

Good Morning again Chairman Klemin and members of the House Judiciary Committee.

For the record, my name is Austen Schauer, representing District 13 in West Fargo.

I am asking today for a **Do Pass** on **House Bill 1384** which will *clarify* a section of law dealing with statute of limitations for childhood sexual abuse victims and their opportunity to file a civil lawsuit against the abuser.

We believe **HB 1384** makes it clear when the ten-year statute of limitations begins and ends for a survivor of this horrendous crime.

Currently, on page one, beginning on line seven, it says,

*“Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual abuse must be commenced within ten years after the plaintiff **knew or reasonably should have known** that a potential claim exists resulting from alleged childhood sexual abuse.”*

How is “**should have known**” defined? Who determines it and what expertise do they have especially when it comes to a crime against a child?

The Department of Justice says **86%** of child sexual abuse goes **unreported** and when victims are ready to come forward with a civil or criminal complaint, the average age is **52 years old** according to **Child USA** and its’ survey of one thousand survivors.

**House Bill 1384** makes this change on one page one, lines 7 through 9:

“Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual abuse must be commenced within ten years after the plaintiff ***was advised by a licensed North Dakota attorney*** that a potential claim exists resulting from alleged childhood sexual abuse.”

I believe this change makes it clear to survivors of when the ten-year statute of limitations begins giving them ample time to seek justice if they choose.

Mr Chairman, we have several people following me to testify on **HB 1384**, but I am certainly here to answer any question you or your committee may have.

Thank you.