

# CRIMES AND PUNISHMENTS

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## CHAPTER 139

S. B. No. 203

(Forkner, Torgerson, Pyle, Robinson, Doherty)

### PUBLIC OFFICER HAVING PERSONAL INTEREST IN GOVERNMENT CONTRACT

#### AN ACT

To amend and reenact section 12-10-06 of the North Dakota Century Code, relating to personal interest in a contract by a public officer.

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

**Section 1. Amendment.)** Section 12-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-10-06. Personal Interest in Contract by Public Officer—Punishment—Exception.)** Every public officer authorized to sell or lease any property, or make any contract in his official capacity, who contrary to law voluntarily becomes interested individually in such sale, lease, or contract, directly or indirectly, is guilty of a misdemeanor. Provided, however, that contracts of purchase or employment, by a political subdivision may be entered into with an officer of such political subdivision if such contracts are unanimously approved by the other members of the governing body of the political subdivision by a finding unanimously adopted by such other members and entered in the official minutes of the governing body, to be necessary for the reason that the services or property obtained is not otherwise available at equal cost.

Approved March 13, 1969.

## CHAPTER 140

S. B. No. 275  
(Meschke)

## PUNISHMENT FOR PERJURY

## AN ACT

To amend and reenact section 12-14-13 of the North Dakota Century Code, relating to punishment for perjury.

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

**Section. 1. Amendment.)** Section 12-14-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-14-13. Punishment of Perjury.)** Perjury is punishable by imprisonment in the penitentiary as follows:

1. When committed on the trial of an information or indictment for felony, by imprisonment for not to exceed ten years;
2. When committed on any other trial or proceeding in a court of justice, by imprisonment for not to exceed five years;
3. In all other cases, by imprisonment for not to exceed three years.

Approved March 17, 1969.

## CHAPTER 141

S. B. No. 347  
(Freed, Sands, Mutch, Ringsak, Nething)

PUNISHMENT FOR ASSAULT  
AND BATTERY

AN ACT

To amend and reenact section 12-26-04 of the North Dakota Century Code, relating to the punishment for assault or assault and battery.

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

**Section 1. Amendment.)** Section 12-26-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-26-04. Assault—Assault and Battery—Assault and Battery Upon a Peace Officer—How Punished.)** Any person convicted of an assault or assault and battery shall be guilty of a misdemeanor, except that if such offense is committed upon a peace officer who is performing his official duties, such crime shall be a felony.

Approved March 25, 1969.

## CHAPTER 142

S. B. No. 62  
(Unruh)

## WILLFUL INJURY TO PROPERTY OF ANOTHER

## AN ACT

To amend and reenact section 12-41-11 of the North Dakota Century Code, relating to trespass by damage to produce or anything attached to lands of another.

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

**Section 1. Amendment.)** Section 12-41-11 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-41-11. Willful Injury to Property of Another—Misdemeanor.)** Every person who willfully commits any trespass by:

1. Cutting down, severing, destroying, or carrying away anything that is standing or growing upon, attached to, or that has been cut down on the land of another;
2. Driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing or standing upon the land of another, or in any other manner injuring the same;
3. Digging, taking, or carrying away from any lot situated within the bounds of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone which is a part of the lot or severed therefrom at some previous time, under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property;
4. Digging, taking, or carrying away from any land in any incorporated city of this state, laid out on the map or plat of said city as a street or avenue, or

otherwise established or recognized as a street or avenue without the license of the governing body of such city, or owner thereof, any earth, soil, or stone, under such circumstances as would render the trespass a larceny if the thing so severed or carried away were personal property; or

5. Hauling or depositing upon public property or upon the real estate, lot, or farm of another any dead horse, dog, cow, or other animal, or any manure, offal, putrid or unsound beef, pork, fish, hides, or skins, or flesh of any kind or description, or any tin cans, bottles, paper, filth, offal, vegetables, or other unsound or offensive matter or thing whatsoever, or any matter or thing which by putrefaction or decomposition will produce offensive smells or effluvia, or any other substance of any kind, nature, or description, without first obtaining the consent of the owner or occupant thereof in writing,

is guilty of a misdemeanor.

