

CHAPTER 100

H. B. No. 214—(Sannes, and Erickson of McKenzie, by request.)

ADDITIONAL JURISDICTION JUDGES DISTRICT AND COUNTY COURT

An Act enlarging the jurisdiction of judges of the District Court and Judges of the County Court, and prescribing additional duties of such Judges, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Jurisdiction is hereby conferred upon the Judges of the District Court and Judges of the County Courts of this State to act as referees, trustees or commissioners when named or appointed so to act, by any of the Judges of the Courts of Bankruptcy of the United States and such District Court Judges and County Court Judges shall assist and co-operate with the Judges of such Courts of Bankruptcy and shall perform all duties that are now, or may hereafter be delegated to them by any Judge of such Courts of Bankruptcy, under the authority of any enactment of the Congress of the United States for the relief of debtors.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect after its passage and approval.

Approved March 1st, 1933.

CRIMES AND PUNISHMENTS

CHAPTER 101

S. B. No. 55—(Miklethun, Olson and Stucke.)

BANK ROBBERY FROM INSIDE

An Act defining the crime of bank robbery from the inside and prescribing a penalty therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any manager, officer, or director having the control of the assets of any bank or trust company, who shall embezzle, steal or wilfully and knowingly misapply any of the funds of such bank or trust company, or who shall wilfully and knowingly falsify or destroy any books or records which form a material part of the records of such bank or trust company, shall be guilty of bank robbery from the inside, which is hereby declared a felony, and shall be punished by imprisonment in the State Penitentiary for a term of not more than thirty years.

Approved March 4, 1933.

CHAPTER 102

S. B. No. 178—(Miklethun.)

STATE SUPERINTENDENT CRIMINAL IDENTIFICATION

An Act to amend and re-enact Chapter 116 of the Laws of North Dakota for the year 1929, as amended by Chapter 134 of the Laws of North Dakota for the year 1931, creating a State Superintendent of Criminal Identification, establishing who shall be superintendent thereof, fixing and defining his powers and duties, providing for the payment of his salary and expenses, and providing for the duties of sheriffs and state's attorneys in the operation thereof, repealing all Acts or parts of Acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Chapter 116 of the Laws of North Dakota for the year 1929, as amended by Chapter 134 of the Laws of North Dakota for the year 1931, be amended and re-enacted to read as follows:

§ 1. That hereafter the Superintendent of Criminal Identification shall be the Warden of the State Penitentiary, who shall serve as such superintendent without fees or salary in addition to that received as warden. He shall be allowed such additional clerical help and expenses in his said office as shall be approved by the Governor, to be paid out of the General Fund of the State.

§ 2. All equipment, letters, files and fingerprints now accumulated in the office of the Superintendent of Criminal Identification shall be by such officer turned over to the Warden of the State Penitentiary for the purpose of carrying out the provisions of this Act.

§ 3. It shall be the duty of said "superintendent" to procure and file for record in his said office, as far as can be procured, all plates, finger prints, photographs, outline pictures, descriptions, information, and measurements, of all persons who have been arrested for felony or shall hereafter be arrested for any felony under the laws of this or other states or of the United States, and of all well-known and habitual criminals, from wherever procurable; and it shall be the duty of the person in charge of any state penal institution, state's attorney, and of every sheriff, chief of police, or other police officer, to furnish any such material to the "superintendent" upon his request.

§ 4. The "superintendent" and his assistants shall co-operate with and assist the Criminal Bureau of the Department of Justice at Washington, D. C., and all judges, state's attorneys, sheriffs, chiefs of police, and all other law enforcement officers of the state and of all other states, and of the Federal Government in the establishment of a complete system of criminal identification, and shall file for

record the finger print impressions of all persons confined in any penitentiary or jail, when such person confined in said penitentiary or jail is suspected of having committed any felony or of being a fugitive from justice, and such other information as they may from time to time receive from the law enforcement officers of this state and other states, and of the Federal Government. It is especially made the duty of such "superintendent" and his assistants to co-operate with the state's attorneys, sheriffs, constables, marshals, police, and other peace officers in the state, in the detection of the following felonies committed within the state, towit: Treason, murder, manslaughter, robbery, burglary, grand larceny, arson, assault with intent to kill, assault with a deadly weapon, rape, incest, sodomy, abortion, bribery, escaping or assisting or aiding persons in escaping from a penitentiary, embezzlement, forgery, perjury, kidnapping, maiming, extortion, carrying concealed or deadly weapons without lawful authority therefor, and larceny of poultry or livestock.

The "superintendent" shall co-operate with such officials in the apprehension and conviction of criminals, within and without the state, believed to be guilty of such felonies committed within the state. The "superintendent" and his assistants shall under the direction of the Attorney General conduct such investigation throughout the state as may be necessary to apprehend and convict persons guilty of such felonies. The "superintendent" and assistant superintendents are hereby authorized and empowered to make arrests without warrants for all violations of law they may witness, and to serve and execute criminal warrants issued by proper authorities.

