

2025 HOUSE JUDICIARY

HB 1410

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1410
1/20/2025

A BILL for an Act to provide for a legislative management study regarding a review of state laws relating to criminal conduct against children.

11:23 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Child Sexual Assault Prevention Task Force
- Criminal conduct against children involving artificial intelligence

11:23 a.m. Representative Mary Schneider, North Dakota Representative for District 21, introduced the bill and provided testimony #30101 and #30263.

11:33 a.m. Anna Frissell, Board member of the Children's Advocacy Centers of North Dakota and member of the Legislative Task Force, testified in favor and provided testimony #30256.

11:44 a.m. Christy Dodd, Executive Director of Families Flourish ND, testified in favor and provided testimony #29999 and #29799.

11:47 a.m. Terry Effertz, TechND, testified in favor.

Additional written testimony:

Nicolas Cullen, Bismarck, North Dakota, submitted testimony in favor #29906.

Justin Hillman, Dakota Advocate for the National Association for Rational Sexual Offense Laws, submitted testimony in favor #29961.

Mark Jorritsma, Executive Director for the North Dakota Family Alliance Legislative Action, submitted testimony in favor #29997.

11:48 Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Introduction—HB 1410—Study relating to criminal conduct against children

Representative Mary Schneider

January 20, 2025

One of my favorite quotes is an anonymous one you have probably heard:

“A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be better because I was important in the life of a child.”

House Bill 1410 is one of our chances to make a difference in the lives of our North Dakota children at risk of victimization. The bill is a short and simple request for a legislative management study of state laws relating to criminal conduct against children, child sexual assault, and child physical abuse and neglect.

The study requires a review of outdated references and verbiage, and examination of state laws regarding AI and its new and extraordinarily dangerous role in sexual performances of minors and in prohibited materials possession involving children. It will review and possibly recommend changes in the investigation and prosecution of crimes involving physical abuse, sexual abuse, and neglect of children. The findings, recommendations, and perhaps legislation from such a study effort will likely require updates or action in the next legislative session.

Subsequent witnesses will better describe the need for this important study.

This bill originated with the Child Sexual Assault Prevention Task Force, a group that was created through a bill by Representative Bernie Satrom. It has done such good work that the Task Force has received funding and continued funding from our legislature. I am extremely proud of the Task Force, its extraordinary members and exceptional leadership. They represent a broad professional continuum of advocates for children and related cross-agency representatives of law enforcement, social services, prosecutorial and other justice system components. Representative Satrom, Senator Clemens, and I have served on the Task Force since its start. All members work hard to protect children and educate others to do so too.

I urge a due pass vote for this important review and updating of state law to help address the protections our North Dakota children need and deserve.

I am happy to address your questions or step aside for the skilled witnesses behind me who can.

Proposed Amendment Language

HB 1410

Line 9: change "child sexual abusive material" to "child sexually abusive material" and add: or other language deemed appropriate

It should then read:

- a. The use of the term "child sexually abusive material" or other language deemed appropriate instead of the term "sexual performance"...

House Bill 1410**House Judiciary Committee****11:30 a.m., January 20, 2025****Submitted by: Anna Frissell****Introduction**

Honorable Chairman, distinguished members of the Judiciary Committee, North Dakota House of Representatives, thank you for the opportunity to testify today. My name is Anna Frissell and I am a board member of the Children's Advocacy Centers 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 prosecutor in North Dakota and Minnesota. I am here to testify in support of House Bill 1410.

Background

While doing the work of the Children's Advocacy Centers (CACs) and the Prevention of Child Sexual Abuse Task Force, we often consider the impact of laws and policies on child victims of abuse; physical, sexual and neglect. The Task Force was charged with developing and implementing a comprehensive statewide approach to the prevention of child sexual abuse. The Task Force, with the help of our legislative representatives, Senator Clemens and Representatives Schneider and Satrom, and the Director of the Task Force, Lindsey Burkhardt, has accomplished much. Those accomplishments are well-documented on the Task Force website (ndstopcsa.com) and in its ongoing reports to this legislature.

