

February 13, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1207

Page 1, line 1, after "A BILL" replace the remainder of the bill with" for an Act to amend and reenact section 32-15-32 of the North Dakota Century Code, relating to costs awarded to a defendant.

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

**SECTION 1. AMENDMENT.** Section 32-15-32 of the North Dakota Century Code is amended and reenacted as follows:

**32-15-32. Costs.**

~~The court may in its discretion award~~For any judicial proceeding in which the defendant prevails, the court's award to the defendant ~~is limited to~~ reasonable actual or statutory costs or both, which may include interest from the time of taking except interest on the amount of a deposit which is available for withdrawal without prejudice to right of appeal, costs on appeal, and reasonable attorney's fees ~~for all judicial proceedings~~. If the defendant appeals and does not prevail, the costs on appeal may be taxed against the defendant. In all cases when a new trial has been granted upon the application of the defendant and the defendant has failed upon such trial to obtain greater compensation than was allowed the defendant upon the first trial, the costs of ~~such~~the new trial shall~~must~~ be taxed against the defendant."

Renumber accordingly