

**2023 HOUSE JUDICIARY**

**HB 1145**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/11/2023

Relating to the statute of limitations for prosecuting sex crimes involving victims who develop a disabling mental condition; and to provide a penalty
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Chairman Klemin opened the hearing on HB 1145 at 9:00 AM.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## **Discussion Topics:**

- Disabling mental condition clarification
- Eventual end time
- Prosecution of a crime
- PTSD
- Statute of limitations

Rep. Schauer: Introduced the bill. Testimony #12866

Andrea Rebsom, Bismarck, ND. Testimony #12666

Susan Dollinger, Mother of a rape victim. Testimony #12845

Sydney Dollinger: Testimony #12846

Kristie Wolff, Central Dakota Forensic Nurse Examiners: No written testimony.

Jim Hope, Assistant States Attorney, Stark County: In support. Testimony #12787

Seth O'Neal, CAWS: In support. Testimony #12839 & #12840

Jackson Lefgren: No written testimony.

Pam Sagness, Behavioral Health Executive Director, Dept. of Health, and Human Services: No written testimony.

Chairman Klemin appointed a Subcommittee: Rep. Satrom, Chairman; Rep. Schneider, Rep. VanWinkle

House Judiciary Committee

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**Additional written testimony:**

Harriette Rebsom: Testimony #12750

Paula Rebsom, Testimony # 12785

Christine Zander, Dickinson, ND: Testimony #12828

Pauline Schneider: Testimony #12752

Sexual Assault Facts: Testimony #12534

Lloyd Suhr: Testimony #12620

Lee Rebsom: Testimony #12633

Hearing closed at 10:42 am.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/18/2023  
Subcommittee Meeting

Relating to the statute of limitations for prosecuting sex crimes involving victims who develop a disabling mental condition; and to provide a penalty.
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Rep. Satrom, Chairman opened the subcommittee meeting at 3:15 PM.

Members present: Rep. Satrom, Rep. Schneider, Rep. VanWinkle

**Discussion Topics:**

- Statute of limitation expansion
- Hoghouse
- Disabling mental condition

Will schedule another subcommittee meeting for Tuesday, January 24 at 8:30 AM to go over the amendments 23.0149.03001 Testimony #16685

Meeting closed at 3:52 PM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/24/2023  
Subcommittee Meeting

Relating to the statute of limitations for prosecuting sex crimes involving victims who develop a disabling mental condition; and to provide a penalty.
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Rep. Satrom, Chairman opened the subcommittee meeting at 8:30 AM. Members present:  
Rep. Satrom, Rep. Schneider, Rep. VanWinkle

## **Discussion Topics:**

- Amendment
- Committee Work

Rep. VanWinkle: Proposed amendment LC #23.0104.03001 and moved to adopt.  
Testimony #16685 referenced from previous meeting 1-18-23.

Seconded by Rep. Schneider

Voice vote. Motion carries.

The meeting closed at 8:35 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/25/2023

Relating to the statute of limitations for prosecuting sex crimes involving victims who develop a disabling mental condition; and to provide a penalty
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Chairman Klemin opened the hearing on HB 1145 at 9:20 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, , Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## Discussion Topics:

- Subcommittee report
- Amendment
- Hoghouse
- Seven years extension

Rep. VanWinkle: Presented the subcommittee findings. Testimony #16685

Meeting closed at 9:30 AM.

Rep. Satrom moved the amendment LC #23.0149.03001.  
Seconded by Rep. VanWinkle

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	A
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	A
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll Call Vote: 11 Yes 0 No 2 Absent  
Motion carried.

Rep. VanWinkle moved at do pass as Amended;  
Seconded by Rep. Satrom

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	A
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	A
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 11 Yes 0 No 2 Absent; Motion carried.  
Carrier: Rep. Rios

Meeting closed at 9:33 AM.

Delores Shimek, Committee Clerk

JA 1-25-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1145

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 29-04-02.1 of the North Dakota Century Code, relating to prosecution for gross sexual imposition; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 29-04-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02.1. Prosecution for ~~gross sexual imposition~~ a felony sexual offense or human trafficking.**

Except as otherwise provided by law, a prosecution for a felony violation of ~~subdivision a of subsection 1 of section 12.1-20-03~~ chapter 12.1-20 or for the crime of human trafficking must be commenced in the proper court within seven years after the commission of the offense."

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**HB 1145: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 29-04-02.1 of the North Dakota Century Code, relating to prosecution for gross sexual imposition; and to provide a penalty.

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

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Renumber accordingly

**2023 SENATE JUDICIARY**

**HB 1145**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1145  
3/15/2023

A bill relating to prosecution for gross sexual imposition; and to provide a penalty.

10:05 AM Chairman Larson opened the meeting.  
Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger were present.

## **Discussion Topics:**

- Sexual assault victims
- PTSD
- Statute of limitations

10:05 AM Representative Schauer introduced the bill and testified. #25246.

10:10 AM Susan Dollinger testified in favor of the bill. #25243

10:15 AM Sydney Dollinger testified in favor of the bill. #25242

10:20 AM Andrea Rebsom testified in favor of the bill. #24784

10:29 AM Seth O'Neil, Council of Abused Women's Services, CAWS, spoke in favor of the bill.

10:31 AM Jackie Hall, North Dakota Association for Justice, spoke in favor of the bill.

10:34 AM Paula Rebsom testified in favor of the bill. #25114

## **Additional written testimony:**

Jim Hope #24969

Lee Rebsom #24809

Harriette Rebsom #24799

Steve Brannen #25154

Amanda Eppler #25152

Julie Olheiser-Lawhead #25147

Pauline Schneider #25073

10:39 AM Chairman Larson closed the public meeting.

10:40 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1145  
3/20/2023

A bill relating to prosecution for gross sexual imposition; and to provide a penalty.

11:05 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger are present.

### **Discussion Topics:**

- Committee action

11:05 AM The committee has discussion on the bill.

11:06 AM Senator Myrdal moved to Do Pass the bill. Motion seconded by Senator Luick.

11:06 AM Roll call vote was taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

Senator Myrdal will carry the bill.

This bill does not affect workforce development.

11:07 AM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1145, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed HB 1145 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1145**

# NORTH DAKOTA

# SEXUAL ASSAULT FACTS 2021

**1,139** Primary Victims  
**+292** Secondary Victims

were served by **18** SEXUAL ASSAULT CRISIS CENTERS throughout North Dakota.

OF THOSE CASES:



- at least **933 victims** were **female**
- 59% of cases were **male assailant, female victim**
- **174 assailants** were female



- **752 assailants** were **male**
- 4% of cases were **male assailant, male victim**

## A CLOSER LOOK

At least **298** of primary victims were under the age of 18 years old at the time of the assault(s).

In adult cases, **9%** of the assailants were strangers. In child cases, **3%** of the assailants were strangers.

In at least **29%** of all cases, the assailant was a friend/acquaintance/date of the victim.

At least **32%** of the assaults occurred in the victim's or assailant's home.

**28%** of new victims were people with disabilities. Of those, **18%** were people with developmental disabilities. **23%** had physical disabilities and **59%** were people with mental health disabilities.

*\*new = unduplicated for calendar year*

-  48% of the crimes were reported to law enforcement.
-  27% of adult victims contacted a sexual assault center about the crime within 2 days of the assault. 13% of adult victims contacted a sexual assault center within 3-30 days after the assault.



## ADVOCACY

- At least 14,976 services were provided to primary victims by crisis center advocates from January to December 2021.
- At least 22% of the victims were referred to sexual assault service providers by themselves, friends, or family members.



