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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2106

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL ~~for an Act to amend and reenact sections 29-16-01 and 29-22-33 of the North Dakota~~
2 ~~Century Code, relating to plea of once in jeopardy; and to repeal section 29-21-16 of the North~~
3 ~~Dakota Century Code, relating to plea of once in jeopardy.~~

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

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

7 **~~29-16-01. Issue of fact.~~**

8 ~~An issue of fact arises:~~

9 ~~1.—Upon a plea of not guilty;~~

10 ~~2.—Upon a plea of former conviction or acquittal of the same offense; or~~

11 ~~3.—Upon a plea of once in jeopardy.~~

12 **~~SECTION 2. AMENDMENT.~~** ~~Section 29-22-33 of the North Dakota Century Code is~~
13 ~~amended and reenacted as follows:~~

14 **~~29-22-33. Judgment upon special verdict.~~**

15 ~~The court shall give judgment upon a special verdict as follows:~~

16 ~~1.—If the plea is not guilty and the facts prove the defendant guilty of the offense charged~~
17 ~~in the information or indictment, or of any other offense of which the defendant could~~
18 ~~be convicted under the information or indictment, judgment must be given accordingly,~~
19 ~~but if otherwise, a judgment of acquittal must be given.~~

20 ~~2.—If the plea is a former conviction or acquittal of the same offense, or once in jeopardy,~~
21 ~~the court shall give a judgment of conviction or acquittal according as the facts prove~~
22 ~~or fail to prove the plea.~~

23 **~~SECTION 3. REPEAL.~~** ~~Section 29-21-16 of the North Dakota Century Code is repealed.~~
24 ~~for an Act to repeal sections 29-16-01, 29-21-16, and 29-22-33 of the North Dakota Century~~
25 ~~Code relating to pleas and special verdicts.~~

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

2 **SECTION 1. REPEAL.** Sections 29-16-01, 29-21-16, and 29-22-33 of the North Dakota
3 Century Code are repealed.