

January 10, 2023

To: House Judiciary Committee

Re; HB 1145

Chairman Klemin and Members of the Judiciary Committee:

My name is Jim Hope and I am an Assistant State's Attorney for Stark County and have been such for perhaps too many years.

I am appearing in front of you today to testify before you in favor of HB 1145.

I was the prosecutor that handled A [REDACTED] R [REDACTED]'s case and the related case in late 1994. We were able to successfully prosecute the related case. With respect to A [REDACTED]'s case, however, her mental or emotional condition at that time precluded any prosecution of her case.

Many years passed. About a year or so ago A [REDACTED] approached the Stark County State's Attorney's Office about the possibility of pursuing her case. I explained to her that the statute of limitations had run and that a prosecution would not be possible.

This fact led to the process of examining the possible amendment of North Dakota's statute of limitations for victims who suffer, in the language of the proposed statute, a "disabling mental condition." HB1145 is the result of that process. (I should add that while I provided some input into the drafting of HB 1145, I did not draft it. That has been done by persons much better at drafting legislation than I am.)

Regarding the proposed bill, I would like to make the following points:

1. This is not a bill intended to address A [REDACTED]'s situation. It represents a policy change that is forward looking. It is intended to assist and provide some relief to persons who find themselves in a position similar to that which A [REDACTED] found herself in.
2. In theory, HB 1145 is a meritorious and reasonable proposal. It affects only sex offenses. It does not represent a radical departure from the approach taken by North Dakota law with respect to the statute of limitations involving other sex offenses in that current law provides an extended statute of limitations when the victim is a minor or in situations involving forcible rape. This legislature has recognized that an extended statute of limitations is warranted for certain sex offenses. This bill addresses another class of victims deserving of an extended statute of limitations.
3. It is ironic that in North Dakota that if a victim of a felony sex offense, other than a forcible rape, is 17 years and 11 months old, that the State has 21 years to bring its case but if the same thing happens to someone one day over the age of 18, the State has only three years to bring its action. This bill would help address this current inequity in North Dakota law.