

shall further be empowered to make exchanges of such official reports for the official reports of the Courts of other states. All money received from the sale of such official reports shall be paid to such Reporter and shall be covered by him monthly into the State Treasury to be kept in a special fund to be known as the Supreme Court Reporter Fund. All disbursements shall be made in connection with publication of such official reports and to such Fund shall be covered and kept the Legislative appropriation made for the printing, publication and distribution of such official reports.

Approved March 9, 1931.

CRIMES AND PUNISHMENTS

CHAPTER 127

(S. B. No. 245—Delayed Bills Committee.)

DIVULGING TELEGRAPHIC OR TELEPHONE MESSAGES

An Act to amend and re-enact Section 10078 of the Compiled Laws of 1913.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 10078 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 10078. DIVULGING TELEGRAPHIC OR TELEPHONE MESSAGES.] Every person who shall wrongfully obtain, or attempt to obtain, any knowledge of a telegraphic or telephonic message, by connivance with a Clerk, Operator, Messenger or other employee of a telegraph or telephone company, and every Clerk, Operator, Messenger or other employee who shall wilfully divulge to any but the person for whom it was intended, the contents of any telephonic message or any telegraphic message entrusted to him for transmission or delivery, or the nature thereof, or who shall wilfully refuse or neglect duly to transmit or deliver any such message, shall be punished by imprisonment in the County Jail for not more than six months, or by a fine of not more than \$1000.00, or by both.

§ 2. REPEAL.] All acts or parts of acts in conflict with this Act, are hereby repealed.

Approved March 11, 1931.

CHAPTER 128
(S. B. No. 3—Bond.)

DRAWING CHECK WITHOUT FUNDS

An Act to amend and re-enact Section 9971a1 and Section 9971a2 of the Supplement to the Compiled Laws of 1913 relating to the drawing of a bank check or draft without funds in the bank to protect the same, and making the same a misdemeanor; providing a penalty therefor; and repealing Section 9971a3 of the Supplement to the Compiled Laws of 1913.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 9971a1 of the Supplement to the Compiled Laws of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 9971a1. DRAWING CHECK OR DRAFT WITHOUT SUFFICIENT FUNDS OR CREDIT; PENALTY.] Any person, firm, company, copartnership or corporation who makes or draws or utters or delivers to any person any check or draft upon a bank, banker or depository for the payment of money, and at the time of such making, drawing, uttering or delivery, has not sufficient funds in or credit with such bank, banker or depository to meet such check or draft in full upon its presentation, shall be punishable by a fine of not to exceed \$100.00 or by imprisonment in the county jail for not to exceed 30 days, or by both such fine and imprisonment.

§ 2. AMENDMENT.] That Section 9971a2 of the Supplement to the Compiled Laws of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 9971a2. MEANING OF TERM "CREDIT".] The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank, banker or depository for the payment of such check or draft.

§ 3. REPEAL.] That Section 9971a3 of the Supplement to the Compiled Laws of 1913, be and the same is hereby repealed.

Approved March 10, 1931.

CHAPTER 129
(S. B. No. 235—Lynch.)

**MAXIMUM PUNISHMENT PERSONS CONVICTED OF TWO OR
MORE FELONIES**

An Act to amend and re-enact Section 4 of Chapter 126 of the Session Laws of 1927, providing maximum punishments for persons convicted of felony who have been convicted of two or more felonies in any state of the United States, and prescribing procedure in such cases.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 4 of Chapter 126 of the Session Laws of 1927, is hereby amended and re-enacted to read as follows:

§ 4. Provided that no crime shall be considered a felony within this act by reason of a greater punishment attaching to a second or successive offense than is prescribed for a first offense.

Approved March 11, 1931.

CHAPTER 130
(S. B. No. 41—Whitman by Request.)

PUNISHMENT OF FORGERY

An Act to amend and re-enact Section 9905 of the Compiled Laws of North Dakota for 1913.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 9905 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 9905. PUNISHMENT OF FORGERY. Forgery is punishable by imprisonment as follows: Forgery in the first, second, third and fourth degrees by imprisonment in the county jail not exceeding one year or by imprisonment in the penitentiary not exceeding ten years.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act, are hereby repealed.

Approved January 31, 1931.

