

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact sections 29-16-01 and 29-22-33 of the North Dakota
2 Century Code, relating to plea of once in jeopardy; and to repeal section 29-21-16 of the North
3 Dakota Century Code, relating to plea of once in jeopardy.

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

5 **SECTION 1. AMENDMENT.** Section 29-16-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-16-01. Issue of fact.**

8 An issue of fact arises:

- 9 1. Upon a plea of not guilty;
- 10 2. Upon a plea of former conviction or acquittal of the same offense; ~~or~~
- 11 ~~3. Upon a plea of once in jeopardy.~~

12 **SECTION 2. AMENDMENT.** Section 29-22-33 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **29-22-33. Judgment upon special verdict.**

15 The court shall give judgment upon a special verdict as follows:

- 16 1. If the plea is not guilty and the facts prove the defendant guilty of the offense charged
17 in the information or indictment, or of any other offense of which the defendant could
18 be convicted under the information or indictment, judgment must be given accordingly,
19 but if otherwise, a judgment of acquittal must be given.
- 20 2. If the plea is a former conviction or acquittal of the same offense, ~~or once in jeopardy,~~
21 the court shall give a judgment of conviction or acquittal according as the facts prove
22 or fail to prove the plea.

23 **SECTION 3. REPEAL.** Section 29-21-16 of the North Dakota Century Code is repealed.