

CRIMES AND PUNISHMENTS

CHAPTER 106

S. B. No. 70

(Becker, Chesrown, Nething)

PUBLIC RECEIPTS

AN ACT

To amend and reenact section 12-01-14 of the North Dakota Century Code, relating to the issuance of receipts by public officials.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 12-01-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-01-14. Receipts for Payment of Fines or Costs—Disposition of Copies—Penalty.) Any person receiving payment of any costs, fees, bond, fine, or penalty imposed by law or ordinance shall execute a written receipt in triplicate therefor, delivering the original to the person paying such costs, fees, bond, fine, or penalty, one copy to the municipality or department, and retaining one copy in his files. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Approved February 21, 1967.

CHAPTER 107

S. B. No. 63
(Nothing)

SUNDAY CLOSING OF BUSINESSES

AN ACT

Relating to the observance of Sunday as a day of rest, to provide exceptions thereto, to provide for injunctive relief and penalties for violation thereof, and to amend and reenact section 40-05-03 of the North Dakota Century Code, relating to the regulation and inspection of food markets in cities having a population over fifteen thousand, and to repeal sections 12-21-14, 12-21-15, 12-21-16, 12-21-17, 12-21-20, 12-21-21, and 12-21-22 of the North Dakota Century Code, relating to Sunday closing laws, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Prohibition of Sunday Business and Labor.) It shall be unlawful on Sunday for any person, firm, or corporation:

1. To engage in or conduct business or labor for profit in the usual manner and location, or to operate a place of business open to the public; or
2. To cause, direct, or authorize any employee or agent to engage in or conduct business or labor for profit in the usual manner and location, or to operate a place of business open to the public.

§ 2. Exemption.) Nothing in this Act shall apply to any person who in good faith observes a day other than Sunday as the Sabbath if he refrains from engaging in or conducting business or labor for profit and closes his place of business to the public on that day.

§ 3. Personal Property Exempt.) Notwithstanding any other provisions of this Act, the sale of any of the following items of personal property shall be allowed during any and all hours on Sundays:

1. Drugs, medical and surgical supplies, or any object purchased on the written prescription of a licensed medical or dental practitioner for the treatment of a patient.
2. Food prepared for consumption on or off the premises where sold.
3. Newspaper, magazines, and books.

4. Gasoline, fuel additives, lubricants, and anti-freeze.
5. Tires.
6. Repair or replacement parts and equipment necessary to, and safety devices intended for, safe and efficient operation of land vehicles, boats, and aircraft.
7. Emergency plumbing, heating, cooling, and electrical repair and replacement parts and equipment.
8. Cooking, heating, and lighting fuel.
9. Infant supplies.
10. Camera and school supplies, stationery, and cosmetics.

§ 4. Business Exempt.) Notwithstanding any other provisions of this Act, the operation of any of the following businesses shall be allowed on Sundays:

1. Restaurants, cafeterias, or other prepared food service organizations.
2. Hotels, motels, and other lodging facilities.
3. Hospitals and nursing homes.
4. Dispensaries of drugs and medicines.
5. Ambulance and burial services.
6. Generation and distribution of electric power.
7. Distribution of gas, oil, and other fuels.
8. Telephone, telegraph, and messenger services.
9. Heating, refrigeration, and cooling services.
10. Railroad, bus, trolley, subway, taxi, and limousine services.
11. Water, air, and land transportation services and attendant facilities.
12. Cold storage warehousing.
13. Ice manufacturing and distribution.
14. Minimal maintenance of equipment and machinery.
15. Plant and industrial protection services.
16. Industries where continuous processing or manufacturing is required by the very nature of the process involved.
17. Newspaper publication and distribution.
18. Radio and television broadcasting.
19. Motion picture, theatrical, and musical performances.

20. Automobile service stations.
21. Athletic and sporting events.
22. Parks, beaches, and recreational facilities.
23. Scenic, historic, and tourist attractions.
24. Amusement centers, fairs, zoos, and museums.
25. Libraries.
26. Educational lectures, forums, and exhibits.
27. Service organizations (USO, YMCA, etc.).
28. Grocery stores operated by the owner-manager who regularly employs not more than three employees for the operation of said store.