The Task Force's work on prevention allowed us to develop and implement strategies, focusing on primary prevention first, but recognizing that secondary and tertiary interventions are needed to provide meaningful prevention and protection. House Bill 1410 is a natural extension of the work of the Task Force as the bill offers the opportunity to address issues beyond prevention.

Likewise, from my service on the Children's Advocacy Centers of North Dakota Board of Directors, I know that the CACs are hyper-focused on identifying and supporting changes to the criminal justice, child welfare systems and other systems that enhance the protection of children and stop abuse.

Provisions of the Bill

Below please find key provisions of the proposed legislation and my understanding of the rationale behind each section:

Section 1

The request for a study of state laws relating to criminal conduct against children, child sexual assault and child physical abuse and neglect.

Section 2(a)

This provision seeks to remove the term “sexual performance” from the criminal code and replace it with the term “child sexually abusive material.” At our most recent Task Force meeting we agreed to ask that the Bill be amended to read, “The use of the term child sexually abusive material or other language deemed appropriate to describe child pornography or sexual conduct of a minor in Chapter 12.1-27.2, NDCC.

The rationale behind Section 2(a) is that the term “sexual performance” is outdated and offensive. “Sexual performance” used in Chapter 12.1-27.2, is defined as any performance which includes sexual conduct by a minor. The use of the word “performance” connotes a willing and voluntary act by the person involved or “performing”. To call a minor’s forced participation in a sexual act a “performance” is grossly wrong.

The term has been abandoned by some jurisdictions and replaced by the term “child pornography”, or more recently “child sexually abusive material”, or alternative terminology depending on the material or actions described.

When one looks at the criminal statutes to replace the term “sexual performance,” it poses some challenges as to using the same phrase for every replacement. Research into terminology and our statutes can be prepared and reviewed by the multi-disciplinary Legislative Management Study to determine the appropriate terminology for North Dakota law and replace this phrase in the criminal code.

Section 2(b)

This provision seeks to cause a review of state laws relating to the use of artificial intelligence in crimes relating to “sexual performance” of a minor or possession of prohibited materials.

This section of the bill involves the fast-changing landscape of artificial intelligence and its potential for victimization in ways we have never even imagined. The legislature has been presented with bills criminalizing the production, possession, distribution, promotion, etc. of sexually explicit “deep fake” videos. At least one of these bills adds to the section 12.1-27.1, Sexual Performance of a Minor and will underscore the need to change the use of the term, ‘ sexual performance.’”

Section 2(b) also raises the issue of artificial intelligence in conjunction with possession of prohibited materials. 12.1-27.2-04.1, NDCC, is entitled, Possession of Certain Materials prohibited. This section makes it a C felony if one knows the character and content and knowingly possesses any motion picture, photograph or other visual representation that includes sexual conduct of a minor. This statute can be reviewed for consistency in penalty and language with the new “deep fake” statutes.

The Legislative Study Committee will look at the criminal code and the sexual performance statutes as well as other statutes, making recommendations that will address any new developments or inconsistencies in present law that will be noted or happen in the interim years as artificial intelligence evolves and changes the victimization of children. An attempt to keep up with the “bad guys”.

Section 2(c)

This section of the bill mandates that the Study Committee look at other laws (either changing existing North Dakota laws or recommending new laws) intended to protect children and which facilitate the investigation and prosecution of crimes involving child victims of sexual, and physical abuse and neglect.

The study will bring together a multi-disciplinary team of professionals with specialized knowledge in the investigation and prosecution of crimes involving child victims. Engagement with various stakeholders will offer diverse perspectives on improving the statutory framework for protecting children. This review could include not only the most commonly utilized statutes for sexual and physical abuse and neglect, but it could include the anti-human trafficking statutes and others as well.

The professionals on the Study Committee may include law enforcement, child protection, prosecutors, defense attorneys, judicial staff, Children Advocacy Center

staff, legislators, mental health professionals, guardian ad litem, prevention and medical personnel. This team will have an opportunity to make recommendations to the next legislative session for changes and additions to the law.

