

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

HOUSE BILL NO. 1275
(Representative Mahoney)
(Senator Traynor)

AN ACT to amend and reenact subsection 2 of section 29-30.3-04, subsection 1 of section 29-30.3-05, and subsection 1 of section 29-30.3-13 of the North Dakota Century Code, relating to the magistrate before which an arrested person may be brought.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 29-30.3-04 of the North Dakota Century Code is amended and reenacted as follows:

2. The arrested person must be brought ~~forthwith~~ before a the nearest available magistrate ~~in the county where arrest is made.~~

SECTION 2. AMENDMENT. Subsection 1 of section 29-30.3-05 of the North Dakota Century Code is amended and reenacted as follows:

1. A magistrate ~~in~~ for the county where arrest is sought shall authorize the issuance of an arrest warrant or other process to obtain the appearance of a person, if testimony or affidavit shows probable cause to believe:
 - a. The person is in this state; and
 - b. The person is the subject of another state's arrest warrant issued for:
 - (1) The commission of a crime punishable by death or imprisonment for a term exceeding one year;
 - (2) Escape from confinement; or
 - (3) Violation of any term of bail, probation, parole, or order arising out of a criminal proceeding.

SECTION 3. AMENDMENT. Subsection 1 of section 29-30.3-13 of the North Dakota Century Code is amended and reenacted as follows:

1. A person arrested under a governor's warrant must be brought ~~forthwith~~ before a the nearest available magistrate, ~~in the county where the person is arrested,~~ who shall receive the warrant and inform the person of:
 - a. The name of the state demanding extradition;
 - b. The crime charged or other basis for the demand;
 - c. The right to assistance of counsel; and
 - d. The right to a judicial hearing under section 29-30.3-14.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1275.

House Vote: Yeas 95 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State