

SENATE BILL NO. 2328

Introduced by

Senator Dever

Representative Delmore

1 A BILL for an Act to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota
2 Century Code, relating to when misdemeanors or infractions may be compromised.

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

4 **SECTION 1. AMENDMENT.** Section 29-01-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-01-16. When misdemeanor or infraction may be compromised.** When a
7 defendant is held to answer on a charge constituting a misdemeanor or infraction, for which a
8 person injured by the act constituting the offense has a remedy by a civil action, the offense
9 may be compromised as provided in section 29-01-17, except ~~when it was committed~~:

- 10 1. ~~By~~ If the offense was committed by or upon a judge of any court in this state, or in
11 any city in this state, or a peace officer, while in the execution of the duties of his
12 office; ~~or~~
- 13 2. ~~With~~ If the offense was committed with an intent to commit a felony; or
- 14 3. If the offense involves a crime of domestic violence as defined in section
15 14-07.1-01 or sexual assault as provided in section 12.1-20-05, 12.1-20-07,
16 12.1-20-10.1, or 12.1-20-10.2.

17 **SECTION 2. AMENDMENT.** Section 29-01-19 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **29-01-19. Compromise limited.** ~~No~~ A public offense ~~can~~ may not be compromised,
20 nor ~~can~~ may any proceeding for the prosecution or punishment thereof, upon a compromise, be
21 stayed except as is provided in sections 29-01-16 and 29-01-17 and with the consent of the
22 state.