

## JUDICIAL PROCEDURE, CRIMINAL

### CHAPTER 257

S. B. No. 76  
(Erickstad)

#### FORFEITURE OF BAIL BY FELON

##### AN ACT

To provide that any person charged with or convicted of a felony who willfully forfeits his bail shall be guilty of a misdemeanor.

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

**§ 1. Jumping Bail a Misdemeanor.)** Any person charged with or convicted of a felony who has been admitted to bail in connection with such felony, and who willfully fails to appear as ordered by the court and thereby incurs a forfeiture of his bail, and who does not appear or surrender himself within thirty days thereafter, is guilty of a misdemeanor which shall be punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Approved March 4, 1959.

### CHAPTER 258

S. B. No. 159  
(Erickstad)

#### MOTION FOR NEW TRIAL

##### AN ACT

To create and enact section 29-2406 to the North Dakota Revised Code of 1943 relating to time within which motion for new trial may be made.

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

**§ 1.)** Section 29-2406 to the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

**29-2406. Motion for New Trial; Time Within Which Made.)**  
The motion for a new trial, except in case of a sentence for

death, must be made before the time for an appeal has elapsed. In case of a sentence of death, the motion may be made at any time before the execution.

Approved March 16, 1959.

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CHAPTER 259

H. B. No. 729  
(Wheeler)

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EVIDENCE IN AGGRAVATION OR MITIGATION OF  
PUNISHMENT

AN ACT

To amend and reenact section 29-2618 of the 1943 Revised Code of North Dakota relating to evidence in aggravation or mitigation of punishment; how presented.

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

§ 1. **Amendment.)** Section 29-2618 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**29-2618. Evidence in Aggravation or Mitigation of Punishment; How Presented.)** Circumstances in aggravation or mitigation of punishment must be presented by testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate of the county out of court, at a specified time and place, upon such notice to the adverse party as the court may direct; and except that the criminal record of the defendant furnished by the federal bureau of investigation or the state superintendent of criminal identification and reports of the state parole officer may be received by the court without verification or other foundation.

Approved March 12, 1959.