

April 9, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2387**

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

*In place of the amendments (25.1369.02001) adopted by the House, Engrossed Senate Bill No. 2387 is amended by amendment (25.1369.02002) as follows:*

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota  
2 Century Code, relating to the rights of sexual violence survivors.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Sexual violence survivor rights.**

7 1. As used in this section:

8 a. "Sexual assault victim advocate" means a victim advocate of a domestic violence  
9 sexual assault organization as defined under section 14-07.1-01, or a victim  
10 advocate from a children's advocacy center as defined in ~~section 50-25.1-02-a~~  
11 ~~victim advocate from an organization providing services to victims of sexual~~  
12 ~~trafficking or other sexual violence.~~

13 b. "Sexual violence survivor" means an individual who is a victim of a crime defined  
14 under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,  
15 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3-~~41-04.~~

16 2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor  
17 must be afforded the following rights.

18 a. The right to consult with a sexual assault victim advocate during any forensic  
19 medical examination, unless the advocate is not available in a timely manner. A  
20 survivor's:

- 1                   (1) Communication with a sexual assault victim advocate is privileged, unless  
2                                 waived by the survivor; and
- 3                   (2) Waiver of the right to a sexual assault victim advocate is privileged.
- 4           b. The right to the presence of privately retained counsel when speaking with law  
5                         enforcement regarding the alleged assault, unless law enforcement is conducting  
6                         a forensic interview with an alleged child victim.
- 7           c. ~~The~~Except as provided by law, the right to access the law enforcement report  
8                         prepared for the survivor's case, unless:
- 9                   ~~(1) The survivor is a minor; or~~
- 10                   ~~(2) Providing access would hinder the investigation at no cost.~~
- 11           d. The right to a document prepared by the attorney general explaining the rights of  
12                         sexual violence survivors under this section and other relevant law. ~~The rights-~~  
13                         document, which must be provided by a medical provider or law enforcement  
14                         officer upon initial contact with the survivor.