

TITLE 7: CIVIL PROCEDURE
DIVISION 3: TRIAL

§ 3312. Inference from Claim of Privilege; Instruction.

(a) The claim of a privilege under 7 CMC § 3309, whether in a present proceeding or upon a prior occasion, is not a proper subject of comment by a judge, hearing officer, legislator, or counsel. An inference may not be drawn from the claim of privilege.

(b) In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of a claim of privilege under 7 CMC § 3309 without the knowledge of the jury.

(c) Upon request, a party against whom a jury might draw an adverse inference from a claim of privilege under 7 CMC § 3309 is entitled to an instruction that an inference may not be drawn from the claim of privilege.

Source: PL 14-9, § 6 (3312).

Commission Comment: PL 14-9 was enacted on May 28, 2004 and contained, in addition to other enactments, a short title, findings, severability, and savings clause provisions. See the comment to 7 CMC § 3309 regarding PL 14-9.