Approved March 14, 1969.

## CHAPTER 143

H. B. No. 228  
(Boustead, Lang)

**BURIAL EXPENSES OF DECEASED  
PENAL INSTITUTION INMATES**

AN ACT

To amend and reenact section 12-45-06 of the North Dakota Century Code to increase the amount allowed for burial expenses of deceased inmates of penal institutions.

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

**Section 1. Amendment.)** Section 12-45-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-45-06. Expenses of Inquest—Report of Officer—Payment—Burial Expense Limited.)** The officer holding the inquest shall make an itemized statement and report, verified by his oath, showing in detail the expenses of the inquest and for what and to whom all items of fees, services, or supplies are payable. The fees of the officer holding the inquest and of the jurors, witnesses, and physicians shall be the same as in other cases of inquest, but no officer or inmate of the penitentiary or state training school shall be entitled to any fee or other allowance on account of any service rendered at the inquest. The expense of the burial of the body, exclusive of the fees allowed by law to officers, jurors, physicians, and witnesses shall not exceed the sum allowed to bury public welfare cases in accordance with section 23-06-03. All claims arising out of such inquest shall be audited and separate warrants shall be drawn upon the state treasurer for the amount allowed to each person named in the statement and report of the officer conducting the inquest, and the warrants shall be paid out of the state treasury.

Approved March 8, 1969.

## CHAPTER 144

H. B. No. 38

(Backes, Boustead, Dornacker, Gackle, K. Johnson, Powers)

(From Legislative Research Committee Study)

DISPOSAL OF EFFECTS OF DECEASED  
PENAL INSTITUTION INMATES

## AN ACT

To amend and reenact section 12-45-07 of the North Dakota Century Code, relating to the disposal of effects of deceased persons by the warden of the penitentiary and the superintendent of the state training school.

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

**Section 1. Amendment.)** Section 12-45-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-45-07. Effects of Deceased—Sale—Money Received.)** The warden of the penitentiary or superintendent of the state training school, within ten days after the decease of any person confined in the penitentiary or state training school, shall make a written report to the state treasurer of the money and effects in his hands belonging to the deceased, and he shall transmit with such report any such money or effects. The state treasurer shall execute and deliver a receipt for the money or effects to the warden or superintendent and may require the warden or superintendent to sell such effects of the deceased and, in such case, shall direct the manner of sale, or he may direct the warden or superintendent to deliver said effects to the legal representative of the deceased. The warden or superintendent shall carry out the requirements and directions of the state treasurer. If such effects are sold, all moneys received therefor shall be delivered to the state treasurer, and the state treasurer shall place all money received on account of any such deceased person to the credit of the general fund of the state treasury. If the money is claimed within six years by the dependent relatives of the deceased, the state treasurer shall pay it to them after deducting the expenses of the inquest and the burial of the body of the deceased.

Approved March 8, 1969.

## CHAPTER 145

S. B. No. 216  
(Freed, Sands, Redlin)

## WORK RELEASE PROGRAM AT PENITENTIARY

## AN ACT

To create and enact a chapter of the North Dakota Century Code to provide a program of work release, rehabilitation, and education for inmates at the state penitentiary and the state farm, and penalty for failure to comply with the terms of the program.

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

**Section 1. Board May Provide Certain Services for Inmates.)** The board of administration may participate in programs under which inmates sentenced to the penitentiary and the state farm may be gainfully employed or participate in an educational or other rehabilitation program either in or outside the institution. The board may obtain separate facilities with minimum security for the housing of inmates granted release privileges. In areas where facilities are not within reasonable proximity of the place of employment or training of an inmate so released, the board may arrange for the housing of the inmate in local confinement facilities.

