PROPOSED AMENDMENTS TO HOUSE BILL NO. 1123

Page 1, line 11, remove "section"

Page 1, line 12, replace "12.1-17-01.2" with "subdivisions f, g, and h of subsection 1 of section 29-06-15"

Page 1, line 14, after "arrest" insert" "with or without a"

Page 1, line 17, after "subsection" insert "or the resident is subject to a pending unrelated criminal charge"

Page 1, line 18, after "3." insert "Upon posting cash bail in an amount established by a bail schedule or order of the magistrate, a nonresident of this state who is arrested for a misdemeanor offense may be released from custody before appearing before a magistrate.

> 4. A magistrate issuing an arrest warrant shall consider and may designate conditions upon which an individual arrested with a warrant may be released from custody with an order to appear before the magistrate at a designated time.

> 5."

Page 2, line 2, remove the overstrike over "or"

Page 2, line 2, remove the first underscored boldfaced comma

Page 2, line 2, remove ", or subject to presumptive probation"

Page 2, line 3, after "charge" insert "for a resident of this state"

Page 2, line 4, replace the first underscored comma with "or"

Page 2, line 4, remove ", or class C felony subject to presumptive probation under"

Page 2, line 5, remove "section 12.1-32-07.4"

Page 2, line 5, after the third underscored period insert "A magistrate may direct the issuance of an arrest warrant for a resident involving offenses designated in subsection 2 of section 29-08-02. A magistrate authorizing a criminal charge for a nonresident may authorize the issuance of a summons or arrest warrant."

Page 2, line 6, overstrike "If the offense charged in a warrant of arrest is a misdemeanor or"

Page 2, line 6, remove the underscored comma

Page 2, line 6, overstrike "infraction not within"

Page 2, overstrike line 7

Page 2, line 8, overstrike "in another county, the officer, upon"

Page 2, line 8, remove ", or class C felony subject to presumptive probation"

Page 2, remove lines 9 and 10

Page 2, line 11, remove "unable to post bail may request to appear before a local magistrate. Upon"

Page 2, line 11, overstrike "request of"

Page 2, line 12, overstrike "the accused,"

Page 2, line 12, remove "the arresting officer"

Page 2, line 12, overstrike "shall take the accused before a magistrate in the"

Page 2, line 13, overstrike "county in which the arrest is made, who"

Page 2, line 13, remove "and the magistrate"

Page 2, line 13, overstrike "shall admit the accused"

Page 2, line 14, overstrike "to"

Page 2, line 14, remove "amend the"

Page 2, line 14, overstrike "bail and take bail from"

Page 2, line 14, remove "of"

Page 2, line 14, overstrike "the accused accordingly. If there is no"

Page 2, line 15, overstrike "magistrate residing within the county wherein"

Page 2, line 15, remove "where"

Page 2, line 15, overstrike "the accused is arrested, and the"

Page 2, line 16, overstrike "accused requires it"

Page 2, line 16, remove "has requested to appear before a local magistrate"

Page 2, line 16, overstrike ", the officer shall"

Page 2, overstrike lines 17 and 18

Page 2, line 19, overstrike "to"

Page 2, line 19, remove "amend the"

Page 2, line 19, overstrike "bail and take bail from"

Page 2, line 19, remove "of"

Page 2, line 19, overstrike "the accused accordingly." and insert immediately thereafter "A summons under this section must contain a conspicuous notice stating a failure to appear as designated in the summons will result in the arrest of the individual and upon arrest, the individual will not be released from custody unless otherwise ordered by the magistrate.

    3.   If an officer or other individual makes an arrest for which bail is not required, the officer or individual making the arrest shall take the individual before the nearest available magistrate as provided in rule 5 of the North Dakota Rules of Criminal Procedure."

Renumber accordingly