

SENATE BILL NO. 2339

Introduced by

Senators Flakoll, Lyson, Traynor

Representatives DeKrey, Mahoney

1 A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code,
2 relating to transfers from municipal to district court.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 40-18-15.1 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **40-18-15.1. Transfer to district court - Expenses of prosecution - Division of**
7 **funds and expenses between city, county, and state.** A matter may be transferred to district
8 court for trial only if within twenty-eight days after arraignment the defendant ~~has requested~~
9 requests, in writing, to transfer the case to district court and to exercise for the sole purpose of
10 exercising the defendant's right to a jury trial. If the defendant enters a plea of guilty or a plea
11 agreement is reached before the selection of a jury, if the defendant waives a jury trial, or upon
12 a finding of guilt, the case, upon the request of the city prosecutor, must be remanded to the
13 municipal court from which the transfer took place for conclusion. The city shall provide a
14 prosecuting attorney and, in the case of any indigent defendant, a defense attorney. The city
15 may contract with the county, state, or any individual or entity for prosecution or defense
16 services. In the contract, the city, county, and state may agree to a division of all fees, fines,
17 costs, forfeitures, and any other monetary consideration collected from cases transferred under
18 this section, which must be paid to the city and county treasury and state general fund at least
19 once each quarter. At the time of payment, the clerk of district court shall account under oath to
20 the city auditor, county, and state treasurer for all money collected. In the contract the city,
21 county, and state may also agree to a division of expenses, including jury and witness
22 expenses, related to cases transferred under this section. In the absence of a contract all fees,
23 fines, costs, forfeitures, and any other monetary consideration collected from transferred cases
24 must be deposited in the state general fund.