

HOUSE BILL NO. 1425

Introduced by

Representatives Brandenburg, Mitskog

Senators Grabinger, Hogan, Wanzek

1 A BILL for an Act to create and enact two new subsections to section 12.1-34-02 and a new
2 subsection to section 12.1-34-07 of the North Dakota Century Code, relating to treatment
3 standards for victims and medical screening and acute forensic medical examinations; and to
4 amend and reenact section 29-04-03.1 of the North Dakota Century Code, relating to
5 prosecution for sexual abuse of minors.

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

7 **SECTION 1.** Two new subsections to section 12.1-34-02 of the North Dakota Century Code
8 are created and enacted as follows:

9 Access to law enforcement report. Upon request of the victim, the prosecuting attorney
10 or law enforcement authority shall provide a victim with a copy of the law enforcement
11 report corresponding with the victim's case number.

12
13 Preservation of evidence. A prosecuting attorney, law enforcement authority, criminal
14 laboratory, or evidentiary storage facility may not destroy or dispose of any evidence to
15 a criminal offense before the limitation period for prosecution for the offense has
16 ended or the offense has been adjudicated.

17 **SECTION 2.** A new subsection to section 12.1-34-07 of the North Dakota Century Code is
18 created and enacted as follows:

19 Upon request from an alleged victim or the alleged victim's parent or guardian if the
20 alleged victim is a minor, a health care facility or a health care professional that
21 performed an acute forensic medical examination on an alleged victim of criminal
22 sexual conduct for the purpose of gathering evidence of an alleged crime shall provide
23 the alleged victim, or the alleged victim's parent or guardian if the alleged victim is a

1 minor, with a copy of the findings and results of the acute forensic medical
2 examination.

3 **SECTION 3. AMENDMENT.** Section 29-04-03.1 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **29-04-03.1. Prosecution for sexual abuse of minors.**

- 6 1. ~~Except as provided in subsection 2, a prosecution~~There is no limitation on the time
7 within which prosecution for a violation of sections 12.1-20-03 through 12.1-20-08 or of
8 section 12.1-20-11 must be commenced if the victim was under eighteen years of age
9 at the time the offense was committed ~~must be commenced in the proper court within~~
10 ~~ten years after the commission of the offense or, if the victim failed to report the~~
11 ~~offense within this limitation period, within three years after the offense was reported to~~
12 ~~law enforcement authorities.~~
13 2. ~~If, based upon evidence containing deoxyribonucleic acid or a fingerprint obtained at~~
14 ~~the time of offense, a suspect is conclusively identified by deoxyribonucleic acid~~
15 ~~testing after the time period prescribed in subsection 1 has expired, a prosecution may~~
16 ~~be commenced within three years after the suspect is conclusively identified by the~~
17 ~~deoxyribonucleic acid testing or fingerprint authentication.~~