

2025 SENATE HUMAN SERVICES

SB 2387

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2387
2/4/2025
9:01 a.m.

Relating to the rights of sexual violence survivors.
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9:01 a.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Medical exams
- Marsy's law
- Evidence collection
- Exemption for child interview

9:01 a.m. Senator Van Oosting introduced the bill.

9:08 a.m. Susan Summerfield testified in favor and submitted testimony #34233.

9:18 a.m. Kristie Wolff, Communications Coordinator for Central Dakota Forensic Nurse Examiners, testified in favor and submitted testimony #34387.

9:26 a.m. Greg Kasowski, Executive Director of Children's Advocacy Centers of North Dakota, testified in favor and submitted testimony #34402.

9:32 a.m. Seth O'Neill, ND Domestic and Sexual Violence Collation, testified in favor.

9:34 a.m. Mary Kae Kelsch, Assistant Attorney General, testified in neutral.

Additional written testimony:

Hannah Johnson submitted testimony in favor #34327.

Flannery Houston, Chief Program Officer for Rise, submitted testimony in favor #34095.

9:36 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk



Written Testimony in Support of North Dakota's SB 2387

Chairperson Lee, Vice Chairperson Weston and distinguished committee members,

Thank you for taking the time to read these submissions of support on behalf of SB 2387. In 2016 Rise, a survivor led nonprofit organization, fought for and unanimously passed the Sexual Assault Survivor Rights Act (Pub.L. 114–236) through the United States Congress. The federal law impacts at least 25 million rape survivors, but it is only the beginning. These rights must be codified in individual statehouses, as most sexual assaults are adjudicated in state courts under state law. While we have advocated for similar laws in 44 states including Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Missouri, Oklahoma and Wisconsin, it is our goal to pass these rights in all 50 states.

SB 2387 will provide much needed care for survivors of sexual assault in the aftermath of their trauma. These basic civil rights help protect survivors from retraumatization, offer support from experts during interactions within the criminal justice process, and make the system more transparent and easier to navigate. SB 2387 will also help law enforcement and other stakeholders ensure that the criminal justice process works for all who are involved. Rise is grateful to the local organizations who lead the way in making this bill possible and specific to survivor experiences in North Dakota. On behalf of the 125,000 survivors in the state, we hope that you will consider advancing SB 2387 to make it the next bill protecting sexual assault survivors passed into law. I have attached below for your consideration a few stories that survivors have shared with us that speak directly to the impact that this bill would have.

Thank you for your time,
Flannery Houston
Chief Program Officer, Rise

Miriam J.

Mr. Chairman, Members of the Committee, thank you for inviting me today to speak in support of Senate Bill 2387.

To me, Survivors' Rights signifies the beginning of a new era. In 2007 and 2008, when I was a freshman in college, I was raped by two men I trusted and admired. The first man who raped me was my boyfriend. He would lock me in his room, force me to do his laundry, edit his papers, and write his internship applications. When I was done with his work, he would rape me, over and over again. I bled for

weeks. I thought I would never stop bleeding. The second man who raped me was his friend. He pinned me down on his bed, and I tried to push him away until my wrists collapsed under his weight. When he penetrated me against my will, I felt my insides tearing. I remember thinking, “so this is how it’s going to be.” For a long time, it was.

From 2007 to 2017, I lived in my rapists’ worlds. I watched them win prestigious scholarships, earn selective internships, and land coveted jobs, while the memories of the sound of my voice begging them to stop haunted me at night. I was diagnosed with PTSD my freshman year, and I still take medication every day. I will never get back the decade I spent in their darkness. I will never be able to tell the young woman I was that it wasn’t my fault. That I have rights. That this is my world, too.

But being here today makes up for that time. When I finally reported my rapists after almost a decade, I was assigned an Advocate, who followed my case and joined me in my interviews with law enforcement. When the detectives ultimately called me to tell me that the prosecutor would not be pressing charges, I cried silently into the phone. I could barely speak when my Advocate said, “the detectives are going to hang up now. You’re going to stay by your phone, and when I call you back, you’re going to pick up.” My whole body was convulsing with grief, but I followed her instructions. “You’re going to cry today,” she said. “And maybe you’ll cry tomorrow. And then you’re going to go on and live a long, happy life. You’ll use what you learned here to help others, or you’ll do something entirely different. But you’ll find joy. You’ll find life.”

Among the critical civil rights awarded to rape survivors by Senate Bill 2387 is the right to an Advocate. I live by the words of mine every single day. I remember her promise to me when I am tempted to give up. There are 125,000 rape survivors in North Dakota. I wish I could call each of them, tell them of their rights, and of the life that awaits them if they just keep living. If you grant them these civil rights—including the right to an advocate—I won’t have to.

Thank you for your time.

Maradith Morris

As a sexual assault survivor and a sexual assault nurse examiner, I have witnessed the anguish and betrayal my patients experience when they learn they have no right to their testing information, if their kit is tested at all. This information is not just “forensic evidence,” it is health information. Sexual assault survivors are asked to navigate an unconscionable maze of bureaucratic, medical, and legal regulations while at their most vulnerable -- and they’re asked to do it without an advocate. In fact, they’re asked to do it with the deck stacked against them.

The system should be set up to bring them security and justice, not to bring further pain and trauma. The rights included in SB 2387 are fundamental, and as a survivor I am committed to ensuring that future survivors are empowered by North Dakota law, not re-traumatized by a lack of basic rights.

Tyrell Walker

Most of us have been impacted by sexual assault, whether we know it or not. When someone we care about is hurt and traumatized, it affects everyone. The deepest pain is obviously felt by the victim of sexual assault, but the aftermath reverberates outwards much farther than the event itself. Sexual assault is

not just a women's issue; it is a human issue.

When a citizen is a victim of a crime, the criminal justice system is supposed to help them and protect them. I have not witnessed this when it comes to sexual assault survivors. Instead, I have seen a criminal justice system that traumatizes survivors of sexual assault as much, if not more, than the assault itself. Survivors are penalized for their trauma, told conflicting information, forced to relive their attack every time they have to fight for their evidence to be kept, or are left alone to navigate a complicated system with no guidance whatsoever. This is not the country I want America to be. I do not want us to be a country that leaves survivors of assault, victims of a crime, lost, alone, unsupported by the justice system. America can, and must, do better. We need a system that provides basic support and guidance to victims of crimes, and ensure that the criminal justice system is prepared and empowered to execute the law fairly.

A civilization is judged not by the strength of those most powerful, but by how we care for and support those in need. Survivors need these rights. These rights are vital to creating a justice system for all, and will create provisions necessary for a criminal justice system that knows how to properly treat sexual assault survivors.

Samantha M.

At the age of 22, I was raped by a police officer in the city in which I was attending college. The layered betrayal that I felt was overwhelming and is something that, to this day, is hard to describe. As a young girl, my parents instilled in me that officers were there to protect you. Growing up in a military family, I truly believed this until I was raped and physically abused by someone in power. Unfortunately, that violence was filmed and distributed among his close friends and the worst night of my life became something that others watched. I was left with physical injuries, but most devastating was the mental anguish that refused to lessen due to a level of pain I never imagined possible. I stopped eating, could not get out of bed, was scared to go out of my house, and constantly mourned for the life I knew I had lost forever. Between therapy appointments, medical appointments, and police and Title IX interviews, I lost my full-time job and, subsequently, my apartment.

