

## **House Bills 1386 - Computer-generated Images**

### **House Judiciary Committee**

**January 20, 2025**

**Submitted by: Anna Frissell**

Honorable Chairman, distinguished members of the Judiciary Committee, North Dakota House of Representatives, thank you for the opportunity to testify today. My name is Anna Frissell and I am a board member of the Children's Advocacy Centers of North Dakota, as well as, a member of the Legislative Task Force for the Prevention of Child Sexual Abuse. I am also a past Executive Director of a North Dakota Children's Advocacy Center and a prosecutor in North Dakota and Minnesota. I wish to note my support for criminalizing the production, possession, distribution, promotion, etc., of certain computer-generated images depicting minors engaged in sexual conduct or a sexual performance.

Under House Bill 1386, the penalty is a C Felony for each image up to nineteen images and a B felony if over twenty images are involved or in several other listed situations. The penalty rises to an A felony if the offense involves sexual abuse or visual representation of an infant or toddler. I support the penalty level of these offenses.

Reviewing the Bill, the language under 12.1-27.2-04.1(2)(d), sets forth a B Felony and applies to a "prepubescent minor or a minor under twelve years of age". It is confusing to use two age descriptors: prepubescent and twelve years old. The use of the word "prepubescent" could conceivably extend the age of the minor to thirteen or fourteen. It is clearer to remove the word "prepubescent", leaving the statute applying to an offense involving a minor twelve years of age.

Likewise, the Bill provides that under 12.1-27.2-04.1(3), the violation of this statute is an A Felony when the actions involve an infant or toddler. There is no age noted for the infant or toddler. In order to apply this section of law it will be important to have a specific age set forth in the statute for an infant or toddler.

Thank you for the opportunity to submit testimony. Please contact me if I can be of further assistance.

Anna Frissell  
annarrcac@yahoo.com