

**77-6-4 Presentation of accusation -- Service on defendant.**

- (1) When the accusation is initiated by:
  - (a) a grand jury, the foreperson shall present the accusation to the court in the presence of the grand jurors which shall be filed with the clerk; or
  - (b) a taxpayer, the county attorney, district attorney, or the attorney general, any of these persons shall present the accusation to the presiding judge of the district court for filing with the clerk.
- (2)
  - (a) Except when the accusation is initiated by the county attorney or district attorney, the court shall furnish a copy of the accusation to the county attorney or, if within a prosecution district, the district attorney who shall investigate and may prosecute the accusation.
  - (b) If the accusation is against the county or district attorney, the court shall furnish a copy of the accusation to the Office of the Attorney General, who shall investigate and may prosecute the accusation.
  - (c) If prosecution is pursued, the county attorney, district attorney, or attorney general shall serve a copy of the accusation on the defendant with a summons which requires the defendant to appear before the district court of the county in which the county attorney or district attorney serves and to answer the accusation.
- (3) The time fixed for appearance may not be less than 10 days from the date of service of summons. The service of the accusation, summons, and the return of service shall be made in the manner provided by law for service of civil process.

Amended by Chapter 67, 1996 General Session