

HOUSE BILL NO. 1213

Introduced by

Representatives Rios, Longmuir, Motschenbacher, Prichard, D. Ruby, Timmons

Senators Bekkedahl, Paulson

1 A BILL for an Act to create and enact a new section to chapter 12.1-05 of the North Dakota
2 Century Code, relating to reimbursement for a finding of self-defense when charged with a
3 crime of violence; and to provide for application.

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

5 **SECTION 1.** A new section to chapter 12.1-05 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Crime of violence - Self-defense - Reimbursement.**

- 8 1. As used in this section, "crime of violence" means a violation of state law in which an
9 individual causes death or physical bodily injury to another individual. The term
10 includes assault and murder.
- 11 2. If an individual charged with a crime of violence is found not guilty due to the
12 justification of self-defense, the state shall reimburse the defendant for all reasonable
13 costs incurred in defense, including loss of wages and time, attorney's fees, and other
14 expenses involved in the defense. The reimbursement is not an independent cause of
15 action.
- 16 3. To obtain reimbursement under subsection 2, the defendant shall make a motion for
17 reimbursement following the not guilty verdict. Upon the motion, the trier of fact shall
18 determine whether the defendant's claim that the crime of violence was justified by
19 self-defense is sustained by a preponderance of the evidence. If the trier of fact
20 determines the defendant's actions were justified by self-defense, the court shall
21 determine the amount of reimbursement to award.
- 22 4. Notwithstanding a finding a defendant's actions were justified by self-defense, if the
23 trier of fact also determines the defendant was engaged in criminal conduct
24 substantially related to the events giving rise to the charges filed against the

1 defendant, the court may deny or reduce the amount of reimbursement. In determining
2 the amount of reimbursement, the court shall consider the seriousness of the initial
3 criminal conduct.

4 **SECTION 2. APPLICATION.** This Act applies to criminal charges filed after the effective
5 date of this Act.