As I mentioned above, the Task Force for the Prevention of Child Sexual Abuse has worked since 2017 developing and implementing strategies, focusing on primary prevention first, but recognizing that secondary and tertiary interventions are needed to provide meaningful prevention and protection. This study is a natural next step in improving North Dakota's response to child victims.

Conclusion

In conclusion, the proposed legislation offers a pivotal opportunity to improve the response to child victims of sexual and physical abuse and neglect in North Dakota. I request the North Dakota House Judiciary Committee support House Bill 1410.

Thank you for your time and attention. I am available to answer any questions and provide further information, as needed.

Anna Frissell
Children's Advocacy Centers of North Dakota
Board of Directors
Member Task Force for the Prevention of Child Sexual Abuse

Contact
Anna Frissell
621 Cottonwood Court
West Fargo, North Dakota 58078
afrissell@youthworksnd.org

North Dakota Child Sexual Abuse Prevention Task Force

<https://www.ndstopcsa.com/>

Director's Report

December 2024

Pillar: Policy, Advocacy & Legislation

Goal: The Child Sexual Abuse Prevention Task Force will advance a legislative agenda to increase protective factors for children & families.

- Subcommittee Committee met on December 12th & 16th. The committee has focused on:
 - Grooming Legislation – proceeding with bill draft.
 - Language updates to ND Century Code: Sexual Performance of a Child/Children to Child Sexual Abuse Material (CSAM).
 - AI – Reviewed Representative Satrom's bill draft.

Pillar: Education & Awareness

Goal: The Child Sexual Abuse Prevention Task Force will develop and reinforce prevention messaging to enhance community awareness and social movements that build a collaborative effort to prevent child sexual abuse across the state.

- Director conducted education & awareness sessions:
 - November 6th: Caregiver Guide Session with The Jeremiah Program
 - November 15th: 2024 Fall Festival of Training for Foster Care Providers, Adoptive Parents, & Kinship Caregivers
 - December 4th: Little Rocks Childcare, Tioga ND
 - December 9th: Parents Tool Talk ® - National Monthly Webinar Series
 - December 16th: Healthy Sexual Development Session with The Perry Center
- Resource Guide – Final revisions completed.
- [Resource Guide](#)
- [Caregiver Guide](#)

Pillar: Collaboration

Goal: The Child Sexual Abuse Prevention Task Force will develop, coordinate, and foster a statewide coalition of dedicated prevention professionals to increase the coordinated impact of CSA prevention initiatives.

- November 18th: North Dakota Home Visiting Coalition
- December 6th: Alliance for Children's Justice Task Force Meeting

Pillar: Prevention Research

Goal: The Child Sexual Abuse Prevention Task force will conduct, support, and disseminate child sexual abuse prevention research to promote best practices for prevention strategies across North Dakota.

- November 12th & 13th: Prevent Child Abuse America Executive Directors Meeting

North Dakota Child Sexual Abuse Prevention Task Force

<https://www.ndstopcsa.com/>

Director's Report

December 2024

- November 19th: States Policy Exchange to Prevent CSA
- December 10th: National Plan Committee – Prevent Together
- December 11th: Evaluating Child Sexual Abuse Prevention Policies



Empowering families to thrive by providing community-driven resources that foster safe and nurturing environments for children.

House Bill No. 1410

House Judiciary Committee

Testimony Presented by Christy Dodd, MPH

Email: cdodd@familiesflourishnd.org

January 20, 2025

Chairman Klein and Members of the House Judiciary Committee,

My name is Christy Dodd and I am the Executive Director of Families Flourish ND (formerly Prevent Child Abuse North Dakota) and I am in support of HB 1410.

This study would provide a look at state laws relating to criminal conduct against children. It would look at changing outdated wording of sexual performance which connotes active and willing participation in sexual abuse for children to Child Sexually Abusive Materials . It would also look at laws relating to AI for crimes relating to child sexual abuse.

Due to these reasons, I want to encourage the committee to give HB a Do-Pass recommendation. I appreciate your time, and I am happy to answer any questions you may have. Thank you.

