Sixty-second Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2011

HOUSE BILL NO. 1192 (Representatives Dahl, Karls, Sanford, S. Meyer)

AN ACT to amend and reenact section 29-04-05 of the North Dakota Century Code, relating to the commencement of a criminal prosecution; and to repeal sections 29-09-02, 29-09-06, and 29-09-07 of the North Dakota Century Code, relating to criminal procedure and the methods of prosecution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 29-04-05 of the North Dakota Century Code is amended and reenacted as follows:

29-04-05. When actionprosecution is commenced.

An information is filed or an indictment found within the meaning of this chapter when it ispresented, if an information, by the state's attorney or person appointed to prosecute, or, if anindictment, by the grand jury, in open court, and there received and filed, or if a complaint, when filed by a magistrate having jurisdiction to hear, try, and determine the action.<u>A prosecution is commenced</u> when a uniform complaint and summons, a complaint, or an information is filed or when a grand jury indictment is returned.

SECTION 2. REPEAL. Sections 29-09-02, 29-09-06, and 29-09-07 of the North Dakota Century Code are repealed.

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 Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1192.

House Vote:Yeas 91Nays 0Absent 3Senate Vote:Yeas 43Nays 1Absent 3

Chief Clerk of the House

Received by the Governo	or at	vl. on	, 2011.
Approved atM	l. on		, 2011.

Governor

Filed in this office this	day of _	, 2011,

at _____ o'clock _____M.

Secretary of State