March 2022. Sexual Assault Statistics are compiled by CAWS North Dakota for the State Health Department. CAWS North Dakota 521 E Main Ave, Suite 320, Bismarck, ND, 58501 | 701.255.6240 | www.cawsnorthdakota.org

This project was supported by Grant No. 2019-MU-AX-0009 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the U.S. Department of Justice.

January 9, 2023

TO: House Judiciary Committee

RE: H.B. 1145

Dear Chairman Klemin and members of the House Judiciary Committee:

My name is Lloyd Suhr. I am an attorney in private practice in Bismarck. I write in opposition to H.B. 1145, which is slated to be heard by the House Judiciary Committee on January 11<sup>th</sup> at 9:00 a.m.

I have practiced criminal law for 21 years. I spent 11 years as a prosecutor with the Burleigh County State's Attorney's Office. I have spent the last 10 years in private practice focusing my practice almost entirely on criminal defense work.

Our office handles sex offense cases on a regular basis. H.B. 1145 tolls the statute of limitations for any sex offenses where the alleged victim was 18 years of age or older at the time that the offense was allegedly committed for a period of 2 years after the victim no longer has a "disabling mental condition" resulting from the offense. That term is very broadly defined in the bill, to include depression and PTSD. The victim and the victim's mental health provider must agree in writing that the victim no longer has a disabling mental condition. Equally broad is the definition of "mental health provider". It is not limited to just physicians, psychiatrists, or psychologists, but the undefined "mental health counselor" and "addiction counselors", the latter of whom may be qualified to diagnose addiction but not mental health disorders.

H.B. 1145 would effectively eliminate any statute of limitations for adult sex offenses. Individuals suffering from a disabling mental health condition for reasons completely unrelated to an alleged sex offense could contend otherwise and never. Even if a mental health provider did opine that the victim no longer suffered from a disabling mental condition caused by an offense, if the victim refutes that clinical opinion the statute of limitations would continue to be tolled, since both must agree in writing. Even if the victim did reach that point where they felt like they no longer suffered from the condition(s), there would be no reason for the victim and their mental health provider to issue a written statement to this effect nor is there an identified mechanism in the bill about who is responsible to seek out / secure the written statement and to whom such a statement would be submitted. This bill would frustrate and complicate the prosecution of the identified class of offenses rather than protect it.



I respectfully ask the committee to recommend a DO NOT PASS to H.B. 1145.

Thank you for your time

Sincerely,

*Lloyd C. Suhr*  
Attorney at Law

Dear Chairman Klemin and members of the Committee. Thank you for allowing me the opportunity to voice my support for HB 1145. Many victims of sexual assault experience ptsd symptoms. A startling statistic is that 33% of sexual assault victims contemplate suicide. Sexually abused victims with severe ptsd are subjected to the event over and over again which results in a lifetime of trauma. Statistics also show that 86% of women incarcerated in North Dakota jails are victims of sexual assault. I do not have access to the percentage for women in mental health units across our state. Victims of sexual assaults often don't come forward because they feel that they won't be believed, "only 2% of sexual assaults are found to be false reporting." Of the sexual assault crimes that are prosecuted less than 1% result in felony convictions. The criminal justice system has historically failed survivors of sexual violence. Is North Dakota a safe place to live? We'd like to believe so, except for one dark secret "sexual assaults," which are usually swept under a rug and ignored. The current system favors the abuser. It's time to stand up for sexually abused victims. "They deserve more." This bill will give sexually assaulted victims who weren't able to face their abuser because of their mental health state caused by the assault much needed time to gain the strength to do so. I hope that you give this bill serious consideration and I urge you to give it your support. Thank you for your attention. Are there any questions? Lee Rebsom (retired) Dickinson, ND

Dear Chairman Klemin and members of the Committee, thank you for this opportunity to speak today. At the age of 18, I was sexually assaulted at 2 am by a male nurse at a hospital in Dickinson, North Dakota. A year later her sexually assaulted a 14-year-old girl at 2 am in that same hospital who had gotten a tonsillectomy. I came forward and provided a supporting statement for her case. As a result, the male nurse was charged with gross sexual imposition, sentenced to three years in prison, and got his nursing license revoked. It was not that my sexual assault was any less provable or injurious than hers, the only difference was that I was already suffering from PTSD from a prior rape at age 10 and was not well enough to stand trial within the three-year statute of limitations time frame.

Approximately one year ago, I decided to start my own journey for justice on this 29-year-old case. I was told by the Dickinson Police Department that my interview with the lead detective, Stewart Stenberg, had been destroyed and that he had retired. Every law office I called, and believe me there were a lot, stated they only keep these type of case files for approximately ten years.

After reading old newspaper articles, I realized Jim Hope was the original prosecutor of the case and that he was still working today. I spoke with Jim expecting him to tell me my police report was destroyed almost 20 years ago which is what I had been told over and over again. Instead, Jim stated he never felt good about destroying my police report and that he has the discretion to keep certain case files. Jim gave me a copy of my police report, contacted Stewart Stenberg (former lead investigator of the case) and both worked with legislators to help draft this legislation, Jim has now agreed to speak in front of you in favor of this bill. I want to give a heartfelt thank you to Jim Hope, Stewart Stenberg, Christopher Joseph, Jaclyn Hall, Jim Shaw,

CAWS North Dakota, family/friends, and all the legislators including Representative Austen Schauer, Senator Kathy Hogan, and Representative Joshua Boschee who help draft or support this legislation. Your time, effort, energy, and care to help move this bill forward has given me tremendous hope that others will not have to face similar barriers to seek justice.

The State Capitol recently completed accessibility improvements. The article stated, "People with disabilities have the same right as everybody else and that includes access." Imagine for a moment you were involved in a head on collision with a drunk driver. You survived, but were in a wheelchair unsure you would ever walk again. You want to go to court, seek justice, and you can because you have access (ramps & elevators) to assist you. But imagine for a moment there was no access to assist you. No one would ever walk up to you in your wheelchair, tell you that you have three, five, 10 or 20 years to seek physical therapy, and figure out a way to enter that building and seek justice without access.

Yet, that is how we speak to people suffering from disabling mental conditions each and every day. We put a time limit on justice for them and provide no access. This incredible legislation provides that access that people either suffering from or who will suffer a disabling mental condition as a result of a sexual assault have needed for far too long - the ability to heal before the statute of limitations clock runs out on them.

This powerful, fair, and just legislation deserves a do pass recommendation. All future North Dakotans either suffering from or who will suffer a disabling mental condition as a result of a sexual assault deserve a do pass recommendation. Most importantly, North Dakota needs to be a place not only full of immense opportunities, innovations, economic growth and development, but also a place for healing. Thank you. Questions?

January 8, 2023

Dear Chairman Klemin and committee members,

My name is Harriette Rebsom. I am A [REDACTED] R [REDACTED]'s mom. I have walked beside her through her long and traumatic journey. I have felt her pain, our entire family has.

When she was asked to give a statement to Stewart Stenberg regarding the sexual assault that occurred in the ICU of our hospital she was extremely scared. Before going in she said to me "Mom, I don't know why all of this has happened to me but hopefully someday I can make a difference for others."

I believe HB 1145 is that answer-that 'difference.' This bill will help future adult victims of sexual abuse crimes heal from their disabling mental condition that has kept them from seeking justice. The current statutes of limitations run out at 3 years, that is often not enough time. Our current laws prevent many from getting justice. The perpetrator goes free, only to repeat his crime over and over.

HB 1145 does not target specific institutions or organizations. It is only aimed at targeting the perpetrator, no matter his title. Sexual abuse knows no boundaries.