HB 1410
In Support Of

House Judiciary Committee,

I am writing to you in support of HB 1410. Sexual abuse against children in my opinion is the most heinous crime that can be done to a child. They have to live with both short term and long term impacts. Therefore I believe it is North Dakota's responsibility to do everything in its power to make sure our minors are protected and this study will assist in making sure that happens. Therefore, I request a DO PASS. Thank you for your consideration.

Nicolas Cullen



RE: Support for HB 1410

Dear Members of the North Dakota House Judiciary Committee,

I am writing on behalf of the National Association for Rational Sexual Offense Laws (NARSOL) North Dakota Advocates to express our strong support for House Bill 1410. This bill represents a crucial step towards aligning North Dakota's sexual offense laws with evidence-based research that has emerged over the past three decades.

NARSOL strongly supports HB1410 for the following reasons:

1. **Evidence-based approach:** HB1410 recognizes that since the creation of sexual offense registries across the nation, numerous studies have consistently shown that these registries do not effectively reduce recidivism or increase public safety as intended.
2. **Recidivism rates:** Research consistently demonstrates 'sex offenders' have much lower recidivism rates than other crime classes. This is contrary to what was believed when the registry was founded.
3. **Ineffectiveness of registries:** Multiple studies have failed to find a significant impact of sex offender registries on recidivism rates.
4. **Potential negative consequences:** Registries have unintended negative consequences, and actually increase recidivism by making it more difficult for offenders to reintegrate into society.
5. **Cost-effectiveness:** Maintaining registries requires significant resources, costing North Dakota millions of dollars annually, with questionable benefits in terms of public safety.
6. **Focus on prevention:** By updating laws based on current research, HB1410 allows for a shift in focus towards more effective prevention strategies. Studies have shown that education and treatment programs can be more effective in reducing sexual offenses than punitive measures alone.
7. **Individualized risk assessment:** HB1410 recognizes the importance of individualized risk assessment rather than blanket policies.

In conclusion, NARSOL strongly urges the committee to support HB1410. This bill represents an opportunity to align North Dakota's sexual offense laws with the wealth of evidence-based research that has emerged over the past three decades. By doing so, North Dakota can lead the way in creating more effective, just, and evidence-based policies that truly enhance public safety while allowing for the rehabilitation and reintegration of offenders.

Thank you for your consideration of our position on this important issue.

Sincerely,

Justin L. Hillman
NARSOL Dakota's Advocates
jhillman@narsol.org

Cc: Brenda V. Jones, Executive Director (bjones@narsol.org)



Testimony in Support of House Bill 1410

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 20, 2025

Dear Chairman Klemin and honorable members of the House Judiciary Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1410 and respectfully request that you would render a "DO PASS" on this bill.

This proposed legislative management study requires a review of state laws relating to criminal conduct against children. It is necessary to make sure we are fully protecting the children of our state, and keeping up with the evolving criminal landscape regarding the use of artificial intelligence to commit sexual crimes.

Children are especially vulnerable to victimization, due to their innate innocence and naivety. Even the investigation of crimes against children requires extreme sensitivity and care, because of the young lives that are forever impacted through these horrific events. Those who seek to perpetrate crimes against children need to be held to the strictest standards of punishment, and this study will help determine whether our laws need to be strengthened in order to ensure justice in these matters.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you please vote House Bill 1410 out of committee with a "DO PASS" recommendation.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1410
1/20/2025

A BILL for an Act to provide for a legislative management study regarding a review of state laws relating to criminal conduct against children.

2:44 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Representatives Christianson, Hoverson, McLeod, Olson, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Vice-Chairman Vetter, Representatives Henderson, Johnston, Satrom

Discussion Topics:

- Human trafficking of children
- Proposed Amendments
- Committee Action

2:52 p.m. Representative Schneider moved to Amend LC: 25.0619.03002

2:52 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	A
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:53 p.m. Motion passed 10-0-4.

2:54 p.m. Representative Schneider moved a Do Pass as Amended.

2:54 p.m. Representative Karls seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	A
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

2:54 p.m. Motion passed 10-0-4.

