

June 2009

TITLE 29

Judicial Procedure, Criminal

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 29. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1107 clarifies the circumstances under which a defendant for whom legal counsel is provided at public expense is required to reimburse the state for the expenses. The bill also provides that expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county.

House Bill No. 1288 provides that the use of a uniform traffic complaint and summons must comply with the North Dakota Rules of Criminal Procedure.

House Bill No. 1336 removes a cross-reference to Section 14-07.1-13, which is repealed in this bill.

House Bill No. 1416 provides that a peace officer who receives a warrant for the arrest of a fugitive and does not execute the warrant must enter the warrant in the central warrant information system. The bill provides that a warrant of arrest for the failure to pay a fine or fee may be entered at the discretion of the peace officer. The bill also provides that a criminal justice agency may specify whether the agency will extradite from outside the county or state and the county or state from which the agency will extradite.

Senate Bill No. 2119 changes the method by which the clerk of district court selects the name of jurors. The bill provides that the clerk must select the names of prospective jurors from a randomized list of names developed in accordance with Chapter 27-09.1 and court rules. The bill also repeals sections that relate to the previous process of selecting jurors, a process which involved drawing names of prospective jurors from names placed in a covered box.

Senate Bill No. 2028 decreases from \$50 to \$25 the amount of the community service supervision fee that the court must impose upon a defendant who receives a sentence that includes community service.

Senate Bill No. 2120 clarifies that a defendant has the right to have a trial in the county in which the offense is alleged to have been committed or is triable.

Senate Bill No. 2182 provides that notification to the owner of seized property that the property may be reclaimed must be done by regular mail if the value of the property is less than \$250 and by certified mail if the value of the property is equal to or greater than \$250. These threshold amounts were increased from \$50.