



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1351

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 20, 2025

Chairman Klemin and honorable members of the House Judiciary Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1351 and respectfully request that you render a “DO PASS” on this bill with one requested amendment.

Our organization believes that human beings are created with inherent dignity and worth. Artificially manufactured sexually explicit images and videos violate a person’s dignity and can significantly damage a person’s self-worth and image among their peers. These images and videos are particularly damaging because the victim who this content is created of has no consent over the content’s creation and distribution.

We support this bill because it seeks to protect the dignity and worth of people and protects against nonconsensual creation and distribution of artificially created sexually explicit images and videos.

While we support this bill, it has been brought to our attention that if this bill were to pass with only a Class A misdemeanor penalty, this bill would weaken the statutes against child sexual abuse material (CSAM). Currently, the possession of child sexual abuse material in 12.1-27.2-04.1 is a class C felony. If this bill passes, all the offenders will try to claim that the CSAM is a deep fake and not real material, and this will either result in the lower offense conviction or a not guilty verdict for an offender that possessed real sexual images of minors. Further, currently promoting a sexual performance by a minor in violation of 12.1-27.2-04 is a Class B Felony, and promoting an obscene performance by a minor in violation of 12.1-27.2-03 is a Class A Felony. A deep fake with a minor’s image is just as emotionally and mentally damaging as using the child’s real sexual image. Thus, please include an amendment of the penalty section from a Class A Misdemeanor to at least a Class C Felony.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you please vote House Bill 1351 out of committee with a “DO PASS” recommendation with the requested amendment.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action