

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 244

S. B. No. 219

(Chesrown, Reichert, Longmire)

EVIDENCE IN DECIDING PUNISHMENT

AN ACT

To amend and reenact section 29-26-18 of the North Dakota Century Code, relating to evidence in aggravation or mitigation of punishment.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 29-26-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-26-18. Evidence in Aggravation or Mitigation of Punishment—How Presented.) Circumstances in aggravation or mitigation of punishment must be presented by testimony of witnesses examined in open court, except (1) when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate of the county out of court, at a specified time and place, upon such notice to the adverse party as the court may direct, (2) the criminal record of the defendant furnished by the federal bureau of investigation or the state superintendent of criminal identification and reports of the state parole office may be received by the court without verification or other foundation, and, (3) results of psychological testing and psychiatric examination, certified in writing may be received by the court without verification or other foundation, subject to such inspection and confrontation of witnesses as the court may permit or require in the interests of justice.

Approved March 5, 1963.