

HOUSE BILL NO. 1213

Introduced by

Representatives Rios, Longmuir, Motschenbacher, Prichard, D. Ruby, Timmons

Senators Bekkedahl, Paulson

1 A BILL for an Act to create and enact a new section to chapter 12.1-05 of the North Dakota
2 Century Code, relating to reimbursement for a finding of self-defense when charged with a
3 crime of violence; and to provide for application.

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

5 **SECTION 1.** A new section to chapter 12.1-05 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Crime of violence - Self-defense - Reimbursement.**

8 1. As used in this section, "crime of violence" means a violation of state law in which an
9 individual causes death or physical bodily injury to another individual. The term
10 includes assault and murder.

11 2. If an individual charged with a crime of violence is found not guilty due to the
12 justification of self-defense, the court may order the state shall to reimburse the
13 defendant for all reasonable costs incurred in defense, including loss of wages and
14 time, attorney's fees, and other expenses involved in the defense. The reimbursement
15 is not an independent cause of action.

16 ~~3. To obtain reimbursement under subsection 2, the defendant shall make a motion for~~
17 ~~reimbursement following the not guilty verdict. Upon the motion, the trier of fact shall~~
18 ~~determine whether the defendant's claim that the crime of violence was justified by~~
19 ~~self-defense is sustained by a preponderance of the evidence. If the trier of fact~~
20 ~~determines the defendant's actions were justified by self-defense, the court shall~~
21 ~~determine the amount of reimbursement to award.~~

22 ~~4. Notwithstanding a finding a defendant's actions were justified by self-defense, if the~~
23 ~~trier of fact also determines the defendant was engaged in criminal conduct~~
24 ~~substantially related to the events giving rise to the charges filed against the~~

1 ~~defendant, the court may deny or reduce the amount of reimbursement. In determining~~
2 ~~the amount of reimbursement, the court shall consider the seriousness of the initial~~
3 ~~criminal conduct.~~

4 **SECTION 2. APPLICATION.** This Act applies to criminal charges filed after the effective
5 date of this Act.