et al., 2001; Beers & DeBellis, 2002)
 - **Higher rate of school absences** (Beers & DeBellis, 2002)
 - **Higher likelihood of drop-out** (Grogger, 1997)
 - **More suspensions and expulsions** (Eckenrode et al., 1993)
 - **Decreased IQ and reading ability** (Delaney-Black et al., 2003)
 - **Significant deficits in attention, abstract reasoning, long-term memory for verbal information** (Beers & DeBellis, 2002)
 - **Special education services** (Shonk & Cicchetti, 2001)

Social/Vocational Consequences of Child Trauma (Scientifically Supported Elevations)

- Unemployment
- Financial problems
- Work absenteeism
- Involvement in juvenile courts
- Involvement in adult courts

Anda et al., 2004
Reaves et al., 2013

Summary

- CSA often has significant health, educational, and social impacts on children
- These effects tend to be enduring and often require intensive treatment

#4
SB 2331
3-17-15

March 17, 2015 | Theresa Semmens

2331

Chairman Koppelman and Members of the Senate House of Representatives Judiciary Committee:

Thank you for your interest in Senate Bill 2331.

My name is Brenda Frost and I am speaking on behalf of Theresa Semmens, one of the bills primary advocates

Theresa Semmens is from Fargo and was unable to be here today due to work commitments.

As the bill has been introduced and described to you, 2331 seeks to remove the statute of limitations for child sexual abuse for criminal and civil proceedings. This is a crucial step in allowing surviving sexual child abuse victims in the course of their healing to be able to have tools and recourse needed to complete that process.

Testimony, both personal and expert related to the victims and survivors of childhood sexual abuse has been presented to you for your review and consideration. Today is the start of many conversations, discussions and work that will provide means and ways to protect North Dakota's children against these heinous crimes.

I want to provide you with a description of a "typical" childhood sexual abuse offender profile along with facts related to their behavior. The information I am sharing with you was gleaned from research reports, law enforcement websites and sites dedicated to preventing child abuse and testimony shared with me from actual victims.

Who is a child sexual abuse offender? They are a heterogeneous group and do not fall along any specific socioeconomic or social achievement spectrums. Intelligence levels vary among them; and most are not mentally ill or psychotic. In fact, there is no such thing as a typical profile. They can be the volunteer softball coach, the fourth grade teacher, the football quarterback, the owner of the local bowling alley, an uncle, brother, cousin or neighbor. They can be a farmer, banker, plumber or someone who is retired, and both genders can be offenders. Each offender shares common behavior traits and characteristics. I will explain a few of those to you.

- Seventy percent of adult offenders admitted they had begun their deviant sexual behaviors as adolescents.
- Offenders justify their behavior through
 - Denial – they refuse to admit to others and even to themselves they have committed sexual assaults. They may say, "It's a lie, I never did that," or "She/he agreed to it."

①

- Rationalizing – this involves blaming the victim, other people or circumstances. You might hear, “It wasn’t my fault, she/he asked for it,” or “I was drunk and didn’t know what I was doing.”
- Minimizing – this is used by offenders to deny the seriousness of the acts. It is not unusual to hear “She is too little to understand what happened,” “I didn’t really hurt her,” “It wasn’t that bad, he liked it,” or “It wasn’t penetration, how can it be a crime?”
- Child molesters may engage in incestuous, as well as non-incestuous abuse and may target children of both genders.
- If the child victim is under the age of 12, 90% know their offender, and almost half of the offenders are a family member. Of sexual assaults against individuals 12 years-old and up, 80% of the victims know the offender.
- In the majority of cases, abusers gain access to their victims through deception, coercion, enticement, threats and fear. They seldom use force or violence.
- While there is a small subset of offenders who are exclusively attracted to children, the majority who sexually abuse children are (or have been) attracted to adults. Most are married or in a consenting relationship.
- No assumptions can be made about an offender’s preference. Research and anecdotal evidence indicate that some sex offenders choose only one type of victim, while others prey on different types.
- Because of the age difference, children are unable to legally consent to sexual acts. They do not have the ability to say no, they can only cooperate.

We received several letters of testimony through our Facebook page, “Child Survivors for Justice,” and our email address, childsurvivor@gmail.com. These three excerpts carry a powerful message and validate the description I have shared with you.