The Americans with Disabilities Act gave all sorts of rights to those with physical disabilities, yet not one mention of those with disabling mental conditions.

"A miscarriage of justice" is what Nancy Grace once said, "statutes of limitations allow a perpetrator to go free."

We are so proud of our daughter for pursuing this bill for the justice of sexual abuse victims, for giving them time to heal, time to get strong, time to face what happened to them, time to face the perpetrator, time to seek justice.

It has not been an easy journey, but A [REDACTED] has held steadfast and persevered.

Please vote a DO PASS for ND and all the future victims of sexual assault, let's give them a chance for justice, let's make ND a better place to live for future generations.

Thank you,

Harriette Rebsom

HB 1145

I am support of extending the statute of limitations for victims of sex crimes. I have witnessed my best friend undergo PTSD from being raped at the age of 10 years old, and then later molested by a nurse, in the hospital, seven years later. My best friend's name is A [REDACTED] R [REDACTED], who is also speaking out regarding this bill.

I remember how spunky and self-confident A [REDACTED] was, prior to the age of 10 years old. I used to play softball with her and witnessed her being almost "cocky". A [REDACTED] was a good softball player, and I think she knew it!

Fast forward several years later, A [REDACTED] joined the same Catholic school as me. At first I was a little weary of her, but then I realized that something had changed. That same spunky girl I once knew as a young child, had grown into a quiet and meek teenager. I didn't know why, and I don't think I thought too much into it. It wasn't long after A [REDACTED] and I became best friends. We both were outsiders and never felt like we fit in anywhere, but we could laugh and be ourselves together!

At that time, I never knew that A [REDACTED] was previously raped. It wasn't something that A [REDACTED] ever brought up. It wasn't until our senior year in high school that I started to notice that A [REDACTED] was struggling more and more. She was depressed, and spoke about death often. I remember A [REDACTED] made clouds out of paper and cotton, and she hung them from her bedroom ceiling. She used to say how she wanted to be in the clouds with her grandma. I didn't ask why or talk to anyone about this as being a warning sign. I thought it was normal because I, too, had suicidal thoughts every day. Unfortunately, it had all become too much and A [REDACTED] ended up in the hospital. I felt like my world was crashing down as she was my best friend and really the only person that I hung out with outside school. Now what do I do? Who can I hang out with and talk to? I was devastated and I missed my best friend.

It was late in our Senior year that A [REDACTED] told me what happened when she was 10 years old and I later learned that a nurse had molested her during her stay in the hospital. As time went on, I remember that A [REDACTED] provided a testimony to help the 14 year old girl win her case against that same nurse. I once asked A [REDACTED] why she didn't press charges too. I remember her saying that she just couldn't. By the look in her eyes, I knew that it would have been too much to take on. She still had so much healing.

Fast forward to years in the future. I saw A [REDACTED] go up and down in her recovery, but never once turned to drugs or alcohol. As most of us, we have many life obstacles to overcome. Thankfully most people don't have the past trauma to overcome, like A [REDACTED] did. Even through the triumphs and pitfalls, A [REDACTED] still continued to have sleepless nights. She was still traumatized by everything that happened. A [REDACTED] spoke about how she would sleep in an open area, as she didn't want to be enclosed. She also slept with the lights or tv on. I witnessed all of this, over the years and even today. I always felt helpless and saddened watching her struggle.

What people need to realize is there is no time limit when trauma happens to a victim. It is a life sentence. And to put a short time limit of three years for the statute of limitations for a victim to be well enough to stand trial, just isn't fair. Instead, I hope that you can all look into your own hearts for a moment. Imagine if this same thing happened to your child, your sibling, or your best friend. Shouldn't they also be given the compassion to recovery and still seek justice when they are ready?

January 8, 2023

Dear Chairman Klemin and Committee Members,

My name is Paula Rebsom and I am the sister of A [REDACTED] R [REDACTED] who has played a major part in helping to draft HB 1145 which will give victims of sexual assault suffering from a debilitating mental condition time to seek treatment before the statute of limitation clock runs out.

First, it is important to understand why many survivors of sexual assault are unable to come forward within the 3-year statute of limitation law currently in place in North Dakota. Research from the National Center for PTSD, part of the U.S. Department of Veterans Affairs, suggests that “almost one-third of all rape victims have at least one period of Major Depressive Disorder (MMD) in during their lives.... that last for a long period of time.”. Studies also estimate that “one-third of women who are raped contemplate suicide, and 13% of rape victims actually attempt suicide”. The statistics are similar for those suffering from PTSD which often causes them to have repeated thoughts of the assault, nightmares, difficulty sleeping and concentrating. Victims may also suffer Acute Stress Disorder, and experience anger, shame and guilt, social problems, sexual problems, and alcohol and drug use.

Second, it is also important to note that not every survivor of sexual assault suffers from, or experiences, all of these outcomes. Every survivor processes the trauma differently and in differing time frames. For my sister, the sexual assaults at age 10 and 18 resulted in severe PTSD and multiple suicide attempts when she was younger. It took my sister until she was in her 40's to achieve the life stability and emotional foundation needed to seek and find treatment to address her PTSD which she is still suffering from today.

Finally, imagine suffering from even just one of the conditions listed above and then being told you have 3 years from the assault to be healthy enough to testify at a trial, as is required under the law, or you will be unable to prosecute the assailant. Being assaulted does not give you a free pass to suddenly put the rest of your life on hold while you seek intensive treatment. Many have to process the trauma while holding down one or more jobs, going to school, caring for children or other family members,

and attempting to live “normal lives”. They also may not be able to access adequate treatment where they live or simply can’t afford it. In addition to providing an unreasonable barrier for survivors to seek justice, the current statute of limitations gives the perpetrator a free pass to continue to sexually assault others.

I want to thank everyone who has played a role in drafting and supporting this important legislation and call specific attention to my sister’s bravery and tireless efforts in working to get this legislation drafted, despite not being eligible to receive the benefit of it because it is not retroactive. I ask you to stand alongside her in supporting this bill with a DO PASS vote so that her efforts are not in vain, and countless victims of future sexual assaults will not have to struggle the way A [REDACTED] has in order to seek justice only to find out it’s too late for them.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula Rebsom", written in black ink on a light-colored background.

Paula Rebsom (Seattle, WA)



January 10, 2023

To: House Judiciary Committee

Re; HB 1145

Chairman Klemin and Members of the Judiciary Committee:

My name is Jim Hope and I am an Assistant State's Attorney for Stark County and have been such for perhaps too many years.

I am appearing in front of you today to testify before you in favor of HB 1145.

I was the prosecutor that handled A [REDACTED] R [REDACTED]'s case and the related case in late 1994. We were able to successfully prosecute the related case. With respect to A [REDACTED]'s case, however, her mental or emotional condition at that time precluded any prosecution of her case.

Many years passed. About a year or so ago A [REDACTED] approached the Stark County State's Attorney's Office about the possibility of pursuing her case. I explained to her that the statute of limitations had run and that a prosecution would not be possible.

This fact led to the process of examining the possible amendment of North Dakota's statute of limitations for victims who suffer, in the language of the proposed statute, a "disabling mental condition." HB1145 is the result of that process. (I should add that while I provided some input into the drafting of HB 1145, I did not draft it. That has been done by persons much better at drafting legislation than I am.)