I had to accept that I would not ever be the same person as I was before that night, because that person is gone. The pain that I experienced physically and mentally was truly unbearable. My trust in our law enforcement diminished. I was not provided a trained sexual assault nurse examiner at the hospital, as my rural county had no such thing. I was forced to pay for the entire emergency room visit, even though I had just lost my job. I was never told what rights, if any, I had. I was never provided an advocate at any stage of the investigation. I realized early on that I had to physically, mentally, and financially function to survive at a time that I could not bear to get out of bed.

Much like too many survivors, I never got justice for what happened to me. However, I consider myself one of the "lucky ones," as my university stepped in and protected me when nothing was being done criminally so that I could finish my education protected and cared for. The perpetrator was also forced to resign from his job as an officer. I find some solace in this outcome, because it means that he no longer

has the position of authority to victimize someone else while remaining above the law. However, that does not change the lasting effects that a rape leaves on someone.

I am truly disheartened to this day that most survivors I meet are still not receiving the proper care and justice that is long overdue. Ensuring a victim's basic human rights after such a personal and violent attack, both physically and mentally, must finally be a priority. This perpetuation of ensuring the perpetrator has more basic rights than the victim is no longer acceptable. My lawyer at the time told me, "there is no justice in the justice system." I will never forget those words and I cannot accept that as the standard any longer. We as a society cannot accept that as the standard any longer. Victims deserve so much more than the ways in which they have been treated and we owe it to the next generation to provide a society and system that protects the vulnerable and criminalizes those who abuse their power or status to take advantage of others.

Healing for me comes from stopping the traumatic cycle of victims not being protected or believed and changing our broken justice system into something we can all be proud of. We cannot stop this fight and settle for the "status quo" while those who are left without a voice continue to suffer in silence. We at least owe it to these men, women, and children the basic dignity every human deserves.

Sabrina Sivert

When I was 18 years old I came forward about my sexual assault. For almost a year I kept silent due to threats and fears my abuser instilled in me. My abuser was a teacher and a member of the community as a firefighter.

I remember being in a room and seeing my parents sitting there, my abuser's co-workers, and his friends on the force and feeling so alone, scared, embarrassed, and doubted. These were all people who were supposed to protect me but I was being failed. It was a small town and the news got out fast. I was never offered a victim advocate or counselor. In fact I was never even offered a female officer until the child advocacy center took on the case later on. This made matters so uncomfortable.

If I would've been offered just one person who was on my side, one person who would have listened and not judged or doubted me, one person I could've gone to when I felt the most alone, one person who could've just been there when my world was crashing down. I think my experience coming forward about my sexual assault would've been smoother and less traumatic. Every victim should have the right to a victim advocate or counselor.

Testimony of Susan Dollinger
SB 2387 – Senate Human Services Committee
February 4, 2025

Good morning, Madam Chair Lee and members of the Senate Human Services Committee. For the record, my name is Susan Sommerfeld. I am here to testify in favor of SB 2387. This bill seeks to add protections for victims of sexual assault that in my opinion have been overlooked.

On September 27, 2020, my daughter was forcibly raped on the campus of North Dakota State University. At the time, she was attending Minot State University as a Criminal Justice major. The day she returned to Minot, she reached out to one of her professors for guidance and support. This professor is a practicing attorney in Minot and took my daughter seriously and offered her the support she needed.

This case became very complicated due to crossing multiple jurisdictional lines. The assault happened in Fargo, the rape kit was collected in Bismarck, and the report was made to the Police in Minot two days later. Being a scared kid away from home, making this report to the police was extraordinarily traumatic on top of having endured the assault and the collection of a rape kit. She asked the only person she knew in Minot to go with her and support her while she made the report. From the minute they went into the police station in Minot, her professor had become her private attorney.

It took 6 months from the date of the attack just to get to the preliminary hearing and arraignment. After that, there was delay after delay. I could stand here for an hour and tell you the many ways the criminal justice system failed her, but that is not why we are here. It took 2 years and 3 months from the date of the attack to the day we received a verdict.

I don't know if any of you have personal experience with the criminal justice system from the perspective of a victim, I truly hope you don't. What I want to tell you today is the mere fact that my daughter reached out and retained a private attorney ended up costing her even more stress and anxiety than any victim should have to endure.

As the process played out, the defense team did not like the fact that the victim had an attorney watching out for her and guiding her through the process. So much so, the Fargo Forum picked up on the story and ran with it. Ultimately, my daughter's attorney had to get her own private attorney and go to court and defend herself for doing what was right, when all she wanted to do was support and protect a victim of sexual assault.

The defense team used the victim having an attorney as a weapon against my daughter to discredit her as a victim and her attorney. If you are interested in reading the article I have included a link here:

<https://www.inforum.com/news/fargo/how-a-sexual-assault-case-at-north-dakota-state-university-became-so-complex>

If we can normalize a victim having an attorney, then maybe more victims of sexual assault will have the strength to come forward. And just maybe, more victims will ultimately get the justice they deserve.

It is with great pride that I can tell you that my daughter is now in her second semester at the University of Montana School of Law. She would have preferred to be here as an advocate for other survivors but at this time cannot be derailed from her studies by reliving these traumatic experiences. She wants me to leave you with this:

“While Law School is immensely demanding and stressful, these challenges cannot compare to the time spent maneuvering the criminal justice system as a victim of sexual violence.”

Madam Chair, and members of the committee, I stand before you and respectfully ask for a do pass on SB 2387 and am happy to answer any questions you may have.

Hanna Johnson - Testimony In Support of SB 2387

Thank you Chairwoman Lee, Vice Chairman Weston, and Members of the Human Services Committee for reviewing my testimony for SB 2387. My name is Hanna Johnson and I am a fifth-generation North Dakotan, and I was raised on a farm in small-town North Dakota. But, most relevant to today's hearing, I am also a survivor of sexual violence.

After I was assaulted, I was overwhelmed with what had happened to me and uncertain about how to proceed. I did not know what rights I had under the law and I had no idea where to turn. But, I knew I had to create something positive out of something so terrible – it's the North Dakotan way. So, I took note of the lessons of community support that I learned growing up on a farm in small-town North Dakota, and vowed to help take care of other victims to help them feel more supported after their trauma.

I began that vow to help other victims like me by working on language that would codify protections for survivors in North Dakota that would work well with what already exists in the state, not have a fiscal note, and have the potential to help support victims through their assault by supporting them afterwards. Notably, this legislation does not infringe on the rights of the accused, and it seeks to help medical providers and police officers better support victims through these difficult moments too.

Through eighteen months of revising this language with on-the-ground coalitions in North Dakota, including the Central Dakota Forensic Nurse Examiners, the Children's Advocacy Centers of North Dakota, and the North Dakota Domestic & Sexual Violence Coalition, I have found healing and justice. Through researching these rights that I wish I would have had and speaking to other survivors in North Dakota and beyond about things that they wish they would have had, I spoke to many victims who did not feel comfortable disclosing their experiences, but I carry their stories with me today in their honor.

