

Testimony
Senate Bill 2273 - Department of Human Services
House Judiciary Committee
Representative Kim Koppelman, Chairman

March 13, 2019

Chairman Koppelman and members of the House Judiciary Committee, I am Marlys Baker, Child Protection Services Administrator for the Department of Human Services (Department). I appear today to provide testimony in support of Senate Bill 2273 and to offer an amendment.

Chapter 50-25.1 of the North Dakota Century Code, entitled Child Abuse and Neglect provides a definition of “sexually abused child” and references several sections of Chapter 12.1-20 of the North Dakota Century Code entitled Sex Offenses. Among the offenses listed in the Child Abuse and Neglect chapter are: gross sexual imposition; continuous sexual abuse of a child; sexual imposition; corruption or solicitation of minors; luring minors by computer or other electronic means; sexual abuse of wards; sexual assault; incest; deviate sexual act; indecent exposure; and surreptitious intrusion. The definitions of these offenses are used by the Child Protection Services administrative program in making determinations whether services are required for the protection and treatment of an abused or neglected child under Chapter 50-25.1 of the North Dakota Century Code, when committed by a person responsible for a child’s welfare. It is the desire of the Department to include sexual extortion to the definition of “sexually abused child” as proposed by the attached amendment.

In an increasingly digital age, our young people continue to be exposed to ever expanding forms of sexual material transmitted through various electronic means, including transmission of intimate images and recordings. Likewise, our young people may be easily coerced into producing sexually explicit material by peers and older teens, adults, and sometimes by a parent, step parent, family members or members of their household. Enacting a criminal offense for sexual extortion and criminal penalty and including this in the child abuse and neglect definitions, will

send a strong message to those who seek to exploit a child's trust and inexperience that this is criminal behavior and is harmful to children. The Department of Human Services supports enacting Senate Bill 2273.

I am available for any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2273

Page 1, line 2, after "12.1-32-15" insert "and subsection 3 of section 50-25.1-02"

Page 1, line 4, after "predators" insert ", and child abuse and neglect"

Page 21, after line 18, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 50-25.1-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Abused child" means an individual under the age of eighteen years who is suffering from abuse as defined in section 14-09-22 caused by a person responsible for the child's welfare and "sexually abused child" means an individual under the age of eighteen years who is subjected by a person responsible for the child's welfare, or by any individual who acts in violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, section 1 of this Act, or chapter 12.1-27.2."

Renumber accordingly