Regarding the proposed bill, I would like to make the following points:

1. This is not a bill intended to address A [REDACTED]'s situation. It represents a policy change that is forward looking. It is intended to assist and provide some relief to persons who find themselves in a position similar to that which A [REDACTED] found herself in.
2. In theory, HB 1145 is a meritorious and reasonable proposal. It affects only sex offenses. It does not represent a radical departure from the approach taken by North Dakota law with respect to the statute of limitations involving other sex offenses in that current law provides an extended statute of limitations when the victim is a minor or in situations involving forcible rape. This legislature has recognized that an extended statute of limitations is warranted for certain sex offenses. This bill addresses another class of victims deserving of an extended statute of limitations.
3. It is ironic that in North Dakota that if a victim of a felony sex offense, other than a forcible rape, is 17 years and 11 months old, that the State has 21 years to bring its case but if the same thing happens to someone one day over the age of 18, the State has only three years to bring its action. This bill would help address this current inequity in North Dakota law.

RE: Bill HB1145 Public Testimony submit January 11, 2023

Christine A Zander  
966 5th Avenue West  
Dickinson, ND 58601  
[guloienzander@gmail.com](mailto:guloienzander@gmail.com)

I am in favor of passage of HB 1145 which would allow victims of a disabling mental condition to criminally go after those who commit sex crimes, within two years of the end of that mental condition.

First of all, I do not believe there should be a time limit; there is no switch that ends “that mental condition”. When a victim experiences such trauma as sexual abuse no matter what age—who is the legislature to tell that victim they are at the “end of that mental condition”, therefore the statute of limitation should not have a time element. When a criminal violates a young, middle or older man or woman that person never and I mean never is the same. So why on earth would we put a time to it!

In addition, the language of “within two years of the end of that mental condition” needs to be taken out especially when the court system can get clogged up for two or more years.

Please oh please think of the victims in this case—do not let the criminals still get on with their lives when their victims lives have been or will never, ever the same.

# NORTH DAKOTA

# SEXUAL ASSAULT FACTS 2021

**1,139** Primary Victims  
**+292** Secondary Victims

were served by **18** SEXUAL ASSAULT CRISIS CENTERS throughout North Dakota.

OF THOSE CASES:



- at least **933 victims** were **female**
- 59% of cases were **male assailant, female victim**
- **174 assailants** were female



- **752 assailants** were **male**
- 4% of cases were **male assailant, male victim**

## A CLOSER LOOK

At least **298** of primary victims were under the age of 18 years old at the time of the assault(s).

In adult cases, **9%** of the assailants were strangers. In child cases, **3%** of the assailants were strangers.

In at least **29%** of all cases, the assailant was a friend/acquaintance/date of the victim.

At least **32%** of the assaults occurred in the victim's or assailant's home.

**28%** of new victims were people with disabilities. Of those, **18%** were people with developmental disabilities. **23%** had physical disabilities and **59%** were people with mental health disabilities.

*\*new = unduplicated for calendar year*

-  48% of the crimes were reported to law enforcement.
-  27% of adult victims contacted a sexual assault center about the crime within 2 days of the assault. 13% of adult victims contacted a sexual assault center within 3-30 days after the assault.



## ADVOCACY

- At least 14,976 services were provided to primary victims by crisis center advocates from January to December 2021.
- At least 22% of the victims were referred to sexual assault service providers by themselves, friends, or family members.



March 2022. Sexual Assault Statistics are compiled by CAWS North Dakota for the State Health Department. CAWS North Dakota 521 E Main Ave, Suite 320, Bismarck, ND, 58501 | 701.255.6240 | www.cawsnorthdakota.org

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**House Bill No. 1145**  
**House Judiciary Committee**  
**Testimony Presented by Seth O'Neill**  
**January 11, 2023**

Chairman Klemin and members of the Committee. My name is Seth O'Neill and I am here today representing CAWS North Dakota in support of HB1145. CAWS North Dakota is the statewide coalition of the domestic violence and sexual assault programs located across the state.

Our programs serve victims of sexual assault across North Dakota and in 2021 we served 1,139 victims. Victims of sexual assault experience symptoms of post-traumatic stress disorder at a high rate. In one study, 75% of sexual assault victims met criteria for a post-traumatic stress disorder diagnosis one month after the incident.<sup>1</sup> Through our work, we know that this trauma is made worse through the countless times a victim must share their experience in order to get a conviction in the criminal justice system.

We support this bill because we believe it is important to allow victims who suffer from a disabling mental condition as a result of the offense to receive the proper treatment before their offender is charged. This treatment will allow them to navigate the difficulties of the criminal justice system in a healthy manner without the compounding difficulties of experiencing post-traumatic stress disorder.

I appreciate your time and I am happy to answer any questions you may have. Thank you.

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<sup>1</sup> Dworkin, E. R., Jaffe, A. E., Bedard-Gilligan, M., & Fitzpatrick, S. (2021). PTSD in the Year Following Sexual Assault: A Meta-Analysis of Prospective Studies. *Trauma, Violence, & Abuse*, 0(0).  
<https://doi.org/10.1177/15248380211032213>

**Testimony of Susan Dollinger**  
**House Bill 1145**  
**House Judiciary Committee**  
**January 11, 2023**

Chairman Klemin and members of the House Judiciary Committee, I am Susan Dollinger. I am here today to testify in favor of HB 1145 as the mother of a rape victim who recently endured trial process of our criminal justice system.

As you know, House Bill 1145 would allow victims of sexual assault the time they need to receive mental health services before prosecution must begin without fear of the statute of limitations running.

On September 27, 2020, approximately six short weeks into her freshman year of college, my daughter went to a party. She drank too much. Her last memory of that night was her friends putting her safely to bed. The next morning when she woke, she found herself in a different room on a couch, bloody, bruised, and in terrible pain.

This experience began her journey with Post Traumatic Stress Disorder(PTSD). To this day, she rarely sleeps because she is terrified of who or what might come get her while she sleeps. On the nights she is able to fall asleep, she has terrible night terrors where she relives the experience. She is afraid to go places by herself and gets severe anxiety in crowds, because she doesn't know if "HE" is there.

My daughter was brave and strong and made the decision to take her case to the police to try and get justice for herself. This process put a considerable amount of stress on her. So much stress in fact that she was unable to continue her soccer career at Minot State University and ultimately moved home where she felt safe in order to finish her degree.

It took over 2-years for her case to reach its conclusion. Just as my daughter would begin to make forward progress in her healing, there would be a delay in the case. Every time there was a delay, it was like she was victimized again. This happened time and time again. This roller coaster compounded the effects of her PTSD to the point she required inpatient therapy.

This Bill will not have any impact on my daughter's case. I hope no one else ever has to go through what my daughter endured but I think we all know this is not realistic. If passed, this bill would allow future victims time to heal from the trauma of sexual assault before being subjected to the criminal process. Victims would be able to develop the skills necessary to cope and live in our scary world after surviving such trauma before maneuvering through the complex judicial process.

If victims are allowed to heal before having to go to trial, my hope would be that more victims would come forward, and that our system could deliver justice for every victim of sexual assault. Please consider a do pass vote and make these tools available to our daughters, sisters, grand-daughters and all victims of sexual assault.

Thank you for your time, Mr. Chairman and members of the committee. I am happy to answer any questions you may have.

Chairman Klemin and members of the House Judiciary Committee, Good Morning, I am Sydney Dollinger. I am here today to testify in favor of House Bill 1145.

Wake up, brush your teeth, drink your coffee, go to work. Leave work, eat dinner, go to bed, Life is a cycle. Without these cycles we would have no security and would lack any type of productivity within our day to day to life.

Depression, Anxiety and PTSD. Not a cycle but a list of diagnoses I received on October 19th, 2020. This was 21 days after I was brutally raped. I was left covered in gashes, countless bruises and more blood than you realize the human body can hold. On September 27th, 2020, the day I was raped, any chance I had at a normal cycle filled life was destroyed. After enduring a rape kit and giving a formal statement to the police, it was time for me to heal and time to regain my life cycle.

