

Senate Judiciary Committee

House Bill 1351

Testimony In Favor

Anna Frissell

Youthworks and Children's Advocacy Centers of North Dakota

Honorable Chair Larson, distinguished members of the Senate Judiciary Committee, thank you for the opportunity to testify today. My name is Anna Frissell and I am here as a representative of the Board of Children's Advocacy Centers of North Dakota, an employee of Youthworks of North Dakota, as well as a member of the Legislative Task Force for the Prevention of Child Sexual Abuse. I am also a past Executive Director of a North Dakota Children's Advocacy Center and a former prosecutor in North Dakota and Minnesota. I am testifying today in support of HB 1351, asking for the criminalization of the production, possession, distribution and promotion, etc., of computer-generated images depicting minors engaging in sexual conduct or a sexual performance.

The organizations that I am affiliated with work every day to protect kids and we support this bill. We see the damage done to young victims by the creation and dissemination of fake videos or images. We also recognize the value offered by the provisions of the bill offering a civil opportunity to collect damages and stop the behavior.

I know of a case where the young victim of a very sexually explicit computer-generated video ended up leaving the school she attended, leaving her friends, and school activities. Many of the accounts about the young victims that one hears of end with suicide. These images cause humiliation and real pain. The perpetrator likely using the "fake", either to humiliate or blackmail the victim or worse. This legislation takes steps to criminalize the generation of images that were created for no reason other than to do damage to another human being.

We would like to call attention to the proposed penalty in HB 1351 and ask for consideration of a more severe penalty level. The crime proposed in HB 1351 carries a penalty of an A misdemeanor. The North Dakota Century Code, 12.1-27.2-04.1, Possession of Certain Materials Prohibited, carries a C felony. The C felony charge is for knowingly possessing video, photography or other visual representation of sexual conduct of a minor (what we think of as "pornography" involving a minor). I suggest that the penalty for the crimes set forth in HB 1351 should also be a C felony for the first offense. In the alternative, if it is determined that the penalty will not be a C felony for the first offense, then the penalty should be enhanced from an A misdemeanor to a C felony, for a second similar offense.

There is every reason to believe that the dangers from the technology that produces computer-generated images is becoming more sophisticated, promising yet unimagined dangers. I thank the legislature for attacking this societal problem; using our criminal code to protect our youth and civil penalties to attempt to provide some remedies or financial redress for the wrongs done to them.

Thank you.

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