

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1085

Introduced by

Representatives Carlisle, DeKrey, Mahoney

Senator Nalewaja

- 1 A BILL for an Act to amend and reenact subsection 5 of section 19-03.1-37 of the North Dakota
2 Century Code, relating to subpoenas by the defendant in a controlled substance proceeding.

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

4 **SECTION 1. AMENDMENT.** Subsection 5 of section 19-03.1-37 of the 1995
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 6 5. Notwithstanding any statute or rule to the contrary, ~~the~~ a defendant who has been
7 found to be indigent by the court in the criminal proceeding at issue may subpoena
8 the state toxicologist or the director of the forensic sciences division of the state
9 department of health or any employee of either to testify at the preliminary hearing
10 and trial of the issue at no cost to the defendant.