What no one tells you is that once you give your statement you will never start to heal, you will never regain a cycle, until the verdict is given and let me tell you why.

There are 651 days between the day I was raped and the day that I tried to kill myself. In that time frame there are 269 index's on my cases docket. 269 times I relived my attack. 269 times I received a phone call from an investigator or attorney, had to appear in court or a deposition. 269 times I had to relive the worst day of my life.

651 days divided by 269 index's is roughly two and a half. Every two and a half days the cycle I started to build for myself was demolished. How was I as a victim supposed to regain a cycle and heal when every two and a half days, I was forced to relive my attack.

Now let's talk about the quality of that life cycle. Living with Post Traumatic Stress Disorder, which is specifically mentioned in House Bill 1145, is living in a constant state of fear. It is a constant feeling that someone is out to hurt you. To this day I do not go to public places alone, I do not answer my phone, I rarely sleep without a nightmare, I avoid bright lights and loud noises, and every stranger looks like a rapist.

Because of my cycle being interrupted every two and a half days, I was never able to heal. I went through the entire criminal prosecution process with active and severe PTSD.

I can't help but wonder if I had been given a period of time to heal like future women will hopefully have, would my actions on July 10th have happened?

On July 10th, 2022 my mental health had reached a point of no return. The fear of being hurt in my sleep again kept me awake for two weeks straight. The idea that my body was at fault for my attack led to me starving myself. And the persistent feeling that I would be better off dead was the only thought I had.

Because I had to relive my attack so many times, because I was never allowed to heal and because I never received my justice I deserved on July 10th 2022, I tried to take my own life.

I guarantee you I was not the first woman to feel this way but hopefully I can be the last.

By giving the next victim time to heal she can seek therapy as soon as she is ready. The victim can acquire grieving tools and self de-escalation tactics to help regulate her emotions and prevent overstimulation. Overstimulation can cause panic attacks, flashbacks, suicidal ideations or self harm.

Please view this as more than a Bill. You are giving the next victim time to heal, saving them from 269 panic attacks or 269 sets of tears.

This Bill will not have any impact on my case or my cycle. However, if we want to stop sexual violence we need victims to come forward. Often times after a person is raped they feel that they are damaged and will never be whole again. These feelings combined with fear halts a victim from fighting for justice. House Bill 1145 shows victims that they are not damaged and they will be whole again. It allows them to fight for justice on their timeline, removing the statute of limitations from debilitating them further.

I am here today on behalf of all sexual violence survivors in the state of North Dakota. Please consider a do pass vote today. What you're doing will save lives and inspire change within our state.

Thank you for your time, Mr. Chairman and members of the committee. I am happy to answer any questions you may have.



Thank you, Mr. Chairman, and good morning members of the House Judiciary Committee.

My name is Austen Schauer, representing District 13 in West Fargo, seeking your support for **House Bill 1145**.

When something horrible like a sexual assault happens, what **do** we do? What **can** we do?

Often, we feel **helpless**.

If we know the victim or the victim's family, we can support them by sending a card, money, food, offering up our prayers.

Other times, we can only shake our head in disbelief wondering how such an evil act can happen.

Years ago, an 18-year-old woman was sexually assaulted at a hospital in Dickinson, ND.

Her case was investigated. However, because of the trauma she suffered, she wasn't strong enough to help prosecutors.

The case went cold. The impact lingered.

In the legislation you have before you (**House Bill 1145**), the victim, such as this 18-year woman, once diagnosed to be strong enough, can meet with a State's Attorney requesting a criminal case be opened.

The State's Attorney may or may not pursue it.

This legislation will give victims **time**.

**Time** to heal, as best as possible, from the trauma of a barbaric act against them.

And time to **seek justice** on their terms determined by their health.

The essence of the **House Bill 1145** begins at line **20** which says, "Prosecution must be commenced in the proper court within two years **AFTER** the victim **no longer** has a disabling mental condition if;

*a. The victim was 18 years old or older at the time the offense was committed.*

*b. The victim developed a disabling condition as the result of the offense.*

*c. The victim and victim's mental health provider agrees in writing that the victim no longer has a disabling mental condition.*

We believe **House Bill 1145** is an opportunity for State leaders to come alongside victims of sexual assault and give them the opportunity to seek justice when they are healthy enough to seek justice.

You cannot imagine how important this is to crime victims and their families. We ask for your support.

Thank you, Mr. Chairman, and committee members.

23.0149.03001  
Title.

Prepared by the Legislative Council staff for  
Representative VanWinkle  
January 18, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1145

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 29-04-02.1 of the North Dakota Century Code, relating to prosecution for gross sexual imposition; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 29-04-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02.1. Prosecution for ~~gross sexual imposition~~ felony sexual offense or human trafficking.**

Except as otherwise provided by law, a prosecution for a felony violation of ~~subdivision a of subsection 1 of section 12.1-20-03~~ chapter 12.1-20 or for the crime of human trafficking must be commenced in the proper court within seven years after the commission of the offense."

Renumber accordingly

Dear Madam Chair Larson and members of the Committee, thank you for this opportunity to speak today. My name is A [REDACTED] R [REDACTED]. HB 1145 originally started out as disabling mental condition legislation. Why? To raise awareness and importance on the disabling mental effects of sexual assault and provide a remedy so victims can seek the only recourse they have left after an assault-justice. To let legislators know that PTSD does not only affects veterans. The National Women's Study reported that almost one-third of all rape victims develop PTSD sometime during their lives.

So how has PTSD affected my life? As you may recall, I was the victim of a sexual assault at the age of 18 by a male nursing supervisor at 2 in the morning while I was sleeping. I am now a 47-year-old woman who has a broken and terrified 18-year-old girl inside of her who gets triggered by the most mundane things. For instance, I am watching a tv show where a male doctor enters a patient's room, asks her how she is doing, and states he will be back later in the evening to check on her. Suddenly the broken and terrified 18-year-old version of me is triggered and is too scared to sleep at night. So, 47-year-old version of me has to try and function the next day on zero sleep. It is a constant battle for survival each day where fear quickly overtakes any rational thinking.

Children under the age of 18 were provided 21 years to come forward and seek justice. Yet, those who are 18 and 1 day older are left with three and now seven years. Although our family is extremely grateful for the change, it is not enough time. This has been incredibly difficult on my entire family, and we do not want another family to have to stand up here because their loved one missed the Statute of Limitations time frame. Children are our future adults. Perpetrators go after and seek opportunities. And that can include an eight-year-old boy

playing at a neighborhood park, a 21-year-old college student walking back from campus late at night, a 35-year-old woman who is putting groceries away in the back of her car or a 60 year old woman who left her window open one hot summer night. By putting a time frame that is one third less than what children (future adults) receive is frankly an injustice to our entire society. As someone who was sexually assaulted as both a child (age ten) and an adult (age 18) I can say both were equally traumatizing and have required years of therapy to recover from. I remember Stewart Stenberg giving me the Dickinson Police Care Bear because he knew how terrified I was to be speaking with him about the sexual assault.

**I often think about how the actual conversation went with Detective Stenberg:**

A [REDACTED], I know you are going through so much in your life right now, but you do not have much time. It was only after a full investigation was done into my sexual assault by Stewart Stenberg and the only other female nurse on duty that night was finally investigated, whose story corroborated mine, did I finally realize it was not a bad dream. That gave me approximately one year and five months to seek criminal charges.