I support this bill because I believe that current and future victims in North Dakota deserve to have these rights codified in our state. Every victim, regardless of if they are in a city or a rural area, and across any corner of our state, should be afforded the same protections after their assault.

Below is a short summary of the reasons that I support each bill item:

- The right to consult with a victim advocate when available is already a best practice in our state, and codifying it helps ensure access to all victims by helping them be aware of the protections they have after an assault. Medical exams can be invasive and traumatic, but the presence of a victim advocate can be soothing in this time of distress, which is so important after trauma.
- The right to bring a victim's privately-retained counsel when speaking with law enforcement enables victims to bring their own attorneys into a police interview to help them feel more supported when disclosing the details of their assault, which is hard for so many people to do.
- The right to access a law enforcement report for victims over the age of 18 if it wouldn't hinder an investigation allows victims to gain the documentation they may need for various reasons, including civil suits, that may not be able to wait until a criminal case is closed.
- The right to a document explaining the unique rights of victims of sexual violence is important because it builds off the general crime victims' rights card established in Marsy's Law, but expands it to include details for sexual assault survivors, which is extremely important for

survivors in crisis and helps police officers and medical providers easily inform victims of their rights. Easy access to information like having a no-cost rape kit, local resources, protections, results of medical evidentiary exams, and retention of these rights without a police report are necessary for survivors to understand their rights as a victim.

On behalf of the 125,000 survivors in North Dakota and all future victims who would be positively impacted by this legislation, I ask that you give SB 2387 a DO PASS recommendation.

Thank you for your time and your consideration. It is an honor to share a piece of my story with you today.



**Kristie Wolff – Communications Coordinator
Central Dakota Forensic Nurse Examiners**

**Support SB 2387
North Dakota Senate Human Services Committee**

February 4, 2025

Chair Lee and members of the Senate Human Services Committee, my name is Kristie Wolff, I am the Communications Coordinator for Central Dakota Forensic Nurse Examiners (CDFNE).

I am providing testimony today in support of SB 2387 with amendments.

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 to ensure that victims receive comprehensive, coordinated care while supporting the investigation and prosecution of crimes.

Survivors of sexual violence can face significant emotional, physical, and psychological challenges after an assault. Expanding rights for survivors in state law is not just a procedural formality; it is foundational to building trust, and ensuring that survivors feel safe, heard, and respected as they seek justice and healing.

We support the rights outlined in this bill; however, we believe amendments are necessary to ensure the most effective protections for survivors. These recommendations were developed through collaboration between myself, colleagues from the state's Children's Advocacy Centers, and the ND Domestic & Sexual Violence Coalition, along with consultations with multiple ND agencies who provide services to victims, and RISE, the organization requesting this bill. I would like to provide a more detailed explanation of each requested change.

Section 1.a.

We request changing the word "employee" to "victim advocate" so that only victim advocates would be allowed to consult during a forensic medical examination. This is important because victim

advocates are specially trained to provide crucial emotional support, guidance, and resources, helping survivors navigate the complex medical, legal, and emotional aftermath of sexual assault with compassion and empowerment.

We also request including victim advocates from Children's Advocacy Centers in the definition of a sexual assault victim advocate. These specially trained advocates are a vital part of the team when working with survivors of child sexual abuse.

Section 1. b.

We request removing the back half of the definition of a sexual violence survivor beginning with the words "and, if the survivor is incompetent or deceased."

The broad range of the individuals listed could allow multitude of people to access information about a highly personal and sensitive matter. We believe that other legal provisions, such as guardianship or the designation of a legally authorized executor or administrator, can address access to this information while better safeguarding the survivor's privacy.

Section 2. a.

The use of both terms, "medical" and "physical," in this section seems confusing and redundant. We request replacing them with the phrase "forensic medical examination," as it is used in section 12.1-34-07.

Section 2. b. (1)

We request the removal of the entire item, "counsel is not available in a timely manner, or" as victims are not required to speak with or report to law enforcement to access other services. Victims have the right to choose when they speak with law enforcement which gives them time to retain private counsel if they choose.

Section 2. b. (2)

We recommend rewording this section to eliminate redundancy with repeated use of the words "law enforcement."

Section 2. d.

We request the word “domestic” be changed to “sexual” to align with the definition in 1a and stay consistent with the focus of the bill.

Section 2. d. (1) and 2. d. (2)

Staying consistent with the changes in 2. a., we request replacing the terms “medical” and “physical,” with the phrase “forensic medical examination,” in both sections as it is used in section 12.1-34-07.

Section 2. d. (3)

We request replacing the term “domestic violence” with “sexual assault” to align with the definition in 1a and stay consistent with the focus of the bill.

We also request removing the term “victim advocates” as that information and service would be provided through sexual assault organizations.

Lastly, we request removing the term “and other resources” as it is very vague and not well defined. In addition, each individual case is unique, and the spectrum of information survivors need could likely fill a binder.

That concludes the requested changes.

In closing, when state law prioritizes survivor-centered practices, it sends a powerful message that justice and healing is accessible, inspiring greater confidence in the system.

Today I am asking you to give a DO PASS recommendation on SB 2387 with the requested amendments.

Thank you for your time and consideration. I am happy to answer any questions.

Kristie Wolff
kristie.cdfne@midconetwork.com
701-751-4884



**CHILDREN'S
ADVOCACY
CENTERS**
OF NORTH DAKOTA

Senate Human Services Committee
Testimony In Support of Senate Bill 2387
2-4-25

Chairman Lee and Members of the Senate Human Services Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of the bill sponsor's proposed amendments to Senate Bill 2387.

The proposed bill amendments would afford sexual assault victims these rights:

1. **To consult with a victim advocate during a forensic medical examination.** (2a)
2. **To have privately retained counsel when speaking with law enforcement about the alleged assault, except during forensic interviews with law enforcement.** (2b) Adding child forensic interviews as an exemption is important because having a third person (e.g., privately retained counsel) in the forensic interview room opens the door to [multiple issues, as noted in this white paper from the National Children's Advocacy Center](#).

(It's important to note that trained and experienced forensic interviewers from North Dakota Children's Advocacy Centers conduct a majority of forensic interviews in our state. In 2024, our Children's Advocacy Centers interviewed 1,109 children. However, there are times when law enforcement may need to conduct a forensic interview. In these situations, our hope is that the law enforcement officer conducting the child forensic interview is trained in the foundational concepts of child forensic interviewing

Children's Advocacy Centers of North Dakota

www.CACND.org
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**CHILDREN'S
ADVOCACY
CENTERS**
OF NORTH DAKOTA

from a [curricula approved by the National Children's Alliance](#), conducts forensic interviews on a consistent basis, and participates in on-going training in the practice of forensic interviewing.)

3. To access the law enforcement report about the case, with exceptions for hindrances to an investigation and for minors.

(2c) It can also be noted that 12.1-34-02-20 already allows child sexual abuse victims over the age of 18 to be provided a copy of the law enforcement report.

4. To receive a document explaining sexual assault survivor rights.

(2d) This section details how victims must be afforded a document with a list of rights. It's unclear whether these rights would be wrapped into the already existing required victim's rights card noted under 12.1-34-08, commonly known as [Marsy's Card](#), or if a separate card ("document") would be required.

