

JUDICIAL PROOF

CHAPTER 291

SENATE BILL NO. 2303
(Freed)

COMPENSATION OF WITNESSES

AN ACT to create and enact section 31-01-16.2 of the North Dakota Century Code, relating to compensation of municipal court witnesses; and to amend and reenact sections 31-01-16 and 31-01-16.1 of the North Dakota Century Code, relating to compensation and mileage of witnesses and witness fees and mileage of municipal police officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 31-01-16 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-16. COMPENSATION AND MILEAGE AND TRAVEL EXPENSE OF WITNESS - COUNTY TO PAY FEES IN CRIMINAL ACTION.) A witness in a civil or criminal case is entitled to receive:

1. A sum of fifteen dollars for each day necessarily in attendance before the district or county court or before any other court, board, or tribunal, except municipal court; and
2. A sum for mileage and travel expense reimbursement equal to the reimbursement rates provided for state employees in sections 44-08-04 and 54-06-09.

In all criminal cases such witness fees and expenses on the part of the state shall be paid out of the county treasury of the proper county. In no event shall prisoners be compensated as witnesses under the provisions of this section.

SECTION 2. AMENDMENT.) Section 31-01-16.1 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-01-16.1. WITNESS FEES AND EXPENSES OF MUNICIPAL POLICE OFFICERS.) Police officers of municipalities in this state shall be entitled to and be paid the witness fees and expenses allowed by law for other witnesses, when such officers are off duty and are subpoenaed to testify in actions where a plea of guilty was not entered. Police officers of municipalities in this state, appearing as witnesses while on duty, shall be compensated by their employer at the regular rate for their position.

SECTION 3.) Section 31-01-16.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

31-01-16.2. COMPENSATION OF MUNICIPAL COURT WITNESSES.) A witness in the court of a municipal judge shall be entitled to receive the amount of two dollars and fifty cents for each hour necessarily spent in municipal court, and in no instance shall compensation be more than five dollars for any such appearance.

Approved April 8, 1975

CHAPTER 292

SENATE BILL NO. 2349
(H. Christensen)

BUSINESS RECORDS AS EVIDENCE

AN ACT to amend and reenact section 31-08-01 of the North Dakota Century Code, relating to the admissibility in evidence of business records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 31-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

31-08-01. ADMISSIBILITY IN EVIDENCE OF BUSINESS RECORDS - TERM "BUSINESS" DEFINED - EXCEPTION.) A record of an act, condition, or event shall be competent evidence insofar as relevant, if:

1. The custodian or other qualified witness testifies to its identity and the mode of its preparation;
2. It was made in the regular course of business, at or near the time of the act, condition, or event; and
3. The sources of information and the method and time of preparation, in the opinion of the court, were such as to justify its admission.

For the purpose of this section, the term "business" shall include every kind of business, profession, occupation, calling, or operation of institutions, whether carried on for profit or not. The records and proceedings of any regularly constituted medical review committee of a licensed medical hospital or a medical society in this state shall not be subject to discovery or admissible as evidence.

Approved March 27, 1975