**I often think about how comforting the conversation would have been if it went this way instead with Detective Stenberg:** A [REDACTED], I know you are going through so much in your life right now. I know your parents paid almost \$100,000 for you to receive the desperate help you needed from a rape at the age of ten and instead you were sexually assaulted by a male nursing supervisor and not believed by the hospital at the age of 18, but you have 21 years to heal and seek justice. Your police report is solid and documents the full sexual assault. If it takes you 21 years to come forward, then you still have a case because it is all documented within your police report.

The State Capitol recently completed accessibility improvements. The article stated, "People with disabilities have the same right as everybody else and that includes access." Imagine for a moment you were involved in a head on collision with a drunk driver. You survived, but were in a wheelchair unsure you would ever walk again. You want to go to court, seek justice, and you can because you have access (ramps & elevators) to assist you. But imagine for a moment there was no access to assist you. No one would ever walk up to you in your wheelchair, tell you that you have three or now seven years to seek physical therapy, and figure out a way to enter that building and seek justice without access.

Yet, that is how we speak to people suffering from disabling mental conditions, such as PTSD, each and every day. We put a strict time limit on justice for them and provide no access. We can't protect everyone from sexual assault, but we can provide the time to heal so all citizens, not just children, have the ability to receive justice for what happened to them. Why not open up the Statue of Limitations so it is the same for both children and adults? After all, North Dakota needs to be a place not only full of immense possibilities, innovations, economic growth and development, but also a place for justice. Thank you. Questions?

Dear Madam Chair Larson and Committee members,

Regarding HB 1145 Criminal Statutes.

My name is Harriette Rebsom, the mother of A [REDACTED] R [REDACTED] who was raped at age 10 and sexually assaulted at age 18. We have been on this long journey for 29 years. I am asking that the victims of sexual assault get what they should have been afforded years ago! No criminal statutes of limitation for sexual abuse. If this had been in place we would not have needed to be here fighting for the justice of future victims right now.

I want to thank the House for recommending the statutes increase from 3 years to 7 years. In reality that is not enough, this is another token law which still gives the perpetrator power. At 7 years our daughter was just beginning to come out of that dark place, I doubt she would have been able to pursue justice due to her PTSD and disabling mental condition -she still needed more time to heal.

Let's compare sexual abuse victims to high school students taking their ACT. If you get a good grade you get into a better college. Sexual abuse victims who are strong and healthier-aka a better grade are more likely to get justice. If you get a bad grade your ability to get into a good college is decreased. For sexual abuse victims who have a bad grade...aka their mental status is not strong enough-they get denied justice. You can study more and retake an ACT test, a sexual abuse victim can get more counselling and get stronger but they never get a redo! That door to justice is slammed shut forever.

My daughter has her police report from 29 years ago which clearly shows cause and is all she needs to pursue justice-yet she is being denied that.

I am amazed at the fact that we use the excuse: "Witnesses' accounts are no longer accurate after so many years." How many rapes and sexual assaults have a witness? Yet we use this as an "excuse" to deny them enough time to seek justice.

Or is the victim the witness? What exactly do they need to remember accurate? In reality research says that significant happenings like this are not forgotten. It is noted 2% of allegations are false, though one report said 2-10%.

Because of this fear we are denying 100 % of these victims' justice if not pursued in a timely manner and we are allowing 100% of those sexual predators to go free.

Are not the victims also innocent? What do we offer them?!!!

I am having a hard time seeing the "Scale of justice." Liberty and justice are really not for all!

This is a chance for North Dakota to make a real difference in the lives of these victims, to stand up and say we support you, you are not alone! Please hold the perpetrator accountable, there should be no statutes of limitation for the benefit of the criminal!

Thank you for your time,

Harriette Rebsom



03/13/2023

Dear Charmin Klemin and members of the Committee. Thank you for the opportunity to voice my support for HB 1145. This bill is a huge step forward to bring justice to sexual assault victims. The average age that most sexual assault victims disclose their sexual abuse is 52 years of age. Why so late? Some fear that they won't be believed. Some actually believe that it was somehow their fault. Many others experience PTSD and other mental and behavioral issues that do not allow them to come forward until later in their lives. They are young children suddenly thrown into a dark place and they are not mature enough to understand the impacts it will have upon their lives. The percentage of women incarcerated in North Dakota jails who experienced a sexual assault is 86%. That is too large of a percentage to be ignored. A sexual assault is a horrific, unimaginable crime that affects victims for the rest of their lives. Why are we letting an abuser go Scot-free after 7 years while the victim gets a life sentence. A crime that affects a victim for life does not deserve a statute of limitation. Ignoring crimes like these opens the door for people like Jeffery Epstein and his many clients. Sadly, this is where we have come to as a society by not taking decisive action. Let's learn from past mistakes and take a stand to protect our children. There should be no criminal statute of limitations for a crime as reprehensible as sexual abuse.

Lee Rebsom (retired) Dickinson, ND

March 14, 2023

To: Senate Judiciary Committee

Re; HB 1145

Chairman Larson and Members of the Judiciary Committee:

My name is Jim Hope and I am an Assistant State's Attorney for Stark County and have been such for perhaps too many years.

I am appearing in front of you today to testify before you in favor of HB 1145 in its current format.

I was the prosecutor that handled A [REDACTED] R [REDACTED]'s case and the related case in late 1994. We were able to successfully prosecute the related case. With respect to A [REDACTED]'s case, however, her mental or emotional condition at that time precluded any prosecution of her case.

Many years passed. About a year or so ago A [REDACTED] approached the Stark County State's Attorney's Office about the possibility of pursuing her case. I explained to her that the statute of limitations had run and that a prosecution would not be possible.

This fact led to the process of examining the possible amendment of North Dakota's statute of limitations for victims who suffer, in the language of the proposed statute, a "disabling mental condition." The original draft of HB1145 was the result of that process.

The bill had some features that would have created legal problems. Accordingly, the House Judiciary Committee took a different approach to the fact that victims of sexual crimes often need a considerable length of time to heal. The bill was accordingly amended to provide for a longer statute of limitations of seven years for felony sex offenses. (The special statute of limitations provisions for minors were left in place.) The amended bill passed the House unanimously.

Regarding the amended bill, I would like to make the following points:

1. This is not a bill intended to address A [REDACTED]'s situation. It represents a policy change that is forward looking. It is intended to assist and provide some relief to persons who find themselves in a position similar to that which A [REDACTED] found herself in by providing extra time for victims of sexual offenses to heal and strengthen.
2. It is ironic that in North Dakota that if a victim of a felony sex offense, other than a forcible rape, is 17 years and 11 months old, that the State has 21 years to bring its case but if the same thing happens to someone one day over the age of 18, the State currently has only three years to bring its action. This bill would help address this current inequity in North Dakota law.

Finally, I must note that this committee, in SB 2282, approved an extension of the civil statute of limitations in sex offense cases to nine years. SB 2282, as amended, passed the Senate unanimously. It would make sense, I believe, to have the criminal statute conform to the civil statute.

I am in support of extending the statute of limitations for victims of sex crimes. I have witnessed the trauma and PTSD, my best friend endured, from being raped at the age of 10 years old. She was also molested by a nurse (while seeking help), seven years later. My best friend's name is A [REDACTED] R [REDACTED], who is also speaking out regarding this bill.

I remember how spunky and self-confident A [REDACTED] was, prior to the age of 10 years old. I used to play softball with A [REDACTED] and she was a rockstar player and full of life. I'm not sure exactly why she stood out in my mind, but I was drawn to her energy.