2:55 p.m. Unanimous decision to be placed on the Consent Calendar.

2:56 p.m. Representative McLeod will carry the bill.

2:57 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

January 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1410

Introduced by

Representatives Schneider, Dobervich, Hager, Hanson, O'Brien, Satrom, M. Ruby, Conmy,
Davis

Senators Clemens, Larson, Lee

Jim 1-20-25
1 of 1

- 1 A BILL for an Act to provide for a legislative management study regarding a review of state laws
2 relating to criminal conduct against children.

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

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMES AGAINST CHILDREN.**

- 5 1. During the 2025-26 interim, the legislative management shall consider studying state
6 laws relating to criminal conduct against children, child sexual ~~assault~~abuse, ~~and~~ child
7 physical abuse ~~and~~ child neglect, and human trafficking of children.
- 8 2. The study must include a review of:
- 9 a. The use of the term "child ~~sexual~~sexually abusive material" or other language
10 deemed appropriate instead of the term "sexual performance" to describe child
11 pornography or sexual conduct of a minor in chapter 12.1-27.2.
- 12 b. State laws relating to the use of artificial intelligence for crimes relating to sexual
13 performance of a minor or possession of certain prohibited materials.
- 14 c. Other laws intended to protect children and facilitate the investigation and
15 prosecution of crimes involving child victims of sexual abuse, physical abuse, ~~and~~
16 neglect, and trafficking.
- 17 3. The legislative management shall report its findings and recommendations, together
18 with any legislation necessary to implement the recommendations, to the seventieth
19 legislative assembly.

**REPORT OF STANDING COMMITTEE
HB 1410**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.0619.03002](#)) and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1410 was placed on the Sixth order on the calendar.

2025 SENATE JUDICIARY

HB 1410

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1410
4/8/2025

A BILL for an Act to provide for a legislative management study regarding a review of state laws relating to criminal conduct against children.

10:59 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Child victim protection laws
- Artificial intelligence in child exploitation
- Prevention strategies for child abuse

10:59 a.m. Representative Schneider introduced the bill and submitted testimony in favor #44759.

11:04 a.m. Anna M. Frissell, Board member, Children's Advocacy Centers and Youthworks, testified in favor and submitted testimony #44702.

11:17 a.m. Greg Kasowski, Executive Director, CACND, testified in favor and submitted testimony #44756.

11:20 a.m. Chair Larson closed the hearing.

11:20 a.m. Senator Myrdal moved a Do Pass.

11:20 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0

11:21 a.m. Senator Cory will carry the bill.

11:22 a.m. Committee discussion on upcoming schedule.

Additional written testimony:

Mark Jorritsma, Executive Director, North Dakota Family Alliance Legislative Action, submitted testimony in favor #44758.

Christy L. Dodd, Executive Director, Families Flourish ND (PCAND), submitted testimony in favor #44757.

11:23 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1410 ([25.0619.04000](#))**

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1410 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

House Bill 1410**Senate Judiciary Committee****11:00 a.m., Tuesday, April 8, 2025****Submitted by: Anna Frissell****Introduction**

Honorable Chairperson Larson, members of the Senate Judiciary Committee, thank you for the opportunity to testify today. My name is Anna Frissell and I am an employee of Youthworks, and a board member of the Children's Advocacy Centers 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 prosecutor in North Dakota and Minnesota. I am here to testify in support of House Bill 1410.

Background

While doing the work of the Children's Advocacy Centers (CACs) and the Legislatively created Prevention of Child Sexual Abuse Task Force, we consider the impact of laws and policies on child victims of abuse; physical, sexual and neglect. The Task Force was charged with developing and implementing a comprehensive statewide approach to the prevention of child sexual abuse. The Task Force, with the help of our legislative representatives, Senator Clemens and Representatives Schneider and Satrom, and the Director of the Task Force, Lindsey Burkhardt, has accomplished much. Those accomplishments are well-documented on the Task Force website (ndstopcsa.com) and in its ongoing reports to this legislature.