The first excerpt taken from “Proud Mom of 3 boys under 3:” She states, *“You are probably wondering why I did not tell anyone. I can tell you when I was very little, he would threaten me. He told me my toys would be taken away, no one would believe or love me and I would be sent away. He told me it was our secret and I would get into big trouble if I told. The neighbor girl was also molested by him and she came forward. I remember how terrible the entire family talked about this girl, saying that she had problems and that she was lying, that they were poor, etc. This girl was pretty much coerced into saying that she lied and that it didn’t happen. I felt ashamed and embarrassed. I knew that if I came forward the same fate would happen to me. I lived in fear every day when I went to my Grandma’s house. I would cry and tell my mother I did not want to go. She thought it was because it was “boring” or because Grandma was not the best housekeeper. So she would force me to go. (I know my mother has severe guilt over this because she did not realize what was going on.)”*

A second excerpt is taken from an email sent to us from Ginger. She shares, *“You need to pass this bill so when children are mature and strong enough to face their offenders, they are able to*

do this, not when they are still children. As the statutes stand, if the abuse stopped at age 7, a victim would only have until age 14 to report it. This needs to CHANGE! Children are not able to express easily that they are being abused. As a victim of child sexual abuse, I can say that it is very hard to express this due to being intimidated, being told that your parents will fight and get divorced, that no one will believe you and that you will no longer have a family. I did tell my grandmother and she did not believe me. When the abuse finally did come out from another victim and I collaborated, I was told to be quiet and that "boys will be boys," and it would "break my grandpa's heart." So, even at 24 years of age I did not pursue the abuse because I was pressured by family members not to say anything. Can you imagine being told this as a child?"

The third excerpt written by a 61 year-old grandmother states "I write this letter for all those who have been abused and because of state laws are not allowed to bring charges against their abusers. The laws do not take into consideration that many of us were abused when young children. I was eight years old when my father began molesting me. Think back to when you were eight years old. Can you even begin to imagine the pain and anguish of an eight year old who looked to her father for protection? What about all the victims who couldn't handle such an assault and blocked it in their mind? Many do not recall what was done to them until decades later! When I did seek counseling, I was told more than two-thirds of incest victims commit suicide!!

As I mentioned, I was eight years old. That was over 53 years ago but still remains in my mind, never to be forgotten. When my father started molesting me, I cried for a long time. I made attempts to tell my mother, but she wasn't interested and told me to obey my father. When he would come for me, I tried screaming and fighting him. His solution to that was to tell me it was OK, he would simply take my sisters instead!! You can't imagine what that did to me!! My sisters were five and two!!!! Needless to say I had to comply to protect my little sisters!!

This doesn't even begin to tell the atrocities that were done to me!! Yet, if someone is finally strong enough to bring charges against their abusers, they simply can't because of the laws. Do you honestly believe a child is going to bring charges? What about those who blocked it out? Their abusers seem to think you should just let it go because it's in the past. How convenient!! How nice that the courts and lawmakers allow children to have no recourse because the statute of limitation passed before they were even teenagers!! How convenient. For all those who committed suicide or have crumbled under the returning memories, I say it's time to change the laws!! Allow those individuals to grow and become trusting of their fellow man so they are no longer bound by the "secret".

It is important to understand that offenders always make a choice when they commit sexual offenses. They decide to act even though it is wrong. Nothing a victim does can make a person commit a sexual offense.

The information presented to you today does not adequately describe how important it is to pass 2331. Removing the statute of limitations for child sexual abuse crimes will give victims and survivors, when they are strong in mind, spirit and body a chance to face their offender or offenders in a legal venue, albeit, civil or criminal. Through Betty Jo Krenz's testimony, Heather Simonich's presentation and slides, and Lovice Brandenburg's personal testimony, you learn the strength and healing does not happen until the victim is in their 30s, 40s and even 50s.

On behalf of Theresa Semmens, I thank Senators Terry Wanzek and Joan Heckaman, and Representatives Kathy Hogan and Mike Brandenburg for sponsoring this bill. This bill is important for protecting North Dakota's children. We are getting starting the conversation, and the passing of the bill, or some form of it will help to further that conversation and work.

Thank you for taking the time to listen to and to visit with us today.

