

March 14, 2023

To: Senate Judiciary Committee

Re; HB 1145

Chairman Larson 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 in its current format.

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." The original draft of HB1145 was the result of that process.

The bill had some features that would have created legal problems. Accordingly, the House Judiciary Committee took a different approach to the fact that victims of sexual crimes often need a considerable length of time to heal. The bill was accordingly amended to provide for a longer statute of limitations of seven years for felony sex offenses. (The special statute of limitations provisions for minors were left in place.) The amended bill passed the House unanimously.

Regarding the amended 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 by providing extra time for victims of sexual offenses to heal and strengthen.
2. 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 currently has only three years to bring its action. This bill would help address this current inequity in North Dakota law.

Finally, I must note that this committee, in SB 2282, approved an extension of the civil statute of limitations in sex offense cases to nine years. SB 2282, as amended, passed the Senate unanimously. It would make sense, I believe, to have the criminal statute conform to the civil statute.