

HOUSE BILL NO. 1387

Introduced by

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

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

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

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

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

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

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

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

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

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

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

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

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