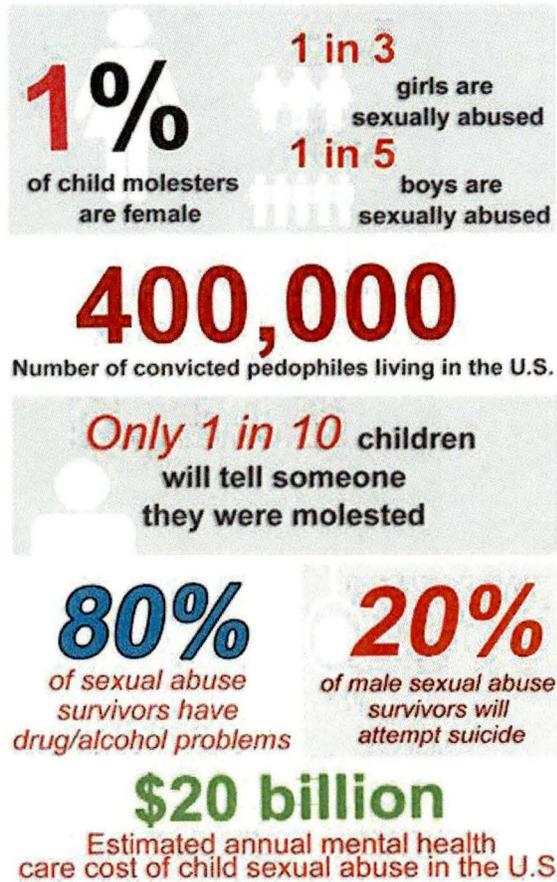
Brenda Frost on behalf of Theresa Semmens, Fargo North Dakota, District 27

Theresa Semmens
4415 47th Street South
Fargo, North Dakota

Theresa.Y.Semmens@gmail.com



Infographic for Child Sexual Abuse



This picture represents how victims feel. When posted on Facebook on the Child Survivors for Justice Page, the photo gathered several comments. All who responded agreed that "You can't see the scars but you will always feel the hands all over you....."



Letters of Testimony from Victims

Letter from a 61-year-old grandmother who is a victim/survivor

I write this letter for all those who have been abused and because of state laws are not allowed to bring charges against their abusers. The laws do not take into consideration that many of us were abused when young children. I was eight years old when my father began molesting me. Think back to when you were eight years old. Can you even begin to imagine the pain and anguish of an eight year old who looked to her father for protection? What about all the victims who couldn't handle such an assault and blocked it in their mind? Many do not recall what was done to them until decades later! When I did seek counseling, I was told more than two-thirds of incest victims commit suicide!!

As I mentioned, I was eight years old. That was over 53 years ago but still remains in my mind, never to be forgotten. When my father started molesting me, I cried for a long time. I made attempts to tell my mother, but she wasn't interested and told me to obey my father. When he would come for me, I tried screaming and fighting him. His solution to that was to tell me it was OK, he would simply take my sisters instead!! You can't imagine what that did to me!! My sisters were five and two!!!! Needless to say I had to comply to protect my little sisters!!

My father was a very mean and nasty individual. He beat all of us kids whenever the opportunity allowed (there were three girls and two boys). I learned over time that I could manipulate my way out of beatings by threatening him with non-compliance! As a result, I became a very manipulative child and teenager. I became very adept at being the quiet sneak!! My brothers and sisters were dumbfounded that I received less and less beatings!! There were many outraged cries by my siblings as no one could understand why I got away with murder!!

When we moved to a different state, all five of us kids had to share one bedroom. I was 16 then and that's when I decided enough!! My sister and I had to share a bed. So, when my father tried to come for me, I pinched my sister under the covers so she would wake up screaming! That ended it!! I will never forget my father's face when I sneered at him and told him to take out his woes on my mother!!

Things settled down, but as I became older and started spending time with friends, my father would beat my sisters to see if they knew where I was and what I was doing. It became so bad I finally pulled him aside and told him he was done. If he didn't stop beating my sisters, I told him I would go to the police. Then he could explain to them, my mother and God why I would come up with such a story. I explained the doubt would be cast and I would make sure he would go to jail. Again things settled down.

