

HOUSE BILL NO. 1145

Introduced by

Representatives Schauer, Boschee, O'Brien, Schneider, Swiontek, Wagner, Warrey, Weisz

Senators Hogan, K. Roers, Weber

1 A BILL for an Act to create and enact section 29-04-03.3 of the North Dakota Century Code,
2 relating to the statute of limitations for prosecuting sex crimes involving victims who develop a
3 disabling mental condition; and to provide a penalty.

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

5 **SECTION 1.** Section 29-04-03.3 of the North Dakota Century Code is created and enacted
6 as follows:

7 **29-04-03.3. Statute of limitations for victim with disabling mental condition.**

8 1. As used in this section:

9 a. "Disabling mental condition" means a psychological disorder that significantly
10 decreases, impairs, or interferes with an individual's cognition, emotional
11 regulation, or behavior. The term includes depression and posttraumatic stress
12 disorder.

13 b. "Mental health provider" means a licensed physician, psychologist, therapist,
14 psychiatrist, mental health counselor, or addiction counselor, who completed a
15 professional assessment to determine the validity of the victim's disabling mental
16 condition and provided the victim with behavioral health services for the victim's
17 disabling mental condition.

18 2. A prosecution for a violation of sections 12.1-20-03, 12.1-20-04, 12.1-20-06,
19 12.1-20-06.1, 12.1-20-07, 12.1-20-11, 12.1-20-12.3, or for the crime of human
20 trafficking, must be commenced in the proper court within two years after the victim no
21 longer has a disabling mental condition if:

22 a. The victim was eighteen years of age or older at the time the offense was
23 committed;

24 b. The victim developed a disabling mental condition as a result of the offense; and

- 1 c. The victim and the victim's mental health provider agree in writing the victim no
- 2 longer has a disabling mental condition.