

## **CHAPTER 29-12**

### **PROCESS UPON INFORMATION AND INDICTMENT**

**29-12-01. Presence enforced by direction of court.** Superseded by N.D.R.Crim.P., Rule 10.

**29-12-02. Warrant of arrest.** Superseded by N.D.R.Crim.P., Rule 46.

**29-12-03. Warrant, clerk to issue.** Superseded by N.D.R.Crim.P., Rule 9.

**29-12-04. Warrant, form - Felony.** Superseded by N.D.R.Crim.P., Rules 9, 58.

**29-12-05. Bench warrant, misdemeanor, infraction, or bailable felony.** If an offense is a misdemeanor, an infraction, or a bailable felony, the bench warrant issued must be in a form similar to form 12 as contained in the appendix to the North Dakota Rules of Criminal Procedure but must add to the body thereof a direction to the following effect: "or if the person requires it, that you take the person before any magistrate of that county or in the county in which you arrest the person, that the person may give bail to answer the information (or indictment)".

**29-12-06. Court must fix amount of bail.** Superseded by N.D.R.Crim.P., Rule 9.

**29-12-07. Arrest upon bench warrant offense not bailable - Custody.** A defendant, when arrested under a bench warrant for an offense not bailable, must be held in custody by the sheriff of the county in which the information is filed or the indictment found.

**29-12-08. Warrant served in any county.** Superseded by N.D.R.Crim.P., Rule 9.

**29-12-09. Magistrate taking bail - Procedure.** If a defendant is brought before a magistrate of another county under a bench warrant for the purpose of giving bail, the magistrate shall proceed in respect thereto in the same manner as if the defendant had been brought before the magistrate upon a warrant of arrest, and the same proceedings may be had thereon.

**29-12-10. Felony, bail given - Increased amount.** When an information or indictment is for a felony, and the defendant, before the filing or finding thereof, has given bail for the defendant's appearance to answer the charge, the court to which the information or indictment is presented, or sent, or removed for trial, may order the defendant to be committed to actual custody either without bail, or until the defendant gives bail in an increased amount, to be specified in the order.

**29-12-11. Procedure - Defendant present, defendant absent.** If a defendant is present when an order for a bench warrant is made, the defendant must be committed forthwith. If the defendant is not present, a bench warrant must be issued and proceeded upon in the manner provided in this chapter.

**29-12-12. Appearance of corporation charged with offense - Pleas.** Superseded by N.D.R.Crim.P., Rule 43.

**29-12-13. Information filed or indictment returned - Summons.** If an information is filed without a preliminary examination, or an indictment is returned against a corporation or limited liability company, the clerk of the district court shall issue a summons in the corporate name of the corporation or limited liability company in the form prescribed in rule 4 of the North Dakota Rules of Criminal Procedure commanding it to appear and answer the information or indictment. Such summons must be served as a summons in a civil action is served.

**29-12-14. Default of a corporation or limited liability company - Plea - Fine collected.** Whenever a sheriff or other officer returns a summons issued as is provided in section 29-12-13 with the officer's certificate showing due service thereof, the corporation or limited liability company, if it does not appear on and after the day appointed in such summons

for its appearance, must be considered in default and the court shall order the clerk to enter a plea of not guilty for said corporation or limited liability company in the minutes of the court, and all further proceedings must be had in said action as if the corporation or limited liability company had appeared and pleaded not guilty to the information or indictment. If upon the trial the corporation or limited liability company is found guilty, the court shall impose a fine upon it as prescribed by law and shall enter judgment for the amount of such fine and the costs of said action in the same manner as on a judgment in a civil action.