In conclusion, we believe more amendments may be needed to this bill as we further consider all aspects of this possible legislation.

Madame Chair and Members of the Committee, thank you for allowing me the opportunity to testify today, and I am happy to try and answer any of your questions.

Sincerely,

Greg Kasowski
Executive Director

Children's Advocacy Centers of North Dakota

www.CACND.org

director@cacnd.org

701.301.3701



2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2387
2/4/2025
11:17 a.m.

Relating to the rights of sexual violence survivors.
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11:17 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Victim advocate
- Forensic medical interview

11:21 a.m. Senator Roers moved to adopt amendment LC#25.1369.01001.

11:21 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	A
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-0-1.

11:25 a.m. Senator Roers moved Do Pass as Amended.

11:26 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	A
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-0-1.

Senator Van Oosting will carry the bill.

11:27 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2387

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to the rights of sexual violence survivors.

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

- 4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Sexual violence survivor rights.**

7 **1. As used in this section:**

- 8 a. "Sexual assault victim advocate" means ~~an employee~~ a victim advocate of a
9 domestic violence sexual assault organization as defined under section
10 14-07.1-01, or a victim advocate from a children's advocacy center as defined in
11 50-25.1-02.
- 12 b. "Sexual violence survivor" means an individual who is a victim of a crime defined
13 under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,
14 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3 ~~and, if the~~
15 survivor is incompetent or deceased, the parent, guardian, spouse, or any other
16 individual related to the victim by affinity to the second degree, or any other lawful
17 representative of the victim. The term does not include an alleged assailant.
- 18 **2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor**
19 **must be afforded the following rights.**

- 1 a. The right to consult with a sexual assault victim advocate during any forensic
2 medical, evidentiary, or physical examination, unless the advocate is not
3 available in a timely manner. A survivor's:
4 (1) Communication with a sexual assault victim advocate is privileged, unless
5 waived by the survivor; and
6 (2) Waiver of the right to a sexual assault victim advocate is privileged.
7 b. The right to the presence of privately retained counsel when speaking with law
8 enforcement regarding the alleged assault, unless:
9 ~~(1) Counsel is not available in a timely manner; or~~
10 ~~(2) Law law enforcement is conducting a forensic interview with an alleged child~~
11 victim.
12 c. The right to access the law enforcement report prepared for the survivor's case,
13 unless:
14 (1) The survivor is a minor; or
15 (2) Providing access would hinder the investigation.
16 d. The right to a document prepared by the attorney general explaining the rights of
17 domesticsexual violence survivors under this section and other relevant law. The
18 rights document must be provided by a medical provider or law enforcement
19 officer upon initial contact with the survivor. The document must include:
20 ~~(1) Notice that a survivor is not required to participate in a criminal investigation,~~
21 ~~or in a medical, evidentiary, or physical examination to retain rights;~~
22 ~~(2) Information on how to obtain results of a medical, evidentiary, or physical~~
23 ~~examination;~~
24 ~~(3) Contact information on rape crisis centers, victim advocates, and other~~
25 ~~resources; and~~
26 ~~(4) Information on forms of protection available to survivors, including, civil and~~
27 ~~criminal protection orders.~~

**REPORT OF STANDING COMMITTEE
SB 2387**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.1369.01001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2387 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE HUMAN SERVICES

SB 2387

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2387
3/12/2025

Relating to the rights of sexual violence survivors.
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10:45 a.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Access to law enforcement reports
- Exemptions for child forensic interviews
- Reports free of charge

10:46 a.m. Senator Van Oosting, District 36, introduced the bill.

10:53 a.m. Susan Sommerfeld, Private Citizen, testified in favor and submitted testimony, #40479.

10:58 a.m. Greg Kasowski, Executive Director of the Children's Advocacy Centers of North Dakota, testified in favor and submitted testimony, #40907.

11:00 a.m. Seth O'Neil, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, introduced Katelyn Rivinius.

11:00 a.m. Katelyn Rivinius, Social Work Student and Intern at the North Dakota Domestic and Sexual Violence Coalition, testified in favor and submitted testimony, #41008.

11:05 a.m. Seth O'Neil, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, testified and answered questions.

Additional written testimony:

Flannery Houston, Chief Program Officer of Rise, submitted testimony in favor, #40714.

Anna Frissell, Community Liaison and Lobbyist of Youthworks, submitted testimony in favor, #40845.

Hanna Johnson, Private Citizen submitted testimony in favor, #40854.

Stephanie Engebreston, Chiefs of Police Association of North Dakota, submitted testimony in favor, #40893, #40894.

Kristie Wolff, Communications Coordinator of the Central Dakota Forensic Nurse Examiners, submitted testimony in favor, #40918.

11:07 a.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

Testimony of Susan Dollinger
SB 2387 – House Human Services Committee
March 12, 2025

Good morning, Chairman Ruby and members of the House Human Services Committee. For the record, my name is Susan Sommerfeld. I am here to testify in favor of SB 2387. This bill seeks to add protections for victims of sexual assault that in my opinion have been overlooked.

On September 27, 2020, my daughter was forcibly raped on the campus of North Dakota State University. At the time, she was attending Minot State University as a Criminal Justice major. The day she returned to Minot, she reached out to one of her professors for guidance and support. This professor is a practicing attorney in Minot and took my daughter seriously and offered her the support she needed.

This case became very complicated due to crossing multiple jurisdictional lines. The assault happened in Fargo, the rape kit was collected in Bismarck, and the report was made to the Police in Minot two days later. Being a scared kid away from home, making this report to the police was extraordinarily traumatic on top of having endured the assault and the collection of a rape kit. She asked the only person she knew in Minot to go with her and support her while she made the report. From the minute they went into the police station in Minot, her professor had become her private attorney.

It took 6 months from the date of the attack just to get to the preliminary hearing and arraignment. After that, there was delay after delay. I could stand here for an hour and tell you the many ways the criminal justice system failed her, but that is not why we are here. It

took 2 years and 3 months from the date of the attack to the day we received a verdict.

I don't know if any of you have personal experience with the criminal justice system from the perspective of a victim, I truly hope you don't. What I want to tell you today is the mere fact that my daughter reached out and retained a private attorney ended up costing her even more stress and anxiety than any victim should have to endure.

As the process played out, the defense team did not like the fact that the victim had an attorney watching out for her and guiding her through the process. So much so, the Fargo Forum picked up on the story and ran with it. Ultimately, my daughter's attorney had to get her own private attorney and go to court and defend herself for doing what was right, when all she wanted to do was support and protect a victim of sexual assault.

The defense team used the victim having an attorney as a weapon against my daughter to discredit her as a victim and her attorney. If you are interested in reading the article I have included a link here:

<https://www.inforum.com/news/fargo/how-a-sexual-assault-case-at-north-dakota-state-university-became-so-complex>

If we can normalize a victim having an attorney, then maybe more victims of sexual assault will have the strength to come forward. And just maybe, more victims will ultimately get the justice they deserve.

It is with great pride that I can tell you that my daughter is now in her second semester at the University of Montana School of Law. She

would have preferred to be here as an advocate for other survivors but at this time cannot be derailed from her studies by reliving these traumatic experiences. She wants me to leave you with this:

“While Law School is immensely demanding and stressful, these challenges cannot compare to the time spent maneuvering the criminal justice system as a victim of sexual violence.”

