

SENATE BILL NO. 2106

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL ~~for an Act to amend and reenact sections 29-16-01 and 29-22-33 of the North Dakota~~
2 ~~Century Code, relating to plea of once in jeopardy; and to repeal section 29-21-16 of the North~~
3 ~~Dakota Century Code, relating to plea of once in jeopardy~~for an Act to repeal sections 29-16-01,
4 29-21-16, and 29-22-33 of the North Dakota Century Code relating to issues of fact, plea of
5 once in jeopardy, and special verdicts.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 29-16-01 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **29-16-01. Issue of fact.**~~

10 ~~— An issue of fact arises:~~

11 ~~— 1. Upon a plea of not guilty;~~

12 ~~— 2. Upon a plea of former conviction or acquittal of the same offense; or~~

13 ~~— 3. Upon a plea of once in jeopardy.~~

14 ~~— **SECTION 2. AMENDMENT.** Section 29-22-33 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~— **29-22-33. Judgment upon special verdict.**~~

17 ~~— The court shall give judgment upon a special verdict as follows:~~

18 ~~— 1. If the plea is not guilty and the facts prove the defendant guilty of the offense charged~~
19 ~~in the information or indictment, or of any other offense of which the defendant could~~
20 ~~be convicted under the information or indictment, judgment must be given accordingly,~~
21 ~~but if otherwise, a judgment of acquittal must be given.~~

22 ~~— 2. If the plea is a former conviction or acquittal of the same offense, or once in jeopardy,~~
23 ~~the court shall give a judgment of conviction or acquittal according as the facts prove~~
24 ~~or fail to prove the plea.~~

- 1 | ~~SECTION 3. REPEAL. Section 29-21-16 of the North Dakota Century Code is repealed.~~
- 2 | **SECTION 1. REPEAL.** Sections 29-16-01, 29-21-16, and 29-22-33 of the North Dakota
- 3 | Century Code are repealed.