When I was 19, I became pregnant. Yes, I was a very promiscuous teenager. I actually wanted to be a prostitute since it was the only thing I knew!! My family traveled to Europe. Due to my pregnancy, I

was incredibly sick. When my mother and siblings went sightseeing one day, my father was ill and stayed behind with me. Once again he tried to come for me. I mocked him and spit in his face! Told him every Tom, Dick and Harry could have me, but he would never again touch me!! That stopped him in his tracks for a while.

When I moved out of my parents' home, my father would follow me and stalk my apartment. I let him follow me from my apartment one day and when we were in traffic and he was behind me, I slammed on my brakes so he would nearly hit me from behind. I got out of my car and started screaming at him in the middle of traffic!! It frightened him so badly he finally did stop stalking me!

During all these years I became more and more angry and aggressive. I was such an angry person ready to inflict pain on anyone who crossed me. I still have those tendencies today, but choose to keep that side of my personality in check. I'm not always successful, but continue to work on it every day! Some days the proverbial closet where my skeletons live flies open! I am happy they no longer fall out and I can simply close the door. My father died 10 years ago and it was one of the happiest days of my life!!

My husband never knew any of this until our daughter was approaching her eighth birthday. We were going to visit family and friends and planned to leave the kids with my parents for two days. That thought consumed me and I finally sought counseling. I knew in my heart it had everything to do with leaving my daughter in my father's care. When we arrived at my parents, I took my father aside and explained if he even thought of touching the kids, I would kill him and gladly spend my life in jail for it. I explained the kids could not lie to me and I would be questioning them. My husband came forward and told him he knew of everything and would stand by my side. That was the first time my father broke down. He asked why I couldn't let it go..... I explained he put everything in motion when he decided to start molesting me at eight years old and as a result had no rights. My husband explained it was now my father's problem to keep the "secret" because we were no longer going to keep quiet! My sisters are aware and support me. My mother and one brother learned of the whole mess. They believe I tell lies and am more evil than Satan himself. I disagree. That was the definition of my father, not me.

This doesn't even begin to tell the atrocities that were done to me!! Yet, if someone is finally strong enough to bring charges against their abusers, they simply can't because of the laws. Do you honestly believe a child is going to bring charges? What about those who blocked it out? Their abusers seem to think you should just let it go because it's in the past. How convenient!! How nice that the courts and lawmakers allow children to have no recourse because the statute of limitation passed before they were even teenagers!! How convenient. For all those who committed suicide or have crumbled under the returning memories, I say it's time to change the laws!! Allow those individuals to grow and become trusting of their fellow man so they are no longer bound by the "secret".

STOP THE ABUSE NOW!!!!!!!!!!!!!!!

Letter from Ginger

February 1, 2015

RE: SB

To the Members of the Senate Judiciary Committee;

My name is Ginger Westfall, and as a childhood sexual abuse survivor, I want to stress how it is extremely important that SB Bill 2331 passes. **There must be no statute of limitations on child sexual abuse.** Children do not have the skills or the courage to face their offenders. Children are not able to express easily that they are being abused.

As a victim of child sexual abuse I can tell you that it is very hard to express this due to being intimidated, being told that your parents will fight and get divorced, told that no one will believe you, and that you will no longer have a family.

I can say that I did tell my grandmother and she did not believe me. When the abuse finally did come out from another victim and I collaborated, I was told to be quiet and that "boys will be boys," and that it would "break my grandpa's heart." Even at 24 years of age, when I tried to talk about this, I did not pursue the abuse because I was pressured by family members not to say anything. Can you imagine being told this as a child? You must pass this bill so when children are mature and strong enough to face their accusers they will be able to do this.

With the current statute of limitations, if the abuse stopped at age 7, I would have only had until 14 years of age to report it. This needs to CHANGE!

My abuse started at such a young age I do not remember. I either blocked it out, or I do not remember. IT always was. It continued into grade school. I then avoided ever being in the same room as my abuser. However, even in high school he attempted to rape me on 2 occasions. I did fight him off. As an adult he knew I did not want him around me. I made this obvious. He would still try to intimidate me. When in public situations, I could not do anything. For example, at my wedding, he came through the dollar dance. KNOWING I did not want him too, and I am positive it was his arrogance saying, "What are you going to do about it?????"