CHAPTER 131

(S. B. No. 227—Cain and Matthaei.)

SUSPENSION, MODIFICATION AND REVOCATION OF SENTENCES

An Act to amend and re-enact Section 10959 of the Compiled Laws of 1913, relating to suspension, modification and revocation of sentences.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 10959 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 10959. COURT MAY SUSPEND OR MODIFY SENTENCE, WHEN REVOCATION OF SUSPENSION ORDER.] In all prosecutions for misdemeanors where the defendant has been found guilty, and where the court or magistrate has power to sentence such defendant to the county jail, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it shall appear to the satisfaction of the court or magistrate that the character of the defendant and circumstances of the case are such that such defendant is not likely again to engage in an offensive course of conduct, and where it appears that the public welfare does not demand or require that the defendant shall suffer the penalty imposed by law, said court or magistrate may suspend the execution of the sentence or may modify or alter the sentence imposed in such manner as to the court or magistrate, in view of all the circumstances, seems just and right; provided, however, where a Judge has suspended a sentence, no order for recommitment of the person whose sentence has been suspended shall be made after the period of eighteen months has elapsed after the maximum period of time for which such person might have been sentenced.

Approved March 11, 1931.

CHAPTER 132

(S. B. No. 151—Committee on Banks and Banking.)
By Request of the Voluntary Banking Code Commission.

SLANDER AND LIBEL OF ANNUITY, SAFE DEPOSIT, SURETY AND TRUST COMPANIES

An Act defining the crime of slander and libel of annuity, safe deposit, surety and trust companies, and fixing the penalty therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SLANDER AND LIBEL. MISDEMEANOR.] Any person who shall wilfully and maliciously make, circulate or transmit to another

or others, any false statement, rumor or suggestion, written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any annuity, safe deposit, surety, or trust company, now existing under the laws of this State or hereafter organized, or who shall counsel, aid, procure or induce another to start, transmit or circulate false statement, or rumor, shall be guilty of a misdemeanor, and in addition thereto shall be liable in damages to such corporation, or the receiver thereof, to be recovered in a civil action brought for that purpose.

Approved March 11, 1931.

CHAPTER 133
(S. B. No. 190—Brunsdale.)

**PROHIBITING MANUFACTURE AND USE OF SLUGS,
TOKENS, ETC.**

An Act to constitute the operation or the attempt to operate any automatic vending machine, coin-box telephone, slot machine, or other like receptacle by means of a slug, token, device, or trick, or the manufacture and disposition of any such slug or device, a misdemeanor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court.

§ 2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle, depository or contrivance, designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell, or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved March 11, 1931.

CHAPTER 134
(H. B. No. 293—Baseflug.)

STATE SUPERINTENDENT OF CRIMINAL IDENTIFICATION

An Act amending and re-enacting Sections 1, 2, 4, and 12 of Chapter 116, Session Laws of North Dakota for 1929, providing for the appointment of a State Superintendent of Criminal Identification and two assistant superintendents; defining their powers and duties and providing for the payment of salaries and expenses.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1, Chapter 116 of the Laws of 1929, be and is hereby amended and re-enacted to read as follows:

§ 1. Within thirty days prior to July 1st and each odd numbered year, there shall be appointed by the Governor an officer who shall be designated and known as State Superintendent of Criminal Identification, whose term of office shall begin on July 1st of each odd numbered year and shall be for two years or until his successor is appointed and qualified. Such officer shall be appointed without regard to political affiliation and shall be a person having at least four years experience in the work of identifying and securing the conviction of criminals. Such superintendent shall receive an annual salary of Three Thousand Dollars (\$3000.00), payable monthly, and such salary together with the necessary expenses for clerk hire, office furniture, equipment, supplies, salaries of two assistants and expense of travel, when necessary, shall be paid out of the Criminal Bureau Fund. The Board of Administration is hereby directed to cause to be transferred to the criminal bureau fund out of the twine and cordage operating fund as now created and established, the sum of Ten Thousand Dollars (\$10,000.00) per year which transfer shall be

made in quarterly installments of Twenty-five Hundred Dollars (\$2500.00) each on the first day of July, October, January and April of each year.

