

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1275

Introduced by

Representative Mahoney

Senator Traynor

1 A BILL for an Act to amend and reenact subsection 2 of section 29-30.3-04, subsection 1 of
2 section 29-30.3-05, and subsection 1 of section 29-30.3-13 of the North Dakota Century Code,
3 relating to the magistrate before which an arrested person may be brought.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 29-30.3-04 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. The arrested person must be brought ~~forthwith~~ before a the nearest available
8 ~~magistrate in the county where arrest is made.~~

9 **SECTION 2. AMENDMENT.** Subsection 1 of section 29-30.3-05 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 1. A magistrate ~~in~~ for the county where arrest is sought shall authorize the issuance
12 of an arrest warrant or other process to obtain the appearance of a person, if
13 testimony or affidavit shows probable cause to believe:

14 a. The person is in this state; and

15 b. The person is the subject of another state's arrest warrant issued for:

16 (1) The commission of a crime punishable by death or imprisonment for a
17 term exceeding one year;

18 (2) Escape from confinement; or

19 (3) Violation of any term of bail, probation, parole, or order arising out of a
20 criminal proceeding.

21 **SECTION 3. AMENDMENT.** Subsection 1 of section 29-30.3-13 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 1 1. A person arrested under a governor's warrant must be brought forthwith before a
- 2 the nearest available magistrate, ~~in the county where the person is arrested,~~ who
- 3 shall receive the warrant and inform the person of:
- 4 a. The name of the state demanding extradition;
- 5 b. The crime charged or other basis for the demand;
- 6 c. The right to assistance of counsel; and
- 7 d. The right to a judicial hearing under section 29-30.3-14.