

HOUSE BILL NO. 1451

Introduced by

Representatives Kasper, Beadle, Becker, Dosch, Monson, Nathe, Owens, Streyle, Thoreson
Senators Berry, Klein, Wardner

1 A BILL for an Act to amend and reenact sections 29-10.1-02, 29-10.1-21, and 29-10.1-22 of the
2 North Dakota Century Code, relating to the requirements for calling and the duties of a grand
3 jury.

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

5 **SECTION 1. AMENDMENT.** Section 29-10.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-10.1-02. When grand jury may be called.**

8 No grand jury may be drawn, summoned, or convened in any county within this state unless
9 the district judge thereof shall so direct by a written order filed with the clerk of the court in the
10 county wherein the said grand jury is required to attend. ~~Any~~Except as provided in subsection 2-
11 of section 29-10.1-22, any judge of the district court for any county must direct, in the manner
12 herein provided, that a grand jury be drawn and summoned to attend whenever:

- 13 1. The judge deems the attendance of a grand jury necessary for the due enforcement of
14 the laws of the state;
- 15 2. The ~~board of county commissioners~~state's attorney of the county wherein the court is
16 to be held, in writing, requests the judge so to do; or
- 17 3. A petition in writing requesting the same is presented to the judge, signed by qualified
18 electors of the county equal in number to at least ten~~twenty-five~~forty percent of the
19 total vote cast in~~resident population of~~ the county for the office of governor of the state
20 at the last ~~general election~~federal decennial census, but the number of signatures
21 required may not exceed five thousand.

22 **SECTION 2. AMENDMENT.** Section 29-10.1-21 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **29-10.1-21. General duties of grand jury.**

2 ~~The grand jury shall inquire into the cause of detention of every person imprisoned in the jail~~
3 ~~of the county against whom neither a criminal complaint nor information has been filed, or who~~
4 ~~has not had or waived a preliminary examination, and into all public offenses committed or~~
5 ~~triable in the county, and if the evidence so warrants, shall present them to the court by written~~
6 ~~indictment.~~ Each grand jury impaneled within any county shall inquire into offenses against the
7 criminal laws of the state alleged to have been committed within that county. The alleged
8 offenses may be brought to the attention of the grand jury by the court or by any state's attorney
9 or the state's attorney's designee. The state's attorney or the state's attorney's designee shall
10 inform the grand jury of the alleged offense, the identity of the alleged offender, and the state's
11 attorney or state's attorney's designee's action or recommendation. As to any offense
12 committed while the grand jury is in session, the state's attorney or prosecutor may proceed
13 with a preliminary examination or the filing of an information, as provided for by law, and
14 prosecute the charge, and, under such conditions, the grand jury is not required to inquire into
15 such offense. The presentment of an indictment against a person does not preclude the
16 prosecution of such person for the same offense upon a criminal complaint or information
17 previously filed with the court.

18 **SECTION 3. AMENDMENT.** Section 29-10.1-22 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **29-10.1-22. Subjects of grand jury inquiry.**

21 ~~1.~~ Whenever directed by the district court, the grand jury shall inquire into:

22 1. ~~a.~~ — The condition and management of the public prisons in the county; and

23 2. ~~b.~~ — Willful and corrupt felonious misconduct in office of public officials of every
24 description in the county.

25 ~~2. — A grand jury called to inquire into the willful and corrupt felonious misconduct in office~~
26 ~~of a statewide public official must be drawn, summoned, and convened in the county~~
27 ~~in which the statewide public official resides.~~