The Task Force's work on prevention allowed us to develop and implement strategies, focusing on primary prevention first, but recognizing that secondary and tertiary interventions are needed to provide meaningful prevention and protection. House Bill 1410 is a natural extension of the work of the Task Force as the bill offers the opportunity to address issues beyond prevention.

Likewise, from my service on the Children's Advocacy Centers of North Dakota Board of Directors, I know that the CACs are hyper-focused on identifying and supporting changes to the criminal justice, child welfare systems and other systems that enhance the protection of children and stop abuse.

Provisions of the Bill

Below please find key provisions of the proposed legislation and my understanding of the rationale behind each section:

Section1

The request for a study of state laws relating to criminal conduct against children, child sexual assault and child physical abuse and neglect.

Section 2(a)

This provision seeks to remove the term “sexual performance” from the criminal code and replace it with the term “child sexually abusive material.” At our most recent Task Force meeting we agreed to ask that the Bill be amended to read, “The use of the term child sexually abusive material or other language deemed appropriate to describe child pornography or sexual conduct of a minor in Chapter 12.1-27.2, NDCC.

The rationale behind Section 2(a) is that the term “sexual performance” is outdated and offensive. “Sexual performance” used in Chapter 12.1-27.2, is defined as any performance which includes sexual conduct by a minor. The use of the word “performance” connotes a willing and voluntary act by the person involved or “performing”. To call a minor’s forced participation in a sexual act a “performance” is grossly wrong.

The term has been abandoned by some jurisdictions and replaced by the term “child pornography”, or more recently “child sexually abusive material”, or alternative terminology depending on the material or actions described.

When one looks at the criminal statutes to replace the term “sexual performance,” it poses some challenges as to using the same phrase for every replacement. Research into terminology and our statutes can be prepared and reviewed by the multi-disciplinary Legislative Management Study to determine the appropriate terminology for North Dakota law and replace this phrase in the criminal code.

Section 2(b)

This provision seeks to cause a review of state laws relating to the use of artificial intelligence in crimes relating to “sexual performance” of a minor or possession of prohibited materials.

This section of the bill involves the fast-changing landscape of artificial intelligence and its potential for victimization in ways we have never even imagined. The legislature has been presented with bills criminalizing the production, possession, distribution, promotion, etc. of sexually explicit “deep fake” videos. At least one of these bills adds to the section 12.1-27.1, Sexual Performance of a Minor and will underscore the need to change the use of the term, “sexual performance.”

Section 2(b) also raises the issue of artificial intelligence in conjunction with possession of prohibited materials. 12.1-27.2-04.1, NDCC, is entitled, Possession of Certain Materials prohibited. This section makes it a C felony if one knows the character and content and knowingly possesses any motion picture, photograph or other visual representation that includes sexual conduct of a minor. This legislature is passing legislation (like the “deep fake” statutes, etc.) that may require review for consistency in penalty and language with other Century Code provisions.

The Legislative Study Committee offers an opportunity to look at the criminal code and the sexual performance statutes as well as other statutes, making recommendations that will address any new developments or inconsistencies in present law that will be noted or happen in the interim years as artificial intelligence evolves and changes the methods to victimize our children. An attempt to keep up with the “bad guys”.

Section 2(c)

This section of the bill mandates that the Study Committee look at other laws (either changing existing North Dakota laws or recommending new laws) intended to protect children and which facilitate the investigation and prosecution of crimes involving child victims of sexual, and physical abuse and neglect.

Implementation of the study will allow legislators to call upon professionals with specialized knowledge in the investigation and prosecution of crimes involving child victims to provide their input. Engagement with various stakeholders will

offer diverse perspectives on improving the statutory framework for protecting children. This study committee's work could include not only the most utilized statutes for sexual and physical abuse and neglect, but it could include the anti-human trafficking statutes, and others as well.

As I mentioned above, the Task Force for the Prevention of Child Sexual Abuse has worked since 2017 developing and implementing strategies, focusing on primary prevention first, but recognizing that secondary and tertiary interventions are needed to provide meaningful prevention and protection. This study is a natural next step in improving North Dakota's response to child victims.

