

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.~~ for an Act to amend and reenact section
4 29-04-02.1 of the North Dakota Century Code, relating to prosecution for gross sexual
5 imposition; and to provide a penalty.

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

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

9 ~~**29-04-03.3. Statute of limitations for victim with disabling mental condition.**~~

10 ~~1. As used in this section:~~

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

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

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

1 ~~a. The victim was eighteen years of age or older at the time the offense was~~
2 ~~committed;~~

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

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

6 **SECTION 1. AMENDMENT.** Section 29-04-02.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **29-04-02.1. Prosecution for ~~gross sexual imposition~~ a **felony sexual offense** or human**
9 **trafficking.**

10 Except as otherwise provided by law, a prosecution for a **felony** violation of ~~subdivision a of~~
11 ~~subsection 1 of section 12.1-20-03~~ **chapter 12.1-20** or for the crime of human trafficking must be
12 commenced in the proper court within seven years after the commission of the offense.