§ 2. AMENDMENT.] That Section 2 of Chapter 116 of the Laws of 1929 is hereby amended and re-enacted to read as follows:

§ 2. The Superintendent may appoint with the consent of the Governor, such clerical help as is necessarily required to the carrying out of the work of his office, as provided by law. He shall also appoint, with the approval of the Governor, two assistant superintendents, each at an annual salary of Twenty-four Hundred Dollars (\$2400.00). The Superintendent and assistant superintendents shall qualify by taking the oath of office as prescribed by the Constitution and shall give a bond in the sum of Five Thousand Dollars (\$5000.00), for the faithful performance of their duties. The office of the Superintendent shall be located at the State Penitentiary near the City of Bismarck. It shall be the duty of the Superintendent and he is hereby authorized and empowered to provide such necessary equipment, furniture, apparatus and appliances as may be required in addition to that now available for the effective collecting, filing and preservation of finger prints and other records respecting the identification of criminals and the keeping of proper records thereof.

§ 3. AMENDMENT.] That Section 4 of Chapter 116 of the Laws of 1929 is hereby amended and re-enacted to read as follows:

§ 4. The Superintendent and his assistants shall cooperate with and assist the Criminal Bureau of the Department of Justice at Washington, D. C., and all judges, state's attorneys, sheriffs, chiefs of police and all other law enforcement officers of the state and of all other states, and of the Federal Government, in the establishment of a complete system of criminal identification and shall file for record the finger print impressions of all persons confined in any penitentiary or jail, when such person confined in said penitentiary or jail is suspected of having committed any felony or of being a fugitive from justice, and such other information as they may from time to time receive from the law enforcement officers of this state and other states, and of the Federal Government. It is specifically made the duty of such superintendent and his assistants to cooperate with the state's attorneys, sheriffs, constables, marshals, police and other peace officers in the State, in the detection of the following felonies committed within the State, to-wit: Treason, murder, manslaughter, robbery, burglary, grand larceny, arson, assault with intent to kill, assault with a deadly weapon, rape, incest, sodomy, abortion, bribery, escaping or assisting or aiding persons in escaping from a penitentiary, embezzlement, forgery, perjury, kidnapping, maiming, extortion, carrying concealed or deadly weapons without lawful authority therefor, and larceny of poultry and livestock.

The Superintendent shall cooperate with such officials in the apprehension and conviction of criminals, within and without the state, believed to be guilty of such felonies committed within the state. The Superintendent and his assistants shall under the direction of the Attorney General, conduct such investigation throughout the state as may be necessary to apprehend and convict persons guilty of such felonies. The Superintendent and assistant superintendents are hereby authorized and empowered to make arrests without warrants for all violations of law they may witness, and to serve and execute criminal warrants issued by proper authorities.

§ 4. AMENDMENT.] Section 12 of the Laws of 1929 is hereby amended and re-enacted to read as follows:

§ 12. Any and all moneys collected or received, including all rewards for the apprehension or conviction of any criminal earned and collected by the Superintendent or his assistants, or any employee in his office, shall be forthwith paid into the Criminal Bureau Fund.

Approved March 11, 1931.

DEPOSITORS GUARANTY FUND

CHAPTER 135

(H. B. No. 205—Aljets and Rulon.)

ADMINISTRATION DEPOSITORS' GUARANTY FUND

An Act relating to the administration of the Depositors' Guaranty Fund by the State Examiner, limiting the time within which claims may be presented against the Depositors' Guaranty Fund, providing for the distribution of unclaimed dividends, providing for the disposition of receiver's certificates held by said fund, and providing for a transfer of any balance in the appropriation made for the Depositors' Guaranty Fund Commission to the credit of the State Examiner.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. A depositor whose claim shall have heretofore been certified for approval by the Depositors' Guaranty Fund Commission may perfect such claim by filing with the State Examiner the proofs required by said Depositors' Guaranty Fund Commission at any time within six months after this act shall take effect, but in the event of the failure of such depositor to so perfect his claim within such period, such claim shall be forever barred as a claim against the said Depositors' Guaranty Fund.

§ 2. The State Examiner is hereby authorized to pass upon the sufficiency of the proofs so adduced, and his action in accepting or rejecting such proofs shall be final and conclusive.

§ 3. Any dividends heretofore declared by the Depositors' Guaranty Fund Commission which shall remain unclaimed for a