

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1207

Introduced by

Representatives Zubke, D. Anderson, Guggisberg

Senators Bekkedahl, Kreun

1 A BILL for an Act to amend and reenact section 32-15-32 of the North Dakota Century Code,  
2 relating to costs awarded to a defendant.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-32 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-15-32. Costs.**

7 ~~The court may in its discretion award~~For any judicial proceeding in which the defendant  
8 prevails, the court's award to the defendant is limited to reasonable actual or statutory costs or  
9 both, which may include interest from the time of taking except interest on the amount of a  
10 deposit which is available for withdrawal without prejudice to right of appeal, costs on appeal,  
11 and reasonable attorney's fees ~~for all judicial proceedings~~. If the defendant appeals and does  
12 not prevail, the costs on appeal may be taxed against the defendant. In all cases when a new  
13 trial has been granted upon the application of the defendant and the defendant has failed upon  
14 such trial to obtain greater compensation than was allowed the defendant upon the first trial, the  
15 costs of ~~such~~the new trial shallmust be taxed against the defendant.