Mister Chairman, and members of the committee, I stand before you and respectfully ask for a do pass on SB 2387 and am happy to answer any questions you may have.



Written Testimony in Support of North Dakota's SB 2387

Miriam J.

Mr. Chairman, Members of the Committee, thank you for inviting me today to speak in support of Senate Bill 2387.

To me, Survivors' Rights signifies the beginning of a new era. In 2007 and 2008, when I was a freshman in college, I was raped by two men I trusted and admired. The first man who raped me was my boyfriend. He would lock me in his room, force me to do his laundry, edit his papers, and write his internship applications. When I was done with his work, he would rape me, over and over again. I bled for weeks. I thought I would never stop bleeding. The second man who raped me was his friend. He pinned me down on his bed, and I tried to push him away until my wrists collapsed under his weight. When he penetrated me against my will, I felt my insides tearing. I remember thinking, "so this is how it's going to be." For a long time, it was.

From 2007 to 2017, I lived in my rapists' worlds. I watched them win prestigious scholarships, earn selective internships, and land coveted jobs, while the memories of the sound of my voice begging them to stop haunted me at night. I was diagnosed with PTSD my freshman year, and I still take medication every day. I will never get back the decade I spent in their darkness. I will never be able to tell the young woman I was that it wasn't my fault. That I have rights. That this is my world, too.

But being here today makes up for that time. When I finally reported my rapists after almost a decade, I was assigned an Advocate, who followed my case and joined me in my interviews with law enforcement. When the detectives ultimately called me to tell me that the prosecutor would not be pressing charges, I cried silently into the phone. I could barely speak when my Advocate said, "the detectives are going to hang up now. You're going to stay by your phone, and when I call you back, you're going to pick up." My whole body was convulsing with grief, but I followed her instructions. "You're going to cry today," she said. "And maybe you'll cry tomorrow. And then you're going to go on and live a long, happy life. You'll use what you learned here to help others, or you'll do something entirely different. But you'll find joy. You'll find life."

Among the critical civil rights awarded to rape survivors by Senate Bill 2387 is the right to an Advocate. I live by the words of mine every single day. I remember her promise to me when I am tempted to give up. There are 125,000 rape survivors in North Dakota. I wish I could call each of them, tell them of their rights, and of the life that awaits them if they just keep living. If you grant them these civil rights—including the right to an advocate—I won't have to.

Thank you for your time.

Maradith Morris

As a sexual assault survivor and a sexual assault nurse examiner, I have witnessed the anguish and betrayal my patients experience when they learn they have no right to their testing information, if their kit is tested at all. This information is not just “forensic evidence,” it is health information. Sexual assault survivors are asked to navigate an unconscionable maze of bureaucratic, medical, and legal regulations while at their most vulnerable -- and they’re asked to do it without an advocate. In fact, they’re asked to do it with the deck stacked against them.

The system should be set up to bring them security and justice, not to bring further pain and trauma. The rights included in SB 2387 are fundamental, and as a survivor I am committed to ensuring that future survivors are empowered by North Dakota law, not re-traumatized by a lack of basic rights.

Tyrell Walker

Most of us have been impacted by sexual assault, whether we know it or not. When someone we care about is hurt and traumatized, it affects everyone. The deepest pain is obviously felt by the victim of sexual assault, but the aftermath reverberates outwards much farther than the event itself. Sexual assault is not just a women’s issue; it is a human issue.

When a citizen is a victim of a crime, the criminal justice system is supposed to help them and protect them. I have not witnessed this when it comes to sexual assault survivors. Instead, I have seen a criminal justice system that traumatizes survivors of sexual assault as much, if not more, than the assault itself. Survivors are penalized for their trauma, told conflicting information, forced to relive their attack every time they have to fight for their evidence to be kept, or are left alone to navigate a complicated system with no guidance whatsoever. This is not the country I want America to be. I do not want us to be a country that leaves survivors of assault, victims of a crime, lost, alone, unsupported by the justice system. America can, and must, do better. We need a system that provides basic support and guidance to victims of crimes, and ensure that the criminal justice system is prepared and empowered to execute the law fairly.

A civilization is judged not by the strength of those most powerful, but by how we care for and support those in need. Survivors need these rights. These rights are vital to creating a justice system for all, and will create provisions necessary for a criminal justice system that knows how to properly treat sexual assault survivors.

Samantha M.

At the age of 22, I was raped by a police officer in the city in which I was attending college. The layered betrayal that I felt was overwhelming and is something that, to this day, is hard to describe. As a young girl, my parents instilled in me that officers were there to protect you. Growing up in a military family, I truly believed this until I was raped and physically abused by someone in power. Unfortunately, that violence was filmed and distributed among his close friends and the worst night of my life became something that others watched. I was left with physical injuries, but most devastating was the mental anguish that refused to lessen due to a level of pain I never imagined possible. I stopped eating, could not get out of bed, was scared to go out of my house, and constantly mourned for the life I knew I had lost.

forever. Between therapy appointments, medical appointments, and police and Title IX interviews, I lost my full-time job and, subsequently, my apartment.

I had to accept that I would not ever be the same person as I was before that night, because that person is gone. The pain that I experienced physically and mentally was truly unbearable. My trust in our law enforcement diminished. I was not provided a trained sexual assault nurse examiner at the hospital, as my rural county had no such thing. I was forced to pay for the entire emergency room visit, even though I had just lost my job. I was never told what rights, if any, I had. I was never provided an advocate at any stage of the investigation. I realized early on that I had to physically, mentally, and financially function to survive at a time that I could not bear to get out of bed.

Much like too many survivors, I never got justice for what happened to me. However, I consider myself one of the “lucky ones,” as my university stepped in and protected me when nothing was being done criminally so that I could finish my education protected and cared for. The perpetrator was also forced to resign from his job as an officer. I find some solace in this outcome, because it means that he no longer has the position of authority to victimize someone else while remaining above the law. However, that does not change the lasting effects that a rape leaves on someone.

I am truly disheartened to this day that most survivors I meet are still not receiving the proper care and justice that is long overdue. Ensuring a victim’s basic human rights after such a personal and violent attack, both physically and mentally, must finally be a priority. This perpetuation of ensuring the perpetrator has more basic rights than the victim is no longer acceptable. My lawyer at the time told me, “there is no justice in the justice system.” I will never forget those words and I cannot accept that as the standard any longer. We as a society cannot accept that as the standard any longer. Victims deserve so much more than the ways in which they have been treated and we owe it to the next generation to provide a society and system that protects the vulnerable and criminalizes those who abuse their power or status to take advantage of others.

Healing for me comes from stopping the traumatic cycle of victims not being protected or believed and changing our broken justice system into something we can all be proud of. We cannot stop this fight and settle for the “status quo” while those who are left without a voice continue to suffer in silence. We at least owe it to these men, women, and children the basic dignity every human deserves.

Sabrina Sivert

When I was 18 years old I came forward about my sexual assault. For almost a year I kept silent due to threats and fears my abuser instilled in me. My abuser was a teacher and a member of the community as a firefighter.

