



Senate Judiciary Committee
Testimony In Support of House Bill #1410
4-8-25

Chairman Larson and Members of the Senate Judiciary Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of House Bill 1410, a study bill related to child abuse laws. Below is background information about each area of subsection 2.

The study must include a review of:

2a. The use of the term “child sexually abusive material” or other language deemed appropriate instead of the term “sexual performance” to describe child pornography or sexual conduct of a minor in chapter 12.1-27.2.

The phrase “sexual performances by children” used in Chapter 12.1-27.2 should be updated in our laws. The word “performance” falsely suggests that the child is a willing participant in the criminal act.

Federal law uses the term “child pornography” (18 U.S.C. § 2252A). Instead, we propose the more accurate phrase “child sexually abusive materials,” commonly referred to as “CSAM” by child welfare organizations and professionals. Many states are beginning to adopt the term CSAM (e.g., Alabama, Michigan, Utah).

Changing the phrase “sexual performance by a minor” is not a simple 1-to-1 switch out in Century Code as we had originally thought. Thus, an interim study would allow for a more thorough and thoughtful approach toward updating that language in Century Code.





2b. State laws relating to the use of artificial intelligence for crimes relating to sexual performance of a minor or possession of certain prohibited materials.

House Bill 1386, which passed the Senate Floor unanimously last week, is a step in the right direction toward criminalizing the production and distribution of AI-generated CSAM. However, we believe AI-generated CSAM is a rapidly evolving and ever-shifting landscape, so careful ongoing analysis of our state's existing laws could shore up any potential weaknesses.

2c. Other laws intended to protect children and facilitate the investigation and prosecution of crimes involving child victims of sexual abuse, physical abuse, neglect, and trafficking.

This section of the bill would also allow the study committee flexibility to address other related child maltreatment matters that may arise.

Madame Chair and members of the committee, I appreciate your time today and will try to answer any questions.

Sincerely,

Greg Kasowski
Executive Director
Children's Advocacy Centers of North Dakota

