

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 273

SENATE BILL NO. 2328

(Senator Dever)

(Representative Delmore)

COMPROMISE OF MISDEMEANORS AND INFRACTIONS

AN ACT to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota Century Code, relating to when misdemeanors or infractions may be compromised.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 29-01-16 of the North Dakota Century Code is amended and reenacted as follows:

29-01-16. When misdemeanor or infraction may be compromised. When a defendant is held to answer on a charge constituting a misdemeanor or infraction, for which a person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in section 29-01-17, except ~~when it was committed~~:

1. ~~By~~ If the offense was committed by or upon a judge of any court in this state, or in any city in this state, or a peace officer, while in the execution of the duties of his office; ~~or~~
2. ~~With~~ If the offense was committed with an intent to commit a felony; or
3. If the offense involves a crime of domestic violence as defined in section 14-07.1-01 or is a violation of section 12.1-20-05, 12.1-20-07, 12.1-20-12.1, or 12.1-20-12.2.

SECTION 2. AMENDMENT. Section 29-01-19 of the North Dakota Century Code is amended and reenacted as follows:

29-01-19. Compromise limited. ~~No~~ A public offense ~~can~~ may not be compromised, nor ~~can~~ may any proceeding for the prosecution or punishment thereof, upon a compromise, be stayed except as is provided in sections 29-01-16 and 29-01-17 and with the consent of the state.

Approved March 27, 2003

Filed March 28, 2003