I remember being in a room and seeing my parents sitting there, my abuser’s co-workers, and his friends on the force and feeling so alone, scared, embarrassed, and doubted. These were all people who were supposed to protect me but I was being failed. It was a small town and the news got out fast. I was never

offered a victim advocate or counselor. In fact I was never even offered a female officer until the child advocacy center took on the case later on. This made matters so uncomfortable.

If I would've been offered just one person who was on my side, one person who would have listened and not judged or doubted me, one person I could've gone to when I felt the most alone, one person who could've just been there when my world was crashing down. I think my experience coming forward about my sexual assault would've been smoother and less traumatic. Every victim should have the right to a victim advocate or counselor.

Additional Information Pertaining to the Rights in SB 2387:

- [Lara McLeod's Story](#)
- [Victim/Suspect Documentary on Netflix](#) (official trailer)

Submitted to the House Human Services Committee Testimony in Opposition to House Bill 2387 March 12, 2025

Chairman Ruby, members of the House Human Services Committee, my name is Anna Frissell. I am employed by Youthworks. I am testifying in opposition to House Bill 2387 to request the bill be amended to cover sexual trafficking of youth and adult victims. Youthworks serves North Dakota youth and families, providing services to run-away, homeless, exploited and trafficked youth and young adults. We provide direct services and intensive case management, including such services as supervision of students suspended from school, individual intake and assessment, individual counseling, appropriate service referrals, advocacy, transportation crisis response and shelter and transitional living options. We also support youth, young adults and families by providing training and education, as well as guardian ad litem services through the courts. House Bill 2387 proposes to modify the provisions of the North Dakota Criminal Code, entitled, Fair Treatment of Victims and Witnesses, 12.1-34, N.D.C.C., by adding a definition of "sexual assault victim advocate." The definition in the bill only includes victim advocates employed by a "domestic violence sexual assault organization or from a children's advocacy center." The definition proposed in the bill does not include advocates from organizations like Youthworks. Youthworks and other advocacy organizations routinely provide trained advocates who work with trafficked individuals and sexual violence victims and may provide the advocacy services requested by the victim. For the above reasons, we request that the definition of "sexual assault victim advocate" be broadened to read: "A victim advocate from a domestic violence sexual assault organization, a children's advocacy center or from an organization providing services to child or adult victims of sexual trafficking or other sexual violence. Finally, a "sexual violence survivor" is defined in House Bill 2387 as an individual who is a victim of a list sexual offenses located in Chapter 12.1-20 N.D.C.C. We request that the list of crimes in the bill be expanded to include human trafficking crimes involving sexual violence: 12.1-41-02, 12.1-41-03, and 12.1-41-04. Thank you for considering this testimony and the requests to broaden the definitions of "sexual assault victim advocate" and "sexual violence survivor."

Hanna Johnson - Testimony In Support of SB 2387

Thank you Chairman Ruby, Vice Chair Frelich, and Members of the Human Services Committee for reviewing my testimony for SB 2387. My name is Hanna Johnson and I am a fifth-generation North Dakotan, and I was raised on a farm in small-town North Dakota. But, most relevant to today's hearing, I am also a survivor of sexual violence.

After I was assaulted, I was overwhelmed with what had happened to me and uncertain about how to proceed. I did not know what rights I had under the law and I had no idea where to turn. But, I knew I had to create something positive out of something so terrible – it's the North Dakotan way. So, I took note of the lessons of community support that I learned growing up on a farm in small-town North Dakota, and vowed to help take care of other victims to help them feel more supported after their trauma.

I began that vow to help other victims like me by working on language that would codify protections for survivors in North Dakota that would work well with what already exists in the state, not have a fiscal note, and have the potential to help support victims through their assault by supporting them afterwards. Notably, this legislation does not infringe on the rights of the accused, and it seeks to help medical providers and police officers better support victims through these difficult moments too.

Through eighteen months of revising this language with on-the-ground coalitions in North Dakota, including the Central Dakota Forensic Nurse Examiners, the Children's Advocacy Centers of North Dakota, and the North Dakota Domestic & Sexual Violence Coalition, I have found healing and justice. Through researching these rights that I wish I would have had and speaking to other survivors in North Dakota and beyond about things that they wish they would have had, I spoke to many victims who did not feel comfortable disclosing their experiences, but I carry their stories with me today in their honor.

I support this bill because I believe that current and future victims in North Dakota deserve to have these rights codified in our state. Every victim, regardless of if they are in a city or a rural area, and across any corner of our state, should be afforded the same protections after their assault.

Below is a short summary of the reasons that I support each bill item:

- The right to consult with a victim advocate when available is already a best practice in our state, and codifying it helps ensure access to all victims by helping them be aware of the protections they have after an assault. Medical exams can be invasive and traumatic, but the presence of a victim advocate can be soothing in this time of distress, which is so important after trauma.
- The right to bring a victim's privately-retained counsel when speaking with law enforcement enables victims to bring their own attorneys into a police interview to help them feel more supported when disclosing the details of their assault, which is hard for so many people to do.
- The right to access a law enforcement report for victims over the age of 18 if it wouldn't hinder an investigation allows victims to gain the documentation they may need for various reasons, including civil suits, that may not be able to wait until a criminal case is closed.
- The right to a document explaining the unique rights of victims of sexual violence is important because it builds off the general crime victims' rights card established in Marsy's Law, but expands it to include details for sexual assault survivors, which is extremely important for

survivors in crisis, and helps police officers and medical providers easily inform victims of their rights.

On behalf of the 125,000 survivors in North Dakota and all future victims who would be positively impacted by this legislation, I ask that you give SB 2387 a DO PASS recommendation.

Thank you for your time and your consideration. It is an honor to share a piece of my story with you today.

March 12, 2025
House Human Services Committee
SB 2387
Rep. Matthew Ruby, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police are generally supportive of SB 2387 but are seeking technical amendments to the bill to ensure that everyone is on the same page with the rights that sexual violence survivors have with respect to copies of law enforcement reports. The suggested changes are on page 2 of my testimony.

The current language in the bill states that a survivor has the right to “access” the law enforcement First, from the law enforcement records processing standpoint, it’s not clear what “access” to a record means. It is much clearer to law enforcement, and congruent with the way law enforcement handles other records if this bill states that the survivor has a right to a copy of the law enforcement report.

Further, the language in the provides access to the report unless the survivor is a minor or access would hinder the investigation. There are other general laws that relate to minor victims, who are now adults having access to their reports. (See NDCC § 12.1-34-02(20)). Additionally, North Dakota’s open records laws already have an exemption for criminal intelligence while an investigation is open in order to protect those records from potentially being released and impacting the investigation. (See NDCC § 44-04-18.7). Since these provisions already exist in law, it is clearer to rely on those existing provisions of law, instead of, unintentionally, creating separate standards with relation to these law enforcement reports.

Finally, the Chiefs of Police are recommending adding that the victim has a right copy of the law enforcement report free of charge. Under North Dakota open records law, public entities can charge 25 cents a page for copies. It is my understanding that North Dakota police departments do not have a practice of charging victims for those reports; however, it seems like an important right to codify that survivors of sexual violence have a right to that report for free.

The Chiefs of Police Association of North Dakota respectfully request that the committee adopt the technical amendments to SB 2387 to ensure that everyone understands the rights associated with this bill with relation to law enforcement reports.