§ 5. Limitation of Application.) Nothing in this Act shall be deemed or construed to amend other provisions of law with reference to the prohibition of work, sport, business, liquor sales, and the service of process on Sundays.

§ 6. Injunctive Relief.) The attorney general, a state's attorney, a mayor, a city manager, or a municipal attorney may petition the district court in whose jurisdiction the municipality is located to enjoin any violation of this Act.

§ 7. Penalty.) Any person, firm, or corporation that violates the provisions of this Act is guilty of a misdemeanor. Each day on which this Act is violated shall constitute one offense. The first offense shall be punished by a fine not exceeding one hundred dollars, a second offense shall be punished by a fine not exceeding five hundred dollars, and for a third and each subsequent offense a fine of not exceeding five hundred dollars for each employee caused, directed, or authorized to work in violation of this Act. Provided, however, that nothing contained herein shall be construed to permit any fine upon any employee or agent who has been caused or directed by his employer to violate the provisions of this Act.

§ 8. Amendment.) Section 40-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-05-03. Cities Having Population of Fifteen Thousand May Provide for Regulation and Inspection of Food Markets.) The governing body of any city having a population of fifteen thousand or more may enact ordinances providing for the regulation and inspection of food markets, stores, and other places where food intended for human consumption is sold at retail.

***§ 9. Repeal.)** Sections 12-21-14, 12-21-15, 12-21-16, 12-21-17, 12-21-20, 12-21-21, and 12-21-22 of the North Dakota Century Code are hereby repealed.

§ 10. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1967.

***Note:** Section 12-21-15 was also amended by section 22, chapter 323, 1967 S.L.

CHAPTER 108

S. B. No. 114
(Longmire, Stafne)

REPEAL OF CRIMINAL PENALTY FOR ATTEMPTED SUICIDE

AN ACT

To repeal section 12-33-02 of the North Dakota Century Code, relating to attempting suicide—punishment.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Repeal.) Section 12-33-02 of the North Dakota Century Code is hereby repealed.

Approved March 4, 1967.

CHAPTER 109

S. B. No. 127
(Chesrown, Longmire)

BUYING OR RECEIVING STOLEN PROPERTY

AN ACT

To amend and reenact section 12-40-19 of the North Dakota Century Code, relating to the buying or receiving of stolen property.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 12-40-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-40-19. Buying or Receiving Stolen Property—Punishment.) Every person who buys or receives, in any manner, upon any consideration, any personal property of the value of one hundred dollars or more, that has been stolen from another, knowing the same to have been stolen, and with the intent to deprive the owner thereof, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years. If the value of the goods is less than one hundred dollars, he shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Approved February 22, 1967.

CHAPTER 110

S. B. No. 133
(Nething, Forkner, Geving)

"MALICIOUS MISCHIEF" DEFINED

AN ACT

To amend and reenact section 12-41-10 of the North Dakota Century Code, relating to the definition of "malicious mischief".

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 12-41-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-41-10. "Willful Mischief" Defined — Misdemeanor.) Every person who willfully and without just cause or excuse injures, defaces, or destroys any real or personal property not his own, in cases other than such as are specified in this chapter, is guilty of a misdemeanor and in addition to the punishment prescribed therefor is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property, or by the public officer having charge thereof.

Approved February 25, 1967.

CHAPTER 111

H. B. No. 618

(Brown)

MALICIOUS INJURY TO FREEHOLD

AN ACT

To amend and reenact subsection 6 of section 12-41-11 of the 1965 Supplement to the North Dakota Century Code, relating to the malicious injury to a freehold.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 6 of section 12-41-11 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Hauling or depositing upon public property or upon the real estate, lot, or farm of another any dead horse, dog, cow, or other animal, or any manure, offal, putrid or unsound beef, pork, fish, hides, or skins, or flesh of any kind or description, or any tin cans, bottles, paper, filth, offal, vegetables, or other unsound or offensive matter or thing whatsoever, or any matter or thing which by putrefaction or decomposition will produce offensive smells or effluvia, or any other substance of any kind, nature, or description, without first obtaining the consent of the owner or occupant thereof in writing,

Approved February 24, 1967.

