

CHAPTER 634

SPECIAL RULES, EVIDENCE; PRIVILEGES, WITNESSES

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634.01 EVIDENCE IN PROSECUTIONS FOR FORGERY OF TREASURY

NOTES. In prosecutions for forging or counterfeiting any note, certificate, bill of credit, or security issued on behalf of the United States or of any state, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter and pass the same as true, the certificate, under oath, of the secretary of the treasury or of the treasurer of the United States, or of the secretary or treasurer of any state in whose behalf such note, certificate, bill of credit, or security purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

[*RL s 4741*] (9900)

634.02 BANK NOTES. In prosecutions for forging or counterfeiting any notes or bills of a banking company or corporation, or for uttering, publishing, or tendering in payment as true any such forged or counterfeit bills or notes, or for being possessed thereof with the intent to utter and pass them as true, the testimony of any person acquainted with the signature of the president or cashier of such bank, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof shall be competent to prove that any such bill or note is counterfeit, without calling such president or cashier.

[*RL s 4742*] (9901)

634.03 CONFESSION, INADMISSIBLE WHEN. A confession of the defendant shall not be sufficient to warrant his conviction without evidence that the offense charged has been committed; nor can it be given in evidence against him whether made in the course of judicial proceedings or to a private person, when made under the influence of fear produced by threats.

[*RL s 4743*] (9902)

634.031 EVIDENCE OF ACCOMPLICE. Any person may be convicted for violation of sections 609.75 to 609.76 on his own confession out of court, or upon the testimony of an accomplice.

[*RL s 4973; 1963 c 753 art 2 s 10*] (10223)

634.04 UNCORROBORATED EVIDENCE OF ACCOMPLICE. A conviction cannot be had upon the testimony of an accomplice, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

[*RL s 4744*] (9903)

634.05 [Repealed, 1963 c 753 art 2 s 17]

634.051 PROOF OF DEATH, AND OF KILLING BY DEFENDANT. No person shall be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of killing by the defendant, as alleged, are each established as independent facts, the former by direct proof, and the latter beyond a reasonable doubt.

[*RL s 4875*] (10066)

634.06 RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal actions or grand jury in-

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vestigations in this state certifies under the seal of such court that there is a criminal action pending in such court, or that a grand jury investigation has commenced or is about to be commenced, that a person being within this state is a material witness in such action, or grand jury investigation, and that his presence will be required for a specified number of days at the trial of such action, or at such grand jury investigation, upon presentation of such certificate to any judge of the district court of the county in which such person resides, or the county in which such person is found if not a resident of this state, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, either for the prosecution or the defense in such criminal action, or for the purpose of the grand jury investigation, that it will not cause undue hardship to the witness to be compelled to attend and testify in the action, or grand jury investigation, in the other state, and that the laws of the state in which the action is pending, or the grand jury investigation has commenced or is about to be commenced, and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process, he shall make an order, with a copy of the certificate attached, directing the witness to attend and testify in the court where the action is pending, or the place where such grand jury has commenced or is about to be commenced, at a time and place specified in the certificate.

If the witness, who is named in such order as above provided after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where such grand jury investigation has commenced or is about to be commenced, and \$5 for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such order, he shall be guilty of constructive contempt of court, and shall be punished according to law.

[1935 c 140 s 1; 1953 c 34 s 1; 1955 c 812 s 1] (9819-1)

634.07 NONRESIDENTS REQUIRED TO TESTIFY IN THIS STATE. If a person, in any state which by its laws has made provision for commanding persons within that state to attend and testify either for the prosecution or the defense in criminal actions, or for the purpose of a grand jury investigation which has commenced or is about to be commenced, in this state, is a material witness in an action pending in a district court, or a grand jury investigation which has commenced or is about to be commenced, in this state, a judge of such court may issue a certificate, under the seal of the court, stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness resides, or the county in which he is found if not a resident of that state.

If the witness is ordered by the court to attend and testify in a criminal action or a grand jury investigation in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where the grand jury investigation has commenced or is about to be commenced, and \$5 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the order of the court shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

[1935 c 140 s 2; 1955 c 812 s 2] (9819-2)

634.08 EXEMPTIONS; ARREST, SERVICE OF PROCESS. If a person comes into this state in obedience to a court order directing him to attend and testify in a criminal action, or grand jury investigation, in this state he shall not, while in this state, pursuant to such court order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under such order.

If a person passes through this state while going to another state in obedience to a court order requiring him to attend and testify in a criminal action or grand jury investigation in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in

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connection with matters which arose before his entrance into this state pursuant to such court order.

[1935 c 140 s 3; 1955 c 812 s 3] (9819-3)

634.09 UNIFORMITY. Sections 634.06 to 634.09 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them.

[1935 c 140 s 4] (9819-4)