§ 5. It is hereby made the duty of all state's attorneys, sheriffs, chiefs of police and other law enforcement officers in the state of North Dakota, to immediately upon the arrest of any person, who, in the best judgment of the arresting officer, is wanted on a felony charge, or who such officer has reason to believe is a fugitive from justice, to take and furnish to the said "superintendent," copies of finger prints in duplicate, with a description and all available information respecting such accused. The "superintendent" shall compare the finger prints and such description as received by him, with those already on file in his office, and if he finds that the person arrested has a criminal record or is a fugitive from justice, he shall at once inform the arresting officer of such past criminal record, and in order to facilitate the work of identification, of the name or names under which such person has been arrested, together with his available criminal record as known.

§ 6. It is hereby declared to be the duty of every sheriff in the state of North Dakota to take the finger prints of every defendant charged with a felony within their respective counties, and to transmit said finger prints to the bureau for identification, within twenty-four hours after such defendant is taken into custody. The "superintendent" shall, as soon as possible, ascertain the criminal

record, if any, of the defendants so charged and shall forward said record immediately to the sheriff of said county and a carbon copy thereof to the state's attorney. The "superintendent" shall assist sheriffs and other peace officers, in the establishment of a system for the apprehension of criminals and the detection of crime, and shall instruct them in the taking of finger prints as herein provided. It is further provided that said sheriffs may take and forward to the "superintendent" the finger prints of any person who, in the best judgment of the sheriff, is wanted on a felony charge, or who is believed to be a fugitive from justice, or who has in his possession at the time of his arrest goods or property reasonably believed to have been stolen, or in whose possession is found a burglary outfit, tools, keys, or explosives reasonably believed by said sheriff to be intended for unlawful use, or who is carrying concealed or deadly weapons without lawful authority therefor, or who is in possession of any ink, dye, paper, or other articles used in the making of counterfeit money of the United States of America, or who has in his possession any tools or equipment used in defacing or changing the number on motor vehicles, or who is believed by said officer to have been previously incarcerated in any state or federal penitentiary.

§ 7. It is hereby declared to be the duty of the judge of the district court of each county, or the state's attorney or sheriff thereof, to ascertain before sentence is passed, the criminal record, if any, of every defendant convicted of a felony before passing sentence on said defendant. It is hereby declared to be the duty of the state's attorney and sheriff of each county, upon the request of the "superintendent" or the Attorney General, to furnish forthwith to such "superintendent," a statement of facts relative to the commission or alleged commission of all felonies within their respective counties and to furnish such information upon blanks, or in any form requested by said "superintendent" or the Attorney General.

§ 8. Neglect or refusal of any officer herein mentioned to make the report required herein or to do or perform any other act hereby, on his part, required to be done or performed, shall constitute a misdemeanor, and such officer shall upon conviction thereof be punished by a fine of not less than five nor more than twenty-five dollars. Such neglect or refusal shall also constitute non-feasance in office and subject the officer to removal from office.

§ 9. It shall be the duty of the "superintendent" to co-operate with similar departments or bureaus in other states and with the criminal bureau in the Department of Justice in Washington, D. C., and to develop and carry on a complete system of criminal identification.

§ 10. It shall be the duty of the "superintendent" to afford assistance and, when practicable, instructions to all judges, state's attorneys, sheriffs, chiefs of police, and other law enforcement officers

in establishing efficient methods of criminal identification in their districts and in making such officials proficient in procuring finger print records.

§ 11. The "superintendent," with the approval of the Attorney General, shall make and promulgate such rules and regulations from time to time as may be necessary and proper for the efficient administration of this Act, and not inconsistent therewith. It is hereby made the duty of every state's attorney, sheriff, constable, marshal, or other peace officer, to assist the "superintendent" in the performance of his duties by complying with such rules and regulations promulgated by the "superintendent," and such rules and regulations shall be printed and forwarded to such peace officers.

§ 12. All moneys collected or received, including all rewards for the apprehension or conviction of any criminal, earned or collected by the superintendent or his assistants, or any employee of his office, shall be forthwith paid into the General Fund.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 4, 1933.

CHAPTER 103

H. B. No. 262—(Swendseid.)

PROBATION OR PAROLE DEFENDANT IN CRIMINAL CASES

An Act to authorize the District Courts and the County Courts, with increased jurisdiction, to place on probation or parole the defendant in any criminal case, where such courts have power to sentence a defendant to imprisonment in a county jail.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. In all prosecutions for crime in a district court, or in a county court with increased jurisdiction, where the defendant has pleaded or been found guilty, and where the court has the power to sentence such defendant to imprisonment in county jail, said court may suspend sentence, and place the defendant on probation. In such prosecutions, if the defendant has been sentenced to and imprisoned in county jail, such court may also order that the defendant be released on parole.

§ 2. The Supreme Court is authorized to adopt rules for the district courts, and the county courts with increased jurisdiction, relating to the systems of probation and parole authorized by this Act.

Approved March 6, 1933.