



521 E Main Avenue  
Suite 320  
Bismarck, ND 58501

Phone 701.255.6240  
Toll Free 888.255.6240  
Fax 701.255.1904

cawsnorthdakota.org  
contact@cawsnorthdakota.org



**House Bill No. 1256**  
**House Judiciary Committee**  
**Testimony Presented by Seth O'Neill, JD, MSW**  
**January 17, 2023**

Chairman Klemin and members of the Committee, my name is Seth O'Neill and I am representing CAWS North Dakota in opposition to HB1256. CAWS North Dakota is the statewide coalition of the domestic violence and sexual assault programs in North Dakota.

We are opposed to this bill due to the chilling effect it would have on victims of sexual harassment. This bill would make it a Class C Felony for an individual to make an allegation of sexual harassment that was found to be false and frivolous. These terms false and frivolous are not defined and it is unclear what the requirements would be. If an individual who experienced legitimate sexual harassment is unable to substantiate their claim with outside evidence, it is possible they could be charged with this crime even though they are a victim of sexual harassment. This situation will lead to victims of sexual harassment being even more hesitant to share their experiences due to the overwhelming negative consequences it could have on them.

This bill would classify making a false allegation of sexual harassment a Class C felony. Other examples of Class C felonies include negligent homicide (12.1-16-03), assisting the commission of a suicide (12.1-16-04), sexual abuse of wards (12.1-20-06), simple assault against a peace officer (12.1-17-01), and terrorizing (12.1-17-04).

This bill is unnecessary because making false statements is already a Class A Misdemeanor under North Dakota Century Code 12.1-11-02. We believe creating an additional section for false statements of sexual harassment is unnecessary. Also, enhancing the penalty for

a false statement of sexual harassment to a Class C Felony, punishable by up to five years in prison and/or a \$10,000 fine is inappropriate.

For these reasons, we are opposed to this bill and encourage the committee to give HB1256 a do not pass recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank you.