Fast forward several years later, A [REDACTED] transferred to the same Catholic school as me. Soon, I realized that something had changed. That same spunky girl that I once knew, had grown into a quiet and meek teenager. I wasn't sure what had happened, and frankly I didn't think too much about it at the time. Both A [REDACTED] and I felt like outsiders at our school, and it didn't take long before she became my best friend. She was someone that I felt comfortable with. It was us against the world!

During our senior year in high school, I noticed that A [REDACTED] had begun to struggle more and more. She was depressed, and often spoke about death. I remember A [REDACTED] made clouds out of cardboard and cotton, that she hung them from her bedroom ceiling. A [REDACTED] used to talk about how she wanted to be in the clouds with her grandma. I didn't ask many questions, nor did I talk about this with others. I thought it was normal because I, too, had suicidal thoughts every day. Unfortunately, it had all become too much for A [REDACTED] and she was eventually admitted to the hospital. When this happened, I felt like my world was crashing down. A [REDACTED] was my best friend and one of the very few people that I hung out. Now what was I to do? I was sad and a little angry, but most of all I missed my best friend.

Over the next few months, that A [REDACTED] finally told me about the rape that happened when she was 10 years old. I was shocked, as this was someone that we both knew and interacted with. What should I do when I see him? He was a person of authority and someone that I had respected. I decided to act normal. I pretended that I didn't know what a scumbag he really was.

I later learned that a nurse had molested A [REDACTED] while she was seeking help at the hospital. The same thing happened to a 14-year-old girl, and A [REDACTED] voluntarily provided her own written testimony. A [REDACTED]'s testimony helped the young girl win her case against that nurse and the hospital. I once asked A [REDACTED] why she didn't also press charges against the nurse. I remember the look in A [REDACTED]'s eyes as she said quietly lowered her head and said that she couldn't do it. At that moment, I knew that it would have been too much for A [REDACTED]. She still had so much healing to do first.

Throughout the years, I saw A [REDACTED] go up and down in her recovery. I always felt saddened watching her struggle, but relieved that she didn't turn to drugs or alcohol. A [REDACTED] admitted that she still continues to have sleepless nights or feels uncomfortable unless she's in an open area with a light and/or the tv on.

What people need to realize is there is no time limit for trauma and its victims. It is a life sentence. The current statute of limitations, for a victim to be well enough to stand trial, just isn't fair. Imagine if this same thing happened to your child, your sibling, or your best friend. Wouldn't you want them to receive compassion to allow them time to recovery? These victims deserve the same right to seek out justice when (or if) they become ready.

March 14th, 2023

Dear Chairman Larson and Committee Members,

My name is Paula Rebsom and I am the sister of A [REDACTED] R [REDACTED], whom you have also heard testimony from this session. I want to be able to stand here today and tell you I fully support this bill. Extending the current statute of limitations for criminal cases involving sexual assault from 3 years to 7 for victims over the age of 18 is certainly a small step in the right direction. But why take a small step when you have the power to take a big step forward! "According to the FBI, rape (a felony sex crime) is the second-most serious crime, just behind murder. About 10 states have abolished statutes of limitations for all felony sex crimes to allow a perpetrator to be prosecuted at any point, as long as there's enough evidence to win a conviction." ([RAINN.org](https://rainn.org)) The biggest step forward would of course be to remove the SOL entirely. However, if you must put a time-limit on an adult victims right to seek justice I ask that you consider matching it with that of juveniles in the state of North Dakota who have 21 years after their assault to pursue criminal charges.

It is important to understand why many survivors of sexual assault are unable to come forward within the 3-year statute of limitation law currently in place in North Dakota (or even the 7-year extension proposed in this bill). According to a 2019 fact sheet from ChildUSA.org "The average age for disclosure is 52 years-old.". Additionally, research from the National Center for PTSD, part of the U.S. Department of Veterans Affairs, suggests that "almost one-third of all rape victims have at least one period of Major Depressive Disorder (MMD) during their lives.... that last for a long period of time.". Studies also estimate that "one-third of women who are raped contemplate suicide, and 13% of rape victims actually attempt suicide". For example, my sister attempted suicide multiple times in her late teens, and at age 47 is still suffering from severe PTSD as a result of two sexual assaults. Once at the age of 10 from a school custodian and the other at the age of 18 from a male nurse during a hospital stay in the ICU after attempting suicide because of the prior rape. It has taken her this long to be able to begin the process of healing from this trauma and finding ways to cope with it through intensive therapy.

Imagine being sexually assaulted at the age of 18 (or let's say 44 which is my current age) and then being told you have 3 years, or 7 as currently proposed in this bill, to be healthy enough to testify at a trial as is required under the law, or you will be unable to prosecute the assailant. Being assaulted does not give you a free pass to suddenly put the rest of your life on

hold while you seek intensive treatment. Many sexual assault survivors have to process the trauma while holding down one or more jobs, going to school, caring for children or other family members, and attempting to live "normal lives". They also may not be able to access adequate treatment where they live or simply can't afford it. These short and arbitrary time frames force a survivor of sexual assault to put their life on hold in order to seek justice. It is not only unfair and inhumane, it is unequitable. They did not ask to be violated in this way and they should not be punished further by being forced into seeking justice outside of their own terms when they have the time, financial resources, and or coping skills necessary to face their preparator in trial.

We are aware that bill is not retro-active and that my sister will not be able to benefit from any changes that occur to the criminal statute of limitations presented in it. Instead, we stand here today sharing and reliving her traumatic and personal story in order to urge you, as lawmakers for the people of North Dakota, to create a bill that would finally recognize survivors of sexual assault as human beings that require time to process severe trauma on their own terms, instead of as victims that must conform to arbitrary SOLs. Please stop asking survivors of sexual assault and their families to continually show up to legislative sessions and beg you for more time to heal in order to be strong enough to face their preparators in court. You have the power today as lawmakers, to take this necessary step in providing sexual assault survivors with the support they need in order to seek justice on their terms, which in the end benefits all of us. I urge you to not only support this bill, but to consider a much larger extension beyond 7 years.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula Rebsom", written in black ink on a light-colored background.

Paula Rebsom (Seattle, WA)

This statement is in support of the legislation regarding – Disabling mental condition of the victims of sex crimes.

This legislation has the power to give a voice to the ones who have been silenced.

My friend A [REDACTED] R [REDACTED] is one of these people who was silenced by her condition. A [REDACTED] has poured her heart and soul into this legislation in hopes that one day it will help future victims like her.

A [REDACTED] chose to step up and help a fellow victim soon after her attack. Now she is stepping up and offering that same help to anyone who has suffered the same way she has by being an essential proponent of this bill.

Every day we have the power of choice. This isn't a clear black and white statement when a person suffers from a disabling mental condition.

I'm not going to pretend I understand the ramifications of everything that happens to a victim. But I do know that he or she has the right to fight back when they are physically, emotionally, and spiritually able to do so.

Think of all the souls who could take action and begin to heal when you pass this bill.

They cannot change their past, but you can help change their future.

Madam Chair Larson and members of the committee,

I am addressing you all in regards to the proposed HB 1145. I am not here as a professional but as an observor of a woman that has experienced trauma from sexual assault and to speak on her behalf. To know her is to know all of the victims. All of the victims need the opportunity and grace to find peace. Please, respectfully understand that the victims of sexual assault need more time and that the minimum of 21 years should be allotted for all. Evidence has shown that sexual assault victims have lifelong trauma and when they are not able to receive treatment the torment of their abuse continues on. I support this bill and the proposed amendment to change the statute of limitations on a victim under 18



from 3 years to 21 years as per the statute implemented for those victims that their cases are brought to the courts before they turn 18.

Respectfully,

Amanda Eppler

ND small town born and raised, Auntie,  
Sister, Friend, Care provider.

