

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2328  
(Senator Dever)  
(Representative Delmore)

AN ACT to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota Century Code, relating to when misdemeanors or infractions may be compromised.

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

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

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

1. ~~By~~ If the offense was committed by or upon a judge of any court in this state, or in any city in this state, or a peace officer, while in the execution of the duties of his office; ~~or~~
2. ~~With~~ If the offense was committed with an intent to commit a felony; ~~or~~
3. If the offense involves a crime of domestic violence as defined in section 14-07.1-01 or is a violation of section 12.1-20-05, 12.1-20-07, 12.1-20-12.1, or 12.1-20-12.2.

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2328.

Senate Vote:    Yeas    42        Nays    2        Absent    3

House Vote:    Yeas    90        Nays    0        Absent    4

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State