**Chiefs of Police Association of North Dakota
Suggested Technical Amendments**

Sexual violence survivor rights.

1. As used in this section:

a. "Sexual assault victim advocate" means a victim advocate of a domestic violence sexual assault organization as defined under section 14-07.1-01, or a victim advocate from a children's advocacy center as defined in 50-25.1-02.

b. "Sexual violence survivor" means an individual who is a victim of a crime defined under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3.

2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor must be afforded the following rights.

a. The right to consult with a sexual assault victim advocate during any forensic medical examination, unless the advocate is not available in a timely manner. A survivor's:

(1) Communication with a sexual assault victim advocate is privileged, unless waived by the survivor; and

(2) Waiver of the right to a sexual assault victim advocate is privileged.

b. The right to the presence of privately retained counsel when speaking with law enforcement regarding the alleged assault, unless law enforcement is conducting a forensic interview with an alleged child victim.

c. Subject to other provisions of law, ~~The right to a copy of~~ access the law enforcement report prepared for the survivor's case free of charge.

~~**26 unless:**~~

~~**27 (1) The survivor is a minor; or**~~

~~**28 (2) Providing access would hinder the investigation.**~~

d. The right to a document prepared by the attorney general explaining the rights of sexual violence survivors under this section and other relevant law. The rights document must be provided by a medical provider or law enforcement officer upon initial contact with the survivor.



CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

House Human Services Committee
Testimony In Support of Senate Bill 2387
3-12-25

Chairman Ruby and Members of the House Human Services Committee,

My name is Greg Kasowski, Director of the Children's Advocacy Centers of North Dakota. I am here in support of Senate Bill 2387.

This bill would afford sexual assault survivors these rights:

1. **To consult with a victim advocate during a forensic medical examination.** (2a)
2. **To have privately retained counsel when speaking with law enforcement about the alleged assault, except during forensic interviews with law enforcement.** (2b)

An exemption for child forensic interviews is important because having a third person (e.g., privately retained counsel) in the forensic interview room opens the door to [multiple issues, as noted in this white paper from the National Children's Advocacy Center](#). It should be noted that trained and experienced forensic interviewers from North Dakota Children's Advocacy Centers conduct a majority of forensic interviews in our state. In 2024, our Children's Advocacy Centers interviewed 1,109 children. However, there are times when law enforcement may need to conduct a forensic interview. In these situations, our hope is that the law enforcement officer conducting the child forensic interview is trained in the foundational concepts of child forensic interviewing from a [curricula approved by the National Children's Alliance](#), conducts forensic interviews on a consistent basis, and participates in on-going training in the practice of forensic interviewing.

3. **To access the law enforcement report about the case, with exceptions for hindrances to an investigation and for minors.** (2c)
4. **To receive a document explaining sexual assault survivor rights.** (2d)

Mister Chairman and Members of the Committee, thank you for allowing me the opportunity to testify today, and I will stand for any questions.

Sincerely,

Greg Kasowski
Executive Director

Children's Advocacy Centers of North Dakota

www.CACND.org
director@cacnd.org
701.301.3701





**Kristie Wolff – Communications Coordinator
Central Dakota Forensic Nurse Examiners**

**Support SB 2387
North Dakota Senate Human Services Committee**

March 12, 2025

Chairman Ruby and members of the House Human Services Committee, my name is Kristie Wolff, I am the Communications Coordinator for Central Dakota Forensic Nurse Examiners (CDFNE).

I am providing testimony today in support of SB 2387.

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 to ensure that victims receive comprehensive, coordinated care while supporting the investigation and prosecution of crimes.

Survivors of sexual violence can face significant emotional, physical, and psychological challenges after an assault. Expanding rights for survivors in state law is not just a procedural formality; it is foundational to building trust, and ensuring that survivors feel safe, heard, and respected as they seek justice and healing.

When state law prioritizes survivor-centered practices, it sends a powerful message that justice and healing is accessible, inspiring greater confidence in the system. Therefore, today I am asking you to give a DO PASS recommendation on SB 2387.

Thank you for your time and consideration. I am happy to answer any questions.

Kristie Wolff
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Senate Bill No. 2387
House Human Services Committee
Testimony Presented Katelyn Rivinius, Intern at NDD SVC
Email: intern@nddsvc.org
March 12, 2025

Mr. Chairman Ruby and members of the House Human Services Committee, my name is Katelyn Rivinius, a social work student and Intern at North Dakota Domestic Sexual Violence Coalition, and I am testifying in favor of the bill SB 2387.

This bill would create a list of rights for sexual assault survivors. The first right being to give a survivor the right to consult with a sexual assault victim advocate during medical or physical examination. The second right would be the right to have privately retained counsel when speaking with law enforcement unless the counsel is not available in a timely manner or law enforcement is conducting a forensic interview with a child survivor. Thirdly it would give the survivor the right to access the report made by law enforcement unless the survivor is a minor or access to the document would hinder the investigation. And finally, the right to a document prepared by the attorney general that will explain the survivor's rights.



SB2387 is very important to a survivor healing after a traumatic event, due to the support that this bill proposes for them after the experience. The traumatic event of a sexual assault is intense and creates many problems for the survivor to live with. Having a team of trauma informed sexual assault victim advocates who can support the survivor.

through the experience is a critical tool to decreasing the amount of trauma that the survivor experiences.

Sexual Assault Victim Advocates are an important resource for individuals going through traumatic experiences due to the training that they participate in to help provide the support during such a traumatic experience.

Often when a survivor experiences something like this, they don't know what to do, or who to talk to, and having the right to speak with a sexual assault victim advocate, or counsel would give the survivor the ability to have an avenue to seek answers or create a plan.



Ultimately this bill is a support for survivors that gives them an opportunity to decide for themselves what resource or avenue is the best for them, when the assault took a decision away from them.

This bill empowers the survivor is an important bill for the survivors that it will impact.

I understand that the Chief of Police Association has suggested some amendments, and we are okay with them as well.

Thank you for your time and consideration, I am happy to answer any questions.



2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2387
3/31/2025

Relating to the rights of sexual violence survivors.
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4:41 p.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Committee action

4:43 p.m. Chairman M. Ruby introduced amendments LC#25.1369.02001 #44499.

4:45 p.m. Representative Bolinske moved to adopt amendment LC#25.1369.02001

4:45 p.m. Representative Davis seconded the motion.

4:45 p.m. Voice vote passed.

4:45 p.m. Representative Bolinske moved a Do Pass as amended.

4:46 p.m. Representative Hendrix seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

4:46 p.m. Motion passed 13-0-0.

Representative Bolinske will carry the bill.

4:47 p.m. Chairman M. Ruby closed the meeting.
Jackson Toman, Committee Clerk

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
3/31/25
10F2

ENGROSSED SENATE BILL NO. 2387

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
2 Century Code, relating to the rights of sexual violence survivors.

