

March 20, 2023

Dear Chairman Klemin and Committee Members,

Thank you for allowing me to speak today regarding SB 2282. My name is Paula Rebsom and I am the sister to A [REDACTED] R [REDACTED] whom you have also heard from. I appreciate the forward progress the legislative body appears to be making this session in creating extensions for the SOL laws currently in place for both Criminal and Civil cases regarding instances of Sexual Assault. This is certainly a small step in providing survivors of sexual assault a path to seek justice on their own terms, but it is still not enough. This bill must include a revival window for survivors of sexual assault who ran out of time to seek justice for Civil Damages because of unjustly short SOLs in order for it to truly to serve all of the people of North Dakota and not just those who come after it. If you seek to put limitations on a revival window, consider opening a 2-year window for victims who reported their assault, had it investigated by law enforcement, and all investigative documentation still exists which shows just cause, no matter the age of the individual or the case.

You have heard my sister's story now multiple times now throughout this legislative session. What you haven't heard is that my sister has not waited 29 years in order to seek justice, she has contacted multiple lawyers over many years to see if her case could be reopened only to continually be told the SOL had run out because at the time of the assault, she had just turned 18. Each time my sister has tried to seek justice, the wounds of the past resurface as raw as they were when initially inflicted. It is incredibly mentally and physical exhausting work for her and she regresses in her healing each time she seeks justice.

After her last attempt to revive her case, a lawyer told her the only way to seek justice was to get the law changed. And so, for the past 2 years that has tirelessly been her mission which brings us here today. Through this process she found out that her original case file from the sexual assault in the hospital still exists and she now has a copy of it. A lawyer who recently reviewed it said it shows just cause. Her statement was used nearly 30 years ago as supporting testimony to help convict the same man who sexually assaulted a 14-year-old girl in the same hospital months after my sister reported it to a nurse and was told that it was a bad dream and to never speak of it again. My sister had a solid case, she was simply not mentally healthy enough at the time to pursue her own justice, yet she did an incredibly brave and selfless act in providing her testimony to help the other girl. It is still a solid case today.

You are lawmakers. You have the power to create a law that would provide my sister the opportunity to use her police report to seek the justice she has been waiting for all these years. She deserves to heal and not carry the burden of holding onto the police report, which includes vivid details of her assault, any longer. Justice is an integral part of the healing

process. My sister deserves to live in her full light. Please do not amend this bill in such a way that my sister and other survivors of sexual assault who also have case files filled with enough evidence to pursue Civil damages are written out of it. Please stop the exhaustive loop of survivors and their families needing to relive their trauma in order to get laws changed. Adding a revival window for survivors of sexual assault that have a case file that still proves just cause, no matter how old they are, would finally give my sister, and other survivors of sexual assault the chance they all deserve to seek justice, which is an integral and necessary part of the healing process.

My sister did not choose to be sexually assaulted. No one does. Yet from the moment the assault occurs the course of their lives and their families' lives are forever changed. The survivor's ability to seek justice is also something they do not get to choose. It is decided for them by the state's current SOL laws in which the assault occurred and whether it is something that happened in the past, present, or future. A survivor of assault also does not choose to intentionally delay or stall justice either. It is a matter of survival for them and in some cases a matter of life and death, as it was with my sister. As you sit here today and listen to their stories, please also hear their cries for justice. Listen to what they are asking you for and take action on it. When survivors of sexual assault speak up, they risk a lot. We need them to know that when they speak up, they are heard. They are valued. They are cared for and justice will be made available to them. This is how you break the cycle of silence, which in turns breaks the cycle of violence. We cannot fight our enemy until we truly know it. You have a choice today to stand for survivors of sexual assault and help protect others from abuse. You have the chance to give them a choice in their path towards justice and healing, giving them back control of a part of their life that was so unjustly taken away from them.

Do not let the opposition tell you a revival window can't be done. At least 24 states and 3 territories have enacted some form of revival window laws dating back to as far as 2002, and many more states have bills being proposed at their current legislative sessions. A handful have even opened up permanent revival windows. (<https://childusa.org/2023sol/>) This can be done, it has been done, and the system did not break because of it. If you truly want to stand for and with survivors of sexual assault you will add a 2-year revival window to this bill for expired claims that have their original case file available without any restrictions on the age of the case file. I urge you to give SB 2282 a DO PASS recommendation with a 2-year revival window added to it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paula Rebsom', with a stylized, flowing script.

Paula Rebsom