CHAPTER 112

S. B. No. 129
(Chesrown, Longmire)

FALSE REPORT TO PEACE OFFICER

AN ACT

To create and enact section 12-42-09 of the North Dakota Century Code, relating to making false reports to a peace officer.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 12-42-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-42-09. False Reports to Peace Officer Misdemeanor.) Any person who gratuitously reports or causes to be reported to any peace officer false information relating to an incident or crime, knowing that such information is false, or false information relating to alleged incident or crime, knowing that it did not occur, is guilty of a misdemeanor.

Approved March 1, 1967.

CHAPTER 113

H. B. No. 720
(Allen, Aas)

LABOR PERFORMED BY CONVICTED PERSONS

AN ACT

To amend and reenact sections 12-44-33 and 40-18-12 of the North Dakota Century Code, relating to the performance of hard labor by convicts and the discounting of fines and judgments because of such hard labor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 12-44-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-33. Convict to Receive Credit for Labor to Apply on Judgment.) For each day of labor performed by a convict under the provisions of this chapter, there shall be credited on any judgment for fine and costs against him the sum of five dollars.

§ 2. **Amendment.)** Section 40-18-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-12. Commitment for Violation of City or Village Ordinance—Limitation—Labor in Lieu of Fine.) If the defendant is found guilty of the violation of a municipal ordinance and is committed as is provided in section 40-11-12, the term of his imprisonment shall not exceed three months for any one offense. The governing body may provide by ordinance that each person so committed shall be required to work for the municipality at such labor as his strength will permit, not exceeding ten hours in each working day, and for such work the person so imprisoned shall be allowed for each day, exclusive of his board, five dollars on account of the fines and costs assessed against him.

Approved March 4, 1967.

CHAPTER 114

H. B. No. 855
(Sanstead, Seibel, Larson(29))

DISPOSITION OF MONEYS OF INDUSTRIAL SCHOOL STUDENTS

AN ACT

To amend and reenact section 12-46-19 of the North Dakota Century Code, permitting North Dakota industrial school students freer use of acquired moneys.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 12-46-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-19. Disposition of Moneys Earned.) The superintendent of the North Dakota industrial school shall keep a students' account ledger, in which shall be opened an account with each student. The earnings of each student may be used for personal needs as approved by the superintendent.

Approved February 27, 1967.

CHAPTER 115

S. B. No. 371
(Larson(17), Berube)

REPORT OF PARDON BOARD ACTION

AN ACT

Repealing section 12-55-32 of the North Dakota Century Code, requiring communications regarding actions of pardon board.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Repeal.) Section 12-55-32 of the North Dakota Century Code is hereby repealed.

Approved March 4, 1967.

CHAPTER 116

H. B. No. 827
(Kelsch)

POWERS OF BUREAU OF CRIMINAL IDENTIFICATION

AN ACT

To create subsection 9 of section 12-60-07 of the North Dakota Century Code, relating to the powers of the bureau of criminal identification, to amend and reenact subsection 8 of section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal identification of the attorney general's office, and to repeal section 54-12-12 of the North Dakota Century Code, relating to the powers and duties of the inspectors of the attorney general's licensing department.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 8 of section 12-60-07 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted and subsection 9 of section 12-60-07 of the 1965 Supplement to the North Dakota Century Code is hereby created, all to read as follows:

8. To accumulate, keep and maintain a file for the identification of persons convicted of issuing false and fraudulent checks, no account checks and nonsufficient

funds checks, and to aid local law enforcement officials in the detection, apprehension and conviction of said persons;

9. To perform the inspection and enforcement duties for the attorney general's licensing department.

§ 2. Repeal.) Section 54-12-12 of the 1965 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 6, 1967.

CHAPTER 117

S. B. No. 180
(Nothing)

COMBINED LAW ENFORCEMENT COUNCIL

AN ACT

To provide for a combined law enforcement council and prescribing its duties and making an appropriation therefor and repealing chapter 54-40* and section 12-44-07, relating to peace officers commission and the duties of the grand jury.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Creation of Council—Selection of Members.) The North Dakota combined law enforcement council shall consist of the attorney general, who shall be chairman; the superintendent of the bureau of criminal identification and apprehension; the superintendent of the highway patrol; the state parole officer; a state's attorney; a sheriff; a chief of police; and a representative of each house of the state legislature. Selection of other than ex officio members may be made by their respective associations. The legislative representative shall be chosen by the presiding officer of each chamber. Said members shall serve a term of two years, commencing July first of each odd-numbered year, provided they continue to hold the same office as when appointed to the council. The attorney general shall fill any vacancies.

