

CHAPTER 12.1-10
CONTEMPT - OBSTRUCTION OF JUDICIAL PROCEEDINGS

12.1-10-01. Criminal contempt.

Repealed by S.L. 1993, ch. 89, § 32.

12.1-10-02. Failure to appear as witness, to produce information, or to be sworn.

1. A person who has been lawfully ordered to appear at a specified time and place to testify or to produce information in an official proceeding is guilty of a class A misdemeanor if, without lawful privilege, he fails to appear or to produce the information at that time and place.
2. A person attending an official proceeding is guilty of a class A misdemeanor if, without lawful privilege, he fails to comply with a lawful order:
 - a. To occupy or remain at the designated place from which he is to testify as a witness in such proceeding; or
 - b. To be sworn or to make equivalent affirmation as a witness in such proceeding.
3. It is a defense to a prosecution under this section that the defendant:
 - a. Was prevented from appearing at the specified time and place or unable to produce the information because of circumstances to the creation of which he did not contribute in reckless disregard of the requirement to appear or to produce; or
 - b. Complied with the order before his failure to do so substantially affected the proceeding.
4. In this section, and in section 12.1-10-03:
 - a. "Authorized agency" means an agency authorized by statute to issue subpoenas or similar process supported by the sanctions of this section.
 - b. "Information" means a book, paper, document, record, or other tangible object.
 - c. "Official proceeding" means:
 - (1) An official proceeding before a judge or court of this state, a magistrate, or a grand jury.
 - (2) An official proceeding before the legislative assembly or one of its session or interim committees.
 - (3) An official proceeding in which, pursuant to lawful authority, a court orders attendance or the production of information.
 - (4) An official proceeding before an authorized agency.
 - (5) An official proceeding which otherwise is made expressly subject to this section.

12.1-10-03. Refusal to testify.

1. A person is guilty of a class A misdemeanor if, without lawful privilege, he refuses:
 - a. To answer a question pertinent to the subject under inquiry in an official proceeding before the legislative assembly, or one of its session or interim committees, and continues in such a refusal after the presiding officer directs him to answer, and advises him that his continuing refusal may make him subject to criminal prosecution; or
 - b. To answer a question in any other official proceeding and continues in such refusal after a court or judge directs or orders him to answer and advises him that his continuing refusal may make him subject to criminal prosecution.
2. It is a defense to a prosecution under this section that the defendant complied with the direction or order before his refusal to do so substantially affected the proceeding.

12.1-10-04. Hindering proceedings by disorderly conduct.

1. A person is guilty of a class A misdemeanor if the person intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance.
2. A person is guilty of a class B misdemeanor if the person recklessly hinders an official proceeding by noise or violent or tumultuous behavior or disturbance.

12.1-10-05. Disobedience of judicial order.

1. A person is guilty of a class A misdemeanor if the person disobeys or resists a lawful temporary restraining order or preliminary or final injunction or other final order, other than for the payment of money, of a court of this state.
2. Notwithstanding the limitations of section 12.1-32-01, the defendant may be sentenced to pay a fine in any amount deemed just by the court.

12.1-10-06. Soliciting obstruction of proceedings.

A person is guilty of a class A misdemeanor if the person solicits another to commit an offense defined in sections 12.1-10-02 through 12.1-10-05.