Madam Chair Larson and members of the Committee,

Thank you for the public hearing of HB 1145 on the Senate side. I am asking you to consider a longer time frame for victims of sexual assault to come forward. The current statute for adults over the age of 18 to come forward is three years. Earlier in this session the House moved the time frame to seven years. Although this is progress, it is NOT long enough. Victims under the age of 18 have 21 years. I am asking for your support, advocating 21 years for ALL Sexual Assaults, regardless of age. This is a traumatic life event and as such should be recognized as different for every individual. Please consider and support the longer time frame of 21 years.

Respectfully, Steve Brannan, retired educator, parent, grand-parent, husband, and proud ND citizen.

**Testimony of Sydney Dollinger**  
**House Bill 1145**  
**Senate Judiciary Committee**  
**March 15, 2023**

Madame Chairman Larson and members of the Senate Judiciary Committee, Good Morning, I am Sydney Dollinger. I am here today to testify in favor of House Bill 1145.

Wake up, brush your teeth, drink your coffee, go to work. Leave work, eat dinner, go to bed, Life is a cycle. Without these cycles we would have no security and would lack any type of productivity within our day to day to life.

Depression, Anxiety and PTSD. Not a cycle but a list of diagnoses I received on October 19th, 2020. This was 21 days after I was brutally raped. I was left covered in gashes, countless bruises and more blood than you realize the human body can hold.

On September 27th, 2020, the day I was raped, any chance I had at a normal cycle filled life was destroyed. After enduring a rape kit and giving a formal statement to the police, it was time for me to heal and time to regain my life cycle.

What no one tells you is that once you give your statement you will never start to heal, you will never regain a cycle, until the verdict is given and let me tell you why.

There are 651 days between the day I was raped and the day that I tried to kill myself.

In that time frame there are 269 index's on my cases docket. 269 times I relived my attack. 269 times I received a phone call from an investigator or attorney, had to appear in court or a deposition. 269 times I had to relive the worst day of my life.

651 days divided by 269 index's is roughly two and a half. Every two and a half days the cycle I started to build for myself was demolished. How was I as a victim supposed to regain a cycle and heal when every two and a half days, I was forced to relive my attack.

Now let's talk about the quality of that life cycle. Living with Post Traumatic Stress Disorder, which is specifically mentioned in House Bill 1145, is living in a constant state of fear. It is a constant feeling that someone is out to hurt you. To this day I do not go to public places alone, I do not answer my phone, I rarely sleep without a nightmare, I avoid bright lights and loud noises, and every stranger looks like a rapist. Because of my cycle being interrupted every two and a half days, I was never able to heal. I went through the entire criminal prosecution process with active and severe PTSD.

I can't help but wonder if I had been given a period of time to heal like future women will hopefully have, would my actions on July 10th have happened?

On July 10th, 2022 my mental health had reached a point of no return. The fear of being hurt in my sleep again kept me awake for two weeks straight. The idea that my body was at fault for my attack led to me starving myself. And the persistent feeling that I would be better off dead was the only thought I had.

Because I had to relive my attack so many times, because I was never allowed to heal and because I never received my justice I deserved on July 10th 2022, I tried to take my own life.

I guarantee you I was not the first woman to feel this way but hopefully I can be the last. By giving the next victim time to heal she can seek therapy as soon as she is ready.

The victim can acquire grieving tools and self de-escalation tactics to help regulate her emotions and prevent overstimulation. Overstimulation can cause panic attacks, flashbacks, suicidal ideations or self harm.

Please view this as more than a Bill. You are giving the next victim time to heal, saving them from 269 panic attacks or 269 sets of tears.

This Bill will not have any impact on my case or my cycle. However, if we want to stop sexual violence we need victims to come forward. Often times after a person is raped they feel that they are damaged and will never be whole again.

These feelings combined with fear halts a victim from fighting for justice. House Bill 1145 shows victims that they are not damaged and they will be whole again. It allows them to fight for justice on their timeline, removing the statute of limitations from debilitating them further.

I am here today on behalf of all sexual violence survivors in the state of North Dakota. Please consider a do pass vote today. What you're doing will save lives and inspire change within our state. Thank you for your time, Madame Chairman and members of the committee. I am happy to answer any questions.

**Testimony of Susan Dollinger**  
**House Bill 1145**  
**Senate Judiciary Committee**  
**March 15, 2023**

Madame Chairman Larson and members of the Senate Judiciary Committee, I am Susan Dollinger. I am here today to testify in favor of HB 1145 as the mother of a rape victim who recently endured trial process of our criminal justice system.

As you know, House Bill 1145 would allow victims of sexual assault the time they need to receive mental health services before prosecution must begin without fear of the statute of limitations running.

On September 27, 2020, approximately six short weeks into her freshman year of college, my daughter went to a party. She drank too much. Her last memory of that night was her friends putting her safely to bed. The next morning when she woke, she found herself in a different room on a couch, bloody, bruised, and in terrible pain.

This experience began her journey with Post Traumatic Stress Disorder(PTSD). To this day, she rarely sleeps because she is terrified of who or what might come get her while she sleeps. On the nights she is able to fall asleep, she has terrible night terrors where she relives the experience. She is afraid to go places by herself and gets severe anxiety in crowds, because she doesn't know if "HE" is there.

My daughter was brave and strong and made the decision to take her case to the police to try and get justice for herself. This process put a considerable amount of stress on her. So much stress in fact that she was unable to continue her soccer career at Minot State University and ultimately moved home where she felt safe in order to finish her degree.

It took over 2-years for her case to reach its conclusion. Just as my daughter would begin to make forward progress in her healing, there would be a delay in the case. Every time there was a delay, it was like she was victimized again. This happened time and time again. This roller coaster compounded the effects of her PTSD to the point she required inpatient therapy.

This Bill will not have any impact on my daughter's case. I hope no one else ever has to go through what my daughter endured but I think we all know this is not realistic. If passed, this bill would allow future victims time to heal from the trauma of sexual assault before being subjected to the criminal process. Victims would be able to develop the skills necessary to cope and live in our scary world after surviving such trauma before maneuvering through the complex judicial process.

If victims are allowed to heal before having to go to trial, my hope would be that more victims would come forward, and that our system could deliver justice for every victim of sexual assault. Please consider a do pass vote and make these tools available to our daughters, sisters, grand-daughters and all victims of sexual assault.

Thank you for your time, Madam Chairman and members of the committee. I am happy to answer any questions you may have.

Good morning, Madam Chair, and members of the Senate Judiciary Committee.

My name is Austen Schauer, representing District 13 in West Fargo.

**HB 1145** is a bill to amend and reenact section 29-04-02.1 relating to the prosecution for gross sexual imposition.

This bill was brought forward to **help victims** of felony sex crimes.

These crimes often leave victims suffering for months and even years through **PTSD** or other forms of disabling trauma.

Our original bill was to give these victims more time to heal by creating a **two-year window** in the statute of limitations.

A prosecutor could pursue trial if a mental health provider agreed in writing that the victim was healthy enough to go to trial.

The House Judiciary Committee formed a **sub-committee** who determined there were **too many complications** with the original bill.

They recommended (and the House Judiciary Committee agreed) a better answer would be to **extent** the statute of limitations for a felony sex crime to **seven years**. It is currently at three years.

This is in line with the intent of the original bill: giving **more time** for a victim to heal if prosecutors decide to move forward with their case.

**HB 1145** says to victims of sexual assaults: we hear your cries, and we will do what we can to help you **seek justice**.

Madam Chair and committee members, we ask for your support of **HB 1145** and I stand open for questions.