Conclusion

In conclusion, the proposed legislation offers a pivotal opportunity to improve the response to child victims of sexual and physical abuse and neglect in North Dakota. I respectfully request your support of House Bill 1410.

Thank you for your time and attention. I am available to answer any questions and provide further information, as needed.

Anna Frissell
Youthworks
Children's Advocacy Centers of North Dakota
Board of Directors
Member Task Force for the Prevention of Child Sexual Abuse

Contact
Anna Frissell
621 Cottonwood Court
West Fargo, North Dakota 58078
afriissell@youthworksnd.org



Senate Judiciary Committee
 Testimony In Support of House Bill #1410
 4-8-25

Chairman Larson and Members of the Senate Judiciary Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of House Bill 1410, a study bill related to child abuse laws. Below is background information about each area of subsection 2.

The study must include a review of:

2a. The use of the term “child sexually abusive material” or other language deemed appropriate instead of the term “sexual performance” to describe child pornography or sexual conduct of a minor in chapter 12.1-27.2.

The phrase “sexual performances by children” used in Chapter 12.1-27.2 should be updated in our laws. The word “performance” falsely suggests that the child is a willing participant in the criminal act.

Federal law uses the term “child pornography” (18 U.S.C. § 2252A). Instead, we propose the more accurate phrase “child sexually abusive materials,” commonly referred to as “CSAM” by child welfare organizations and professionals. Many states are beginning to adopt the term CSAM (e.g., Alabama, Michigan, Utah).

Changing the phrase “sexual performance by a minor” is not a simple 1-to-1 switch out in Century Code as we had originally thought. Thus, an interim study would allow for a more thorough and thoughtful approach toward updating that language in Century Code.





2b. State laws relating to the use of artificial intelligence for crimes relating to sexual performance of a minor or possession of certain prohibited materials.

House Bill 1386, which passed the Senate Floor unanimously last week, is a step in the right direction toward criminalizing the production and distribution of AI-generated CSAM. However, we believe AI-generated CSAM is a rapidly evolving and ever-shifting landscape, so careful ongoing analysis of our state's existing laws could shore up any potential weaknesses.

2c. Other laws intended to protect children and facilitate the investigation and prosecution of crimes involving child victims of sexual abuse, physical abuse, neglect, and trafficking.

This section of the bill would also allow the study committee flexibility to address other related child maltreatment matters that may arise.

Madame Chair and members of the committee, I appreciate your time today and will try to answer any questions.

Sincerely,

Greg Kasowski
Executive Director
Children's Advocacy Centers of North Dakota





Empowering families to thrive by providing community-driven resources that foster safe and nurturing environments for children.

House Bill 1410

Senate Judiciary Committee

Testimony Presented by Christy Dodd, MPH

Email: cdodd@familiesflourishnd.org

April 8, 2025

Chairman Larson and Members of the Senate Judiciary Committee:

My name is Christy Dodd, and I am the Executive Director of Families Flourish ND (formerly known as Prevent Child Abuse North Dakota) and a member of the ND Child Sexual Abuse Prevention Task Force. I want to thank the committee for the opportunity to provide testimony on the importance of a study of laws relating to criminal conduct against children, child sexual assault and child physical abuse and neglect, looking laws relating to AI for crimes relating to child sexual abuse and creating a Study Committee. I am here today to provide testimony in support of HB 1410. As the Director of Families Flourish ND our work is dedicated to the prevention of child abuse across the state and as a former Director of a Child Advocacy Center in another state I also understand the importance of intervention when reports of abuse have been made.

I provide written testimony here today because our children in North Dakota deserve more than outdated terms such as sexual performance materials which imply that this is a willing performance by children just in the nature of



Empowering families to thrive by providing community-driven resources that foster safe and nurturing environments for children. the words. I am asking that sexual performance be changed to child sexually abuse material or CSAM and becomes reflective across state laws.

