

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code,
2 relating to appeals by the state.

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

4 **SECTION 1. AMENDMENT.** Section 29-28-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-28-07. From what the state may appeal.**

7 An appeal may be taken by the state from:

- 8 1. An order quashing an information or indictment or any count thereof.
- 9 2. An order granting a new trial.
- 10 3. An order arresting judgment.
- 11 4. An order made after judgment affecting any substantial right of the state.
- 12 5. An order granting the return of property or suppressing evidence, or suppressing a
13 confession or admission, when accompanied by a statement of the prosecuting
14 attorney asserting that the appeal is not taken for purpose of delay and that the
15 evidence is a substantial proof of a fact material in the proceeding. The statement
16 must be filed with ~~the clerk of district court and a copy must accompany~~ the notice of
17 appeal.