

SENATE CONCURRENT RESOLUTION NO. 4018

Introduced by

Senators Nalewaja, Krebsbach, Robinson

Representatives Carlisle, Kliniske, Mahoney

1 A concurrent resolution for the amendment of section 3 of article VI of the Constitution of North
2 Dakota, relating to rulemaking authority of the supreme court regarding reciprocal discovery.

STATEMENT OF INTENT

4 This amendment provides that if the supreme court adopts a rule of procedure that requires the
5 state to disclose information to a defendant in a criminal case, the rule must also require a
6 defendant to reciprocate and disclose the same type of information to the state.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF

REPRESENTATIVES CONCURRING THEREIN:

9 That the following proposed amendment to section 3 of article VI of the Constitution of
10 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at
11 the general election to be held in 1998, in accordance with section 16 of article IV of the
12 Constitution of North Dakota.

13 **SECTION 1. AMENDMENT.** Section 3 of article VI of the Constitution of North Dakota
14 is amended and reenacted as follows:

15 **Section 3.** The supreme court ~~shall have authority to promulgate~~ may adopt rules of
16 procedure, including appellate procedure, to be followed by all the courts of this state; and,
17 unless otherwise provided by law, to ~~promulgate~~ adopt rules ~~and regulations~~ for the admission
18 to practice, conduct, disciplining, and disbarment of attorneys at law. If the supreme court's
19 rules of procedure require the state to disclose information to a defendant in criminal cases,
20 then the rules must require a defendant to reciprocate and disclose the same type of
21 information to the state except for the information that is privileged under the fifth amendment of
22 the Constitution of the United States.

23 The chief justice ~~shall be~~ is the administrative head of the unified judicial system. ~~He~~
24 The chief justice may assign judges, including retired judges, for temporary duty in any court or
25 district under ~~such the rules and regulations as may be promulgated~~ adopted by the supreme

Fifty-fifth
Legislative Assembly

- 1 court. The chief justice shall appoint a court administrator for the unified judicial system.
- 2 Unless otherwise provided by law, the powers, duties, qualifications, and terms of office of the
- 3 court administrator, and other court officials, ~~shall be~~ are as provided by rules of the court.