I am also supportive of the bills mandate that a Study Committee look at other laws that protect children and support investigations and prosecution of crimes involving physical and/or sexual abuse and neglect. This study group is the next step in focusing on children and young people here in the state. Our greatest resource here in ND is our children because all children deserve to grow up in happy healthy homes with a safe childhood. Thank you for considering my request to support HB 1410

Senator Larson and members of the Senate Judiciary Committee, I appreciate the opportunity to share why I support this bill. For the reasons mentioned, I respectfully request a do pass of HB 1410.

Christy Dodd

Executive Director

Families Flourish ND



Testimony in Support of House Bill 1410

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
April 8, 2025

Madam Chair Larson and honorable members of the Senate Judiciary Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1410 and respectfully requests that you would render a "DO PASS" on this bill.

This proposed legislative management study requiring a review of state laws relating to criminal conduct against children is necessary to make sure we are fully protecting the children of our state and keeping up with the evolving criminal landscape regarding the use of artificial intelligence to commit sexual crimes.

Children are especially vulnerable to victimization due to their innate innocence and naivety. Even the investigation of crimes against children requires extreme sensitivity and care because of the young lives that are forever impacted by these horrific events. Those who seek to perpetrate crimes against children need to be held to the strictest standards of punishment and this study will help determine where our laws need to be strengthened in order to achieve justice in these matters.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you please vote House Bill 1410 out of committee with a "DO PASS" recommendation.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

1515 Burnt Boat Dr., Suite C-148, Bismarck, ND 58503
mark@Ndfamilyalliance.org
701-355-6425
www.ndfamilyalliance.org

Introduction

HB 1410—Study relating to criminal conduct against children

By Representative Mary Schneider

Senate Judiciary Committee

Diane Larson, Chairman, and Bob Paulson, Vice Chairman

April 8, 2025

Good morning, Chairman Larson, Vice Chairman Paulson, and distinguished members of the Senate Judiciary Committee. I am Representative Mary Schneider, and I proudly serve the citizens of District 21, Central Fargo and West Fargo.

One of my favorite quotes is an anonymous one you have probably heard:

“A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be better because I was important in the life of a child.”

House Bill 1410 is one of our chances to make a difference in the lives of our North Dakota children at risk of victimization. The bill is a short and simple request for a legislative management study of state laws relating to criminal conduct against children, child sexual assault, and child physical abuse and neglect.

The study requires a review of outdated references and verbiage, and an examination of state laws regarding artificial intelligence (AI) and its new and extraordinarily dangerous role in sexual exploitation of minors and prohibited materials possession involving children. It will review and possibly recommend changes in the investigation and prosecution of crimes involving physical abuse, sexual abuse, and neglect of children. The findings, recommendations, and perhaps legislation from such a study will likely require updates or action in the next legislative session.

The study specifically must review in Section 1, 2.a., inappropriate references and wording such as "sexual performance" offensively used to describe a coerced and involuntary act which is today referred to in more updated laws as "child sexually abusive material."

Section 1, 2.b., would require the study to review state laws relating to the use of artificial intelligence for crimes we refer to as sexual performance of a minor, or possession of certain prohibited materials involving minors or their images. As you know, this session has produced many of those bills, coming from several different committees in the two chambers, dealing with a variety of subject matter impacting children in different ways. There couldn't be a more

appropriate or important time to assess and harmonize their AI approaches, impacts, and effects on child victims and child protection laws.

Legislative management will report its findings, recommendations, and needed legislation arising from this study to the seventieth legislative assembly.

This bill originated with the Child Sexual Assault Prevention Task Force, a group that was created by the legislature. It has done such good work that the Task Force has received multiple biennium funding from us.

I am extremely proud of the Task Force, its extraordinary members and exceptional leadership. They represent a broad professional continuum of advocates for children and related cross-agency representatives of law enforcement, social services, human services, prosecutorial and other justice system components, and legislative appointees. Representative Satrom, Senator Clemens, and I have served on the Task Force since its start. All members work hard to protect children and educate others to do so too.

The Task Force felt this updating, assessment, and evaluation study was a critical project, and I urge a due pass vote for this important review of state law to help address the protections our North Dakota children need and deserve.

I am happy to address your questions or step aside for the skilled witnesses behind me who can.