

JUDICIAL PROOF

CHAPTER 265

S. B. No. 120

(Nething, Kautzmann, Butler)

PRIVILEGE AGAINST SELF-INCRIMINATION

AN ACT

To amend and reenact section 31-01-09 of the North Dakota Century Code, relating to the privilege against self-incrimination.

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

§ 1. Amendment.) Section 31-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-09. Privilege Against Self-Incrimination — Grant of Immunity.) No person shall be compelled to be a witness against himself in a criminal action. Notwithstanding any provision of law to the contrary, in any criminal proceedings before a court or grand jury or state's attorney's inquiry, if a person refuses to answer a question or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing and with approval of the attorney general, requests the court to order that person to answer the question or produce the evidence, the court after notice to the witness and hearing may so order, and that person shall comply with the order. In the case of a state's attorney's inquiry such application shall be made to the district court. After complying, and if, but for this section, he would have been privileged to withhold the answer given or evidence produced by him that person shall not be prosecuted or subject to penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in accordance with the order, he gave answer or produced evidence. But he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing or failing to produce, evidence in accordance with the order.

Approved March 1, 1967.

CHAPTER 266

S. B. No. 126

(Ringsak, Mutch, Chesrown, Kautzmann, Morgan)

COPIES OF STATEMENTS TO BE PROVIDED

AN ACT

To require insurance adjusters, attorneys, and any other person who has taken a statement of any individual for the purpose of possible use in a lawsuit arising out of a tortious act to provide a copy of the statement to the person from whom said statement was taken.

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

§ 1. Copies of Statements To Be Provided.) Every insurance adjuster, attorney, or any other person who takes the statement of an individual, who may be a party to possible litigation, for use or possible use in the preparation of or trying of a civil suit arising out of a tortious act, and whether said statement be in writing or by any device which records matters stated, other than depositions and court proceedings, shall provide a copy of the statement to the person from whom said statement was taken within thirty days of the making of the statement. No such statement shall be used directly or indirectly in connection with a civil action unless submitted to the person as required herein.

Approved March 14, 1967.