I am currently 43 years old. This is still traumatizing for me. I can say the abuse affected me. I was in 2 abusive relationships. I have self-loathing, a distorted self-image. I look back at my childhood and I have very few good memories. My childhood was stolen from me

Please pass this bill,

Ginger Westfall

ginwestfall@yahoo.com

Letter from Proud Mom of Three
January 29, 2014

Chairman and members of the Legislative Committee,

I am writing you this letter to stress the importance of the bill to extend the statute of limitations on child rape. I am a child rape survivor that grew up in the state of North Dakota. I was raped by a family member who we know has victimized at least 5 other girls and boy. I however, was molested daily from the earliest I can remember at the age of 2 until 6 by an uncle who lived with my grandmother. My grandmother babysat me during the day while my mother and father worked. It then turned into raping me whenever she babysat me such as on weekends or during family holidays. The latest I remember this individual trying to rape me was the age of 16 when he exposed himself and tried to force his penis into my face while I was babysitting my cousins at their farm house.

You are probably wondering why I did not tell anyone. I can tell you when I was very little he would threaten me. He told me my toys would be taken away, no one would believe or love me and I would be sent away. He told me it was our secret and I would get into big trouble if I told. The neighbor girl was also molested by him and she came forward. I remember how terrible the entire family talked about this girl, saying that she had problems, that she was lying, that they were poor etc... This girl was pretty much coerced into saying that she lied and it didn't happen. I felt ashamed and embarrassed. I knew that if I came forward the same fate would happen to me. I lived in fear every day when I went to my grandma's house. I would cry and tell my mother I did not want to. She thought it was because it was "boring" or because she was not the best housekeeper. So she would force me to go. (I know now my mother has severe guilt over this and not realizing what was going on.)

At about the age of 14, I developed severe body complex issues. I was anorexic and bulimic until the age of 25. I lost many friends and close relationships because of this. I told my mother about the abuse at the age of 18, while I was in college. My roommates in college called my parents about my bulimia and how it was affecting them. My mother called me, at her wits end asking me why I was bulimic, what was wrong etc... I finally got up the courage to tell her. I told her I was sexually abused by my uncle/her brother for years and I thought about it every single day. She remained quiet and hung up. She called some of her family members who then called me and called me a liar, threatened me and told me to shut up. My sister, who was also sexually abused informed them I was telling the truth. I was then called again and told not to tarnish the family name, that it would break my Grandmother and Grandfather's heart and to keep quiet. I was still called a liar by an aunt and was told "boys will be boys."

I was 18 when I came forward and this is how I was treated. Can you imagine being school age and trying to come forward or feeling guilt and shame when you realize it is not ok to be touched sexually and that it is happening to you? We need to have tougher laws to stop these perpetrators from hurting more kids. It is important that when the victims become strong enough to come forward and want to prosecute their abuser we have laws set in place that allow this. I am asking you to please extend the statute of limitations on child rape

Sincerely,

Robin Jo Carter (Proud Mom of 3 boys under 3)

#5
SB2331
3/17/15

29-04-03.2. Statute of limitations as to child victim.

If the victim of a violation of chapter 12.1-20 is under the age of fifteen, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of fifteen.

History.

S.L. 1987, ch. 391, 1.

Notes to Decisions

Applicability.

Charges based on the sexual abuse of defendants young niece were not barred by the statute of limitations; the district court correctly applied the current version of N.D.C.C. 29-04-03.1, and, because the victim was under 15 at the time of the sexual abuse, the statute of limitations did not begin to run until her 15th birthday in 2002. The offense was reported to law enforcement authorities in December 2002, within the initial seven-year limitation period, and the prosecution was commenced within seven years. *State v. Goebel*, 2007 ND 4, 725 N.W.2d 578, 2007 N.D. LEXIS 2 (N.D. 2007).

Charges based on the sexual abuse of defendants young nephew were not barred by the statute of limitations; because the nephew was under 15 at the time of the offense, the statute of limitations did not begin to run until his 15th birthday in 1997, he did not report the offense to law enforcement until January 31, 2005, therefore, the prosecution had to be commenced within three years after that date, and the State filed a criminal complaint against defendant in June 2005, well within the three-year limitation period. *State v. Goebel*, 2007 ND 4, 725 N.W.2d 578, 2007 N.D. LEXIS 2 (N.D. 2007).