

# JUDICIAL PROOF

## CHAPTER 398

HOUSE BILL NO. 1220  
(Committee on Judiciary)  
(At the request of the Attorney General)

### SELF-INCRIMINATION IMMUNITY

AN ACT to amend and reenact section 31-01-09 of the North Dakota Century Code, relating to the privilege against self-incrimination and grant of immunity.

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

SECTION 1. AMENDMENT. Section 31-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-09. Privilege against self-incrimination - Grant of immunity. No person shall be compelled to be a witness against himself in a criminal action. Notwithstanding any provision of law to the contrary, in any criminal proceedings before a court or grand jury or state's attorney's inquiry, if a person refuses to answer a question or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing and with approval of the attorney general, requests the court to order that person to answer the question or produce the evidence, the court after notice to the witness and hearing may so order, and that person shall comply with the order. In the case of a state's attorney's inquiry, such application shall be made to the district court. ~~After complying, and if, but for this section, he would have been privileged to withhold the answer given or evidence produced by him, that person shall not be prosecuted or subject to penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in accordance with the order, he gave answer or produced evidence. But he may nevertheless be prosecuted for any perjury. No testimony or other information compelled under the order, or any information directly or indirectly derived from the testimony, may be used against the witness in any criminal proceeding, except a prosecution for perjury, giving a false statement, or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.~~

Approved March 20, 1987  
Filed March 23, 1987

## CHAPTER 399

HOUSE BILL NO. 1321  
(Rydell, J. DeMers, Gates, Ulmer)

## WITNESS COMPENSATION AND EXPENSES

AN ACT to amend and reenact section 31-01-16 of the North Dakota Century Code, relating to compensation and expenses for witnesses in criminal actions.

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

SECTION 1. AMENDMENT. Section 31-01-16 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-16. Compensation and mileage and travel expense of witness - County to pay fees except for district court fees in criminal action. A witness in a civil or criminal case is entitled to receive:

1. A sum of ~~fifteen~~ twenty-five dollars for each day necessarily in attendance before the district or county court or before any other court, board, or tribunal, except municipal court.
2. A sum for mileage and travel expense reimbursement equal to the reimbursement rates provided for state employees in sections 44-08-04 and 54-06-09.

In all criminal cases such witness fees and expenses on the part of the state ~~shall~~ must be paid out of the county treasury of the proper county except that district court witness fees and expenses ~~shall~~ must be paid by the state. In no event ~~shall~~ may prisoners be compensated as witnesses under the provisions of this section.

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