§ 2. Meetings—Compensation.) Meetings shall be held at the call of the chairman or upon request of any three members of the council. Council members shall receive mileage and travel expenses, the same as state employees. Members of the council who are not full-time public employees shall receive twenty-five dollars per meeting.

§ 3. Powers and Duties.) The powers and duties of the council shall be:

1. To hire a director and such personnel as may be necessary;
2. To cooperate with and assist all federal, state and local law enforcement agencies and officials;
3. To make legislative recommendations on matters affecting law enforcement;
4. To accept gifts or grants or contract with persons or organizations, including the federal government, on such terms as may be beneficial to the state;
5. To make recommendations for the operation of the bureau of criminal identification and apprehension;
6. To conduct law enforcement training programs and prescribe rules of operation for same;
7. To recommend selection standards for the hiring of police officers;
8. To prescribe minimum standards of training prior to carrying a sidearm; and
9. To recommend suitable uniforms and equipment for police officers, having due regard for the size of the department and duties of the officers.

§ 4. Qualified Officers To Be Certified.) The council shall issue certificates to each officer that meets requirements established by the council. Such certificates may be different grades, depending upon the qualifications of the officers. Such certificates may be revoked after a hearing on the matter.

§ 5. Jail Standards—May Contract for Jail Facilities.) The council shall recommend rules for the operation and maintenance of county and municipal jails and for the care and treatment of inmates therein. Such rules will be posted in at least one conspicuous place in the jail whereby they may be read by inmates. A person appointed by the council may inspect each jail at least once each year to determine if such rules have been complied with. Counties and towns may enter into contracts with other governmental agencies for jail facilities.

§ 6. Rule Making Power—Appeal.) All rules and regulations adopted by the council, and appeals therefrom, shall be in accordance with chapter 28-32 of the North Dakota Century Code, the Administrative Practices Act.

§ 7. Amendment.) Section 12-60-05 of the North Dakota Century Code is hereby amended and reenacted to provide as follows:

12-60-05. Attorney General—Duties—Appointment of Personnel.) The attorney general shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents, and such other employees as he deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor.

§ 8. Repeal.) Chapter 54-50 of the North Dakota Century Code and section 12-44-07 of the North Dakota Century Code are hereby repealed.

§ 9. Appropriation.) There is hereby appropriated out of the state treasury the sum of ten thousand dollars for the purpose of carrying out the provisions of this Act.

Approved March 14, 1967.

***Note:** The designation in the title of chapter 54-40 to be repealed appears to be a typographical error since section 8 specifies that chapter 54-50 is to be repealed.

CHAPTER 118

S. B. No. 402

(Committee on Delayed Bills)

GOVERNOR'S COMMITTEE FOR STUDYING REPORT OF THE NATIONAL CRIME COMMISSION

AN ACT

Providing for a temporary governor's committee for the purpose of evaluating the report of the national crime commission and making a report to the governor and the Forty-first Legislative Assembly, and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Governor's Committee.) There is hereby created a temporary governor's committee for the purpose of studying and evaluating the report of the national crime commission. Such committee shall consist of the members of the "combined law enforcement council" as created by Senate Bill Number 180 of the Fortieth Legislative Session and such additional members as may be appointed by the governor. The committee shall adopt its own rules of procedure and select its own chairman and officers, except that the attorney general or his designee shall serve as executive director of the committee. Members of the committee may, in the discretion of the attor-

ney general, be compensated for actual expense incurred in the performance of their duties in the same manner and amounts as provided by law for other state officials from funds appropriated in section 2 of this Act, and in the discretion of the attorney general any employees or staff of such committee may also be compensated for their services and expenses from such funds. The governor's committee shall make a full and complete evaluation of the report of the national crime commission and the applicability of its findings and recommendations to the state of North Dakota. The committee shall, on or before November 1, 1968, make a report of its findings and recommendations to the governor and the Forty-first Legislative Assembly. The provisions of this Act shall expire on June 30, 1969.

§ 2. Appropriation.) There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of \$500.00, or so much thereof as may be necessary, for the purpose of carrying out the provisions of section 1 of this Act.

Approved March 14, 1967.