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

- 4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Sexual violence survivor rights.**

7 **1. As used in this section:**

8 **a. "Sexual assault victim advocate" means a victim advocate of a domestic violence**
9 **sexual assault organization as defined under section 14-07.1-01, ~~or~~ a victim**
10 **advocate from a children's advocacy center as defined in 50-25.1-02, or a victim**
11 **advocate from an organization providing services to victims of sexual trafficking**
12 **or other sexual violence.**

13 **b. "Sexual violence survivor" means an individual who is a victim of a crime defined**
14 **under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,**
15 **12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, ~~or~~ 12.1-20-12.3, 12.1-41-02,**
16 **12.1-41-03, or 12.1-41-04.**

- 17 **2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor**
18 **must be afforded the following rights.**

- 1 a. The right to consult with a sexual assault victim advocate during any forensic
2 medical examination, unless the advocate is not available in a timely manner. A
3 survivor's:
4 (1) Communication with a sexual assault victim advocate is privileged, unless
5 waived by the survivor; and
6 (2) Waiver of the right to a sexual assault victim advocate is privileged.
7 b. The right to the presence of privately retained counsel when speaking with law
8 enforcement regarding the alleged assault, unless law enforcement is conducting
9 a forensic interview with an alleged child victim.
10 c. The Except as provided by law, the right to access the law enforcement report
11 prepared for the survivor's case, ~~unless:~~
12 ~~(1) The survivor is a minor; or~~
13 ~~(2) Providing access would hinder the investigation at no cost.~~
14 d. The right to a document prepared by the attorney general explaining the rights of
15 sexual violence survivors under this section and other relevant law. The rights
16 document, which must be provided by a medical provider or law enforcement
17 officer upon initial contact with the survivor.

**REPORT OF STANDING COMMITTEE
ENGROSSED AND AMENDED SB 2387**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.1369.02001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2387, as amended, was placed on the Sixth order on the calendar.

25.1369.02001
Title.

Prepared by the Legislative Council
staff for Representative M. Ruby
March 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2387

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
- 2 Century Code, relating to the rights of sexual violence survivors.

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

- 4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
- 5 and enacted as follows:

6 **Sexual violence survivor rights.**

- 7 1. As used in this section:

8 a. "Sexual assault victim advocate" means a victim advocate of a domestic violence
9 sexual assault organization as defined under section 14-07.1-01, ~~or~~ a victim
10 advocate from a children's advocacy center as defined in 50-25.1-02, or a victim
11 advocate from an organization providing services to victims of sexual trafficking
12 or other sexual violence.

13 b. "Sexual violence survivor" means an individual who is a victim of a crime defined
14 under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,
15 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, ~~or~~ 12.1-20-12.3, 12.1-41-02,
16 12.1-41-03, or 12.1-41-04.

- 17 2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor
18 must be afforded the following rights.

- 1 a. The right to consult with a sexual assault victim advocate during any forensic
2 medical examination, unless the advocate is not available in a timely manner. A
3 survivor's:
4 (1) Communication with a sexual assault victim advocate is privileged, unless
5 waived by the survivor; and
6 (2) Waiver of the right to a sexual assault victim advocate is privileged.
7 b. The right to the presence of privately retained counsel when speaking with law
8 enforcement regarding the alleged assault, unless law enforcement is conducting
9 a forensic interview with an alleged child victim.
10 c. ~~The~~Except as provided by law, the right to access the law enforcement report
11 prepared for the survivor's case - unless:
12 ~~(1) — The survivor is a minor; or~~
13 ~~(2) — Providing access would hinder the investigation at no cost.~~
14 d. The right to a document prepared by the attorney general explaining the rights of
15 sexual violence survivors under this section and other relevant law. ~~The rights~~
16 document, which must be provided by a medical provider or law enforcement
17 officer upon initial contact with the survivor.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2387
4/9/2025

Relating to the rights of sexual violence survivors.
--

10:00 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Members absent: Representative Davis

Discussion Topics:

- Possible Amendment

10:00 a.m. Chairman M. Ruby Explains need for an amendment; committee will discuss later.

10:01 a.m. Chairman M. Ruby adjourned the meeting.

Jackson Toman, Committee Clerk by Risa Berube

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2387
4/9/2025

Relating to the rights of sexual violence survivors.
--

10:50 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Members absent: Representative Davis

Discussion Topics:

- Committee action

10:50 a.m. Representative Rohr moved to reconsider the committee's actions.

10:50 a.m. Representative Dobervich seconded the motion.

10:51 a.m. Voice vote passed.

10:51 a.m. Vice-chairman Frelich moved to amend the bill in subsection one lines 10-11, and 15-16.

10:51 a.m. Representative Bolinske seconded the motion.

10:52 a.m. Voice vote passed.

10:52 a.m. Vice-chairman Frelich moved a Do Pass as amended.

10:52 a.m. Representative Bolinske seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

House Human Services Committee

SB 2387

4/9/2025

Page 2

10:53 a.m. Motion passed 12-0-1.

Representative Bolinske will carry the bill.

10:55 a.m. Chairman M. Ruby adjourned the meeting.

Jackson Toman, Committee Clerk

April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 4/9/25
102

ENGROSSED SENATE BILL NO. 2387

Introduced by

Senators Van Oosting, Myrdal, Paulson

Representatives Hoverson, Richter, O'Brien

In place of the amendments (25.1369.02001) adopted by the House, Engrossed Senate Bill No. 2387 is amended by amendment (25.1369.02002) as follows:

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota
- 2 Century Code, relating to the rights of sexual violence survivors.

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

- 4 **SECTION 1.** A new section to chapter 12.1-34 of the North Dakota Century Code is created
- 5 and enacted as follows:

6 **Sexual violence survivor rights.**

7 **1. As used in this section:**

- 8 **a. "Sexual assault victim advocate" means a victim advocate of a domestic violence**
- 9 **sexual assault organization as defined under section 14-07.1-01, or a victim**
- 10 **advocate from a children's advocacy center as defined in section 50-25.1-02-a**
- 11 **~~victim advocate from an organization providing services to victims of sexual~~**
- 12 **~~trafficking or other sexual violence.~~**

- 13 **b. "Sexual violence survivor" means an individual who is a victim of a crime defined**
- 14 **under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1,**
- 15 **12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3-41-04.**

- 16 **2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor**
- 17 **must be afforded the following rights.**

- 18 **a. The right to consult with a sexual assault victim advocate during any forensic**
- 19 **medical examination, unless the advocate is not available in a timely manner. A**
- 20 **survivor's:**

- 1 (1) Communication with a sexual assault victim advocate is privileged, unless
2 waived by the survivor; and
- 3 (2) Waiver of the right to a sexual assault victim advocate is privileged.
- 4 b. The right to the presence of privately retained counsel when speaking with law
5 enforcement regarding the alleged assault, unless law enforcement is conducting
6 a forensic interview with an alleged child victim.
- 7 c. ~~The~~Except as provided by law, the right to access the law enforcement report
8 prepared for the survivor's case, unless:
- 9 ~~(1) The survivor is a minor; or~~
10 ~~(2) Providing access would hinder the investigation at no cost.~~
- 11 d. The right to a document prepared by the attorney general explaining the rights of
12 sexual violence survivors under this section and other relevant law. The rights
13 document, which must be provided by a medical provider or law enforcement
14 officer upon initial contact with the survivor.

**REPORT OF STANDING COMMITTEE
ENGROSSED AND AMENDED SB 2387**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.1369.02002](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2387, as amended, was placed on the Sixth order on the calendar.