

HOUSE BILL NO. 1085
with Senate AmendmentsFifty-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. If the state toxicologist, the
11 director of the forensic sciences division of the state department of health, or any
12 employee of either, is subpoenaed to testify by a defendant who is not indigent and
13 the defendant does not call the witness to establish relevant evidence, the court
14 shall order the defendant to pay costs to the witness as provided in section
15 31-01-16.