

HOUSE BILL NO. 1084
with Senate AmendmentsFifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1084

Introduced by

Representatives Carlisle, DeKrey, Mahoney

Senator Nalewaja

- 1 A BILL for an Act to amend and reenact subsection 9 of section 39-20-07 of the North Dakota
2 Century Code, relating to testimony on testing for driving while intoxicated.

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

4 **SECTION 1. AMENDMENT.** Subsection 9 of section 39-20-07 of the 1995
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 6 9. Notwithstanding any statute or rule to the contrary, the a defendant who has been
7 found to be indigent by the court in any the criminal proceeding at issue may
8 subpoena, without cost to the defendant, the person who conducted the chemical
9 analysis referred to in this section to testify at the trial on the issue of the amount of
10 alcohol, drugs, or a combination thereof in the defendant's blood, breath, saliva, or
11 urine at the time of the alleged act. If the state toxicologist, the director of the
12 forensic sciences division of the state department of health, or any employee of
13 either, is subpoenaed to testify by a defendant who is not indigent and the
14 defendant does not call the witness to establish relevant evidence, the court shall
15 order the defendant to pay costs to the witness as provided in section 31-01-16.