

Senate Human Service Committee
March 15th, 2023 HB 1473
Testimony in Opposition

Dear Chair Lee and the members of the Senate Human Service Committee,

I'm writing to urge a **"Do Not Pass"** vote from the committee, with exception.

Likely conflicts with or violates existing law.

Representative SuAnn Olson proposed this bill with the intention of "Sex" being defined with consistent language with other bills - i.e. determined by a selection of biological traits present at birth. With this understanding:

1. This will likely conflict with [North Dakota Department of Labor and Human Rights](#)
2. This will likely conflict with the [Prison Rape Elimination Act of 2003](#). (PREA)

It is worth noting that the Prison Rape Elimination Act's inclusion of transgender inmates was a direct response to the increase risk transgender individuals face within correctional facilities, especially related to things like rape and assault. [Research in 2012](#) continued to support that finding, even after PREA and [community surveys](#) continue the trend. I only bring this up in response to Rep. Olson's testimony that defined her intention with this bill, because those intentions would violate the rights and safety of transgender women and girls. These individual's rights and safety must be weighed fairly, which has detailed instructions through PREA.

Isolated instances of trans individuals engaging in harmful or criminal behavior is not justification for exclusion of the entire group. Incidentally, trans women are sometimes put within male facilities for their own safety, due to abuse and assault from cisgender women. These issues are extremely sensitive and difficult, often trans individuals are simply not safe in facilities and this legislation is not doing any favors to the complexity of situations trans inmates or their wardens face.

Does not solve the intended aim of the bill - increased privacy - but it could.

I understand Rep. Olson's paramount concern is privacy, as she was moved nearly to tears talking about her grandchildren. This isn't a privacy bill. Even within the language of this bill, you could still find every concern Rep. Olson brings up. I recommend changing the language of the amendments to mirror this for each section.

SECTION 1. A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Relating to use of restrooms and shower rooms

1. Facilities must provide reasonable accommodations for anyone who experiences distress in shared showers, restrooms, or changing rooms.

While this will put an extra burden on many of our facilities, I think Rep. Olson's desire for privacy is worth it. If the change as above is made, I would recommend "Do Pass".

Thank you for your time, consideration, and service to our state,
Faye Seidler