

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

HOUSE BILL NO. 1195
(Representatives Stenehjem, Wentz, Delmore)
(Senators Heitkamp, Thane, Watne)

AN ACT to amend and reenact subsections 5 and 6 of section 12.1-32-01, subsection 1 of section 27-09.1-07, sections 40-05-06, and 40-18-14 of the North Dakota Century Code, relating to misdemeanor monetary penalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 5 and 6 of section 12.1-32-01 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of ~~one~~ two thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of ~~five hundred~~ one thousand dollars, or both, may be imposed.

SECTION 2. AMENDMENT. Subsection 1 of section 27-09.1-07 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. From time to time and in a manner prescribed by the court, the clerk shall mail to the prospective juror a qualification form accompanied by instructions to fill out and return the form by mail to the clerk within ten days after its receipt. The juror qualification form must be approved by the state court administrator as to matters of form and must elicit the name, address of residence, and age of the prospective juror and whether the prospective juror:
 - a. Is a citizen of the United States and a resident of the county;
 - b. Is able with reasonable accommodation to communicate and understand the English language;
 - c. Has any physical or mental disability that may require reasonable accommodation to render satisfactory jury service; and
 - d. Has lost the right to vote because of imprisonment resulting from conviction of a felony (section 27-09.1-08).

The juror qualification form must contain the prospective juror's declaration that the responses are true to the best of the prospective juror's knowledge and the prospective juror's acknowledgment that a willful misrepresentation of a material fact may be punished by a fine of not more than ~~five hundred~~ one thousand dollars or imprisonment in the county jail for not more than thirty days, or both. Notarization of the juror qualification form is not required. If the prospective juror is unable to fill out the form, another person may do it for the prospective juror and shall indicate that fact and the reason therefor. If it appears there is an omission, ambiguity, or error in a returned form, the clerk shall again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form to the clerk within ten days after its second receipt.

SECTION 3. AMENDMENT. Section 40-05-06 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-05-06. City fines and penalties limited.

1. Except as provided in subsections 2 and 3, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city may not exceed ~~five hundred~~ one thousand dollars, and the imprisonment may not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which ~~shall~~ may not exceed the limits, for equivalent categories of violations, set forth in section 39-06.1-06.
3. For every violation of a city ordinance enforcing the requirements of 40 CFR 403 relating to publicly owned treatment works, or prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both such fine and imprisonment.

This section does not prohibit the ~~utilization~~ use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor does this section limit the use of deferred or suspended sentences under subsections 3 and 4 of section 12.1-32-02.

SECTION 4. AMENDMENT. Section 40-18-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-14. Municipal judge may enforce orders and judgments and punish for contempt.

A municipal judge has the power to enforce due obedience to the court's orders and judgments. The judge may fine or imprison for contempt committed in the judge's presence while holding court, as well as for contempt of process issued, and of orders made by the judge. When an act or omission constituting a contempt in a municipal court is not committed in the presence of the municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest thereupon may issue on which the person accused may be arrested and brought before the municipal judge immediately. The person must be given a reasonable opportunity to employ counsel and defend against the alleged contempt. After hearing the allegations and proofs, the municipal judge may discharge the person or adjudge the person guilty and may punish by fine or imprisonment or both. The fine in any case may not be more than ~~five hundred~~ one thousand dollars and the imprisonment may not be more than thirty days.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1195.

House Vote: Yeas 90 Nays 0 Absent 7

Senate Vote: Yeas 45 Nays 4 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State