

**Support SB 2209
North Dakota House Judiciary Committee**

March 5, 2025

Chair Klemin and members of the House Judiciary Committee, my name is Kristie Wolff, I am the Communications Coordinator for Central Dakota Forensic Nurse Examiners (CDFNE).

I am testifying today in support of SB 2209, which makes critical updates to forensic medical services for victims of sexual assault, domestic violence, child abuse, and neglect in North Dakota.

CDFNE is a North Dakota based non-profit organization providing forensic medical services to children and adult survivors of sexual violence, domestic violence, physical abuse and neglect in western North Dakota. Our organization serves 23 counties, with our headquarters in Bismarck. Our team of 23 Forensic Nurses work with a variety of partners including law enforcement, advocacy agencies, social services, children's advocacy centers, and hospitals as part of local multidisciplinary response teams. These partnerships ensure that victims receive comprehensive, coordinated care while supporting the investigation and prosecution of crimes.

Forensic nursing is a highly specialized field at the intersection of nursing, forensic science, and the legal system. At CDFNE, our nurses undergo extensive training to provide trauma-informed care tailored to the needs of survivors while also collecting evidence in a manner that meets legal standards. This dual role allows them not only to offer compassionate medical care but also to serve as expert witnesses in court when needed. Their work plays a vital role in helping victims on their path to healing, holding offenders accountable, and strengthening the safety and well-being of our communities.

Expanding the Timeframe for Exams

Currently, under North Dakota law, victims may access acute forensic medical exams up to 96 hours after a sexual assault. This bill would extend that window to 120 hours, a change supported by

research and aligned with best practices outlined in the National Best Practices for Sexual Assault Kits released by the US Department of Justice in 2017. (see attachment) This timeframe will also align with the newest edition of the ND Sexual Assault Response Protocol which was drafted by statewide partners in 2024.

Making the Pilot Program Permanent

During the 2023 Legislative session, a pilot program was approved to expand access to forensic medical services to include victims of domestic violence, physical abuse, and neglect. Under that pilot program CDFNE expanded services in our Bismarck and Williston regions, which cover ten counties. (Burleigh, Morton, Kidder, Grant, Emmons, Sheridan, Sioux, Williams, McKenzie and Divide).

The work we accomplished under the program included development of protocols and policies, providing our nurses with additional training, and coordinating with members of our multidisciplinary teams in each region. We launched services to victims in February of 2024 and provided care to 62 victims over the 10-month period ending in December of 2024. The pilot program demonstrated the demand for these expanded services and the capacity of our forensic nurses to meet that need effectively. If SB 2209 is passed, we will be able to continue services and expand this work to our other two regions.

SB 2209 would make the pilot program a permanent part of the work we do in North Dakota to support victims on their road to healing and justice. The changes in this bill may seem simple, but the positive impact to victims and the safety of our communities is significant. By extending the timeframe for exams and making the expanded services permanent, we will ensure that no victim is left without access to care, evidence collection, or the opportunity to seek accountability. Therefore, today I am asking you to give a DO PASS recommendation on SB 2209.

Thank you for your time. I'm happy to answer any questions.

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National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach



- ✓ The purpose of collecting samples for the kit.
- ✓ How the kit may be used in the investigative process.
- ✓ That consent can be given or withdrawn by the victim to individual parts or the entire medical-forensic exam.
- ✓ The processes and associated time frames for testing kits.
- ✓ Victim notification of kit testing results (e.g., DNA).

Timing of Sample Collection in Living Victims

Forensic DNA evidence deteriorates with time. Therefore, it is imperative that sexual assault evidence be collected as soon as possible.²⁶ This evidence should be collected regardless of the victim's post-assault activities (e.g., showering, urinating, douching, swimming, sexual activity, eating, or drinking). Sexual assault samples should be collected from any victim seeking care as soon as possible and up to five (5) days or longer post-assault.²⁷ Due to advancements in technology, emerging research indicates there may be potential to extend the time frame to nine (9) days post-assault in the living patient.²⁸ Regardless of the time frame, reimbursement should be provided for the medical-forensic exam.²⁹ Because laboratories have varying capabilities, the forensic laboratory designated to conduct the DNA testing should be consulted.

RECOMMENDATION 7:

Guided by the victim history, sexual assault samples should be collected from any victim seeking care as soon as possible and up to five (5) days or longer post-assault. Regardless of the time frame, reimbursement should be provided for the medical-forensic exam.

Although the detection and characterization of body fluids in a forensic laboratory has not changed considerably over time, DNA testing has dramatically increased in sensitivity. Based on the victim's history, potential body fluids should be collected from those areas where DNA of the possible perpetrator may have been left. Each of these collection areas has a different

²⁶ It should be understood that time frames for sample collection do not extend to medical care. There is no time limit for a victim to present for medical care post-assault, for concerns related to sexually transmitted infection exposure, pregnancy, and/or other health consequences of sexual assault.

²⁷ While time frames for sample collection tend to fall between 96 and 120 hours in the majority of jurisdictions, the Department of Defense currently extends their collection period to 7 days (Victim Instructions, DD2911, p. 1). See also, *A National Protocol for Sexual Assault Medical Forensic Examinations—Adults/Adolescents* (2nd Ed.), at page 8; *SWGDAAM Recommendations for the Efficient DNA Processing of Sexual Assault Evidence Kits*.

²⁸ P. Speck and J. Ballantyne, *Post-Coital DNA Recovery* (December 2014), NIJ grant no. 2009-DN-BX-0023; available at <https://www.ncjrs.gov/pdffiles1/nij/grants/248682.pdf>.

²⁹ In some jurisdictions, legislation exists that creates limitations to the medical-forensic exam provision in that it ties reimbursement to narrower time frames than are otherwise indicated by national guidance, health care recommendations, or current research (e.g., collection of samples beyond 72 hours post-assault).