

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 1, line 1, replace "and" with a comma

Page 1, line 2, after "27-20-02" insert ", and section 40-18-14"

Page 1, line 8, remove the overstrike over "~~an infraction~~" and remove "a noncriminal offense"

Page 2, line 2, overstrike "1 or"

Page 2, line 3, after "dollars" insert "for a minor fourteen years of age or older who has been charged with an offense under subsection 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt"

Page 2, line 4, replace "person" with "minor fourteen years of age or older" and remove "1 or"

Page 2, line 7, replace "under this section" with "of subsection 2"

Page 2, line 19, replace "under this section" with "of subsection 2"

Page 2, after line 26, insert:

"c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt."

Page 2, line 28, overstrike "this section" and insert immediately thereafter "subsection 2"

Page 3, line 9, after "offense" insert "committed by a minor fourteen years of age or older"

Page 3, line 10, after "under" insert "subsection 2 of" and after "12.1-31-03" insert "or an equivalent local ordinance or resolution"

Page 3, after line 14, insert:

**"SECTION 3. AMENDMENT.** Section 40-18-14 of the 1999 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~~ may 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 one thousand dollars and the imprisonment may not be more than thirty days. In addition, a person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the municipal judge to a sanction or order designed to ensure compliance with payment of the fee or fine, or to an alternative sentence or sanction including community service."

Renumber accordingly