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Testimony

Senate Bill 2131 — State and Local Government Committee

01/12/2023

Good morning Chairwoman Roers, and members of the committee. My name is Courtney Monroe Ryckman, Direct Services Supervisor at the Abused Adult Resource Center (AARC) in Bismarck with almost 20 years of experience working with victims of domestic violence and sexual assault. I am coming to you today in opposition to the removal of the sentence requiring the separation of the crime lab from the Bureau of Criminal Investigations (BCI). This opposition is specifically related to the impact of this change on sexual assault victims. According to national recommendations from the forensic science community, best practice is to keep these agencies separate, rather than combined. This is largely due to concerns around real or perceived biases within crime labs who are then considered an agent of law enforcement rather than a separate, objective agency presenting findings from evidentiary analysis.

In addition to recommendations from the forensic community, national studies from Texas and Michigan of backlogged and untested sexual assault kits also support the separation of crime labs from law enforcement agencies, the opposite of what is being proposed in this bill.

Reporting a sexual assault for a victim is a very intrusive and traumatic experience. Following the initial report and forensic exam there are often months of law enforcement investigation and the different stages throughout the court process. One component of this process includes waiting for the sexual assault kit to be submitted to the crime lab by law enforcement, followed by the time it takes to analyze the items in the kit. This can cause a case to take even longer, often over a year from start to finish.

In 2017, the people of North Dakota voted on a constitutional amendment now known as Marsy's Law, which specifically states victims have "the right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings." By making this change in statute the potential and likelihood for increased delays due to requirements from defense seeking out independent analysis of evidence will have a negative and lasting impact on sexual assault victims. This will affect their ability to recover from the sexual assault and cause additional delays through the criminal justice process.

Thank you for this opportunity and if you have any questions, please let me know.

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