**Section 2. Conditions of Eligibility for Release Programs.)** An inmate shall be eligible for programs outside the institution when the parole board determines the inmate is not a high security risk, not likely to commit a crime of violence and is likely to be rehabilitated by such program. An inmate may make application to the warden for permission to participate in such programs. The warden shall forward all applications to the parole board. The application shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for him, and shall state the name and address of the proposed employer, if any, and shall contain such other information as the parole board may require. The parole board may approve, disapprove, or defer action on the application. The plan shall be signed by the inmate prior to participation in the program. Approval may be revoked for

any reason by the warden or the parole board at any time after being granted. The parole board and warden shall prescribe rules of conduct and treatment for all inmates on release programs including the granting of short leaves for special purposes.

**Section 3. Use of Funds Earned on Work Release.)** The plan for the inmate shall provide that any funds earned in outside employment will be used in the following order: for necessary expenses of the inmate, including room and board costs of the institution; court costs or fine; restitution if a part of the sentence; necessary support of dependents; and credited to inmate's personal account to be paid him on release.

**Section 4. Willful Failure to Return.)** Any inmate released from actual confinement under a release plan who willfully fails to return to the designated place of confinement at the time specified in the plan shall be deemed to have escaped from the penitentiary.

Approved March 8, 1969.

## CHAPTER 146

S. B. No. 349  
(Nething, Sands)

MEMBERSHIP OF COMBINED  
LAW ENFORCEMENT COUNCIL

AN ACT

To amend and reenact section 12-61-01 of the North Dakota Century Code, relating to the membership of the North Dakota combined law enforcement council.

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

**Section 1. Amendment.)** Section 12-61-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12-61-01. Creation of Council—Election of Members.)** The North Dakota combined law enforcement council shall consist of the attorney general, who shall be chairman; the superintendent of the bureau of criminal identification and apprehension; the superintendent of the highway patrol; the state parole officer; the warden of the penitentiary; a state's attorney; a sheriff; a chief of police; a district judge; a juvenile supervisor; the superintendent of the state industrial school; a representative of the league of cities; a representative of the county commissioners association; and a representative of each house of the state legislature. Selection of other than ex officio members may be made by their respective associations. The legislative representative shall be chosen by the presiding officer of each chamber. Said members shall serve a term of two years, commencing July first of each odd-numbered year, provided they continue to hold the same office as when appointed to the council. The attorney general shall fill any vacancies.

Approved March 25, 1969.

## CHAPTER 147

S. B. No. 143  
(Nething, Ringsak, Morgan)

TRAINING FOR NEW JUDGES, PROSECUTORS,  
AND PEACE OFFICERS

AN ACT

To provide training for newly elected or appointed municipal judges, county justices, prosecuting attorneys, sheriffs and police officers.

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

**Section 1. Municipal Judges—Training.)** Every newly elected or appointed municipal judge shall attend a course of training conducted by the law enforcement council. The curriculum, location and date of such sessions shall be determined by the law enforcement council in cooperation with the judicial council. Such course shall be open to all judges.

**Section 2. County Justices—Training.)** Every newly elected or appointed county justice shall attend a course of training conducted by the law enforcement council. The curriculum, location and dates of such sessions shall be determined by the law enforcement council in cooperation with the judicial council. Such course shall be open to all county justices.

**Section 3. Prosecuting Attorneys—Training.)** Every newly elected or appointed prosecuting attorney shall attend a course of training conducted by the law enforcement council. The curriculum, location and dates of such sessions shall be determined by the law enforcement council in cooperation with the state's attorneys' association. Such course shall be open to all prosecutors.

**Section 4. Sheriffs—Training.)** Every newly elected or appointed sheriff shall attend a course of training on civil and criminal duties conducted by the law enforcement council. The curriculum, location and dates of such sessions shall be determined by the law enforcement council in cooperation with the sheriffs' association. Such course shall be open to all sheriffs and deputies.

**Section 5. Police Officers—Training.)** Every newly appointed police officer shall attend a course of training conducted by the law enforcement council. The curriculum, location and dates of such sessions shall be determined by the law enforcement council in cooperation with the police chiefs' association. Such course shall be open to all police officers.

Approved March 14, 1969.