

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1310

Introduced by

Representatives Dahl, Kreun, Gruchalla

Senators Lyson, Nething

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 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 North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-18-15.1. Transfer to district court - Expenses of prosecution - Division of funds**
7 **and expenses between city, county, and state.**

8 A matter may be transferred to district court for trial only if within twenty-eight days after
9 arraignment the defendant has requested in writing to transfer the case to district court and to
10 exercise the defendant's right to a jury trial. After a transfer to district court, if the defendant
11 waives a jury trial, the matter must be remanded to the municipal court unless the defendant
12 and the prosecuting attorney agree that jurisdiction for the matter should remain with the district
13 court. If the defendant does not waive a jury trial, the district court shall retain jurisdiction for
14 sentencing. The city shall provide a prosecuting attorney and, in the case of any indigent
15 defendant, a defense attorney. The city may contract with the county, state, or any individual or
16 entity for prosecution or defense services. In the contract, the city, county, and state may agree
17 to a division of all fees, fines, costs, forfeitures, and any other monetary consideration collected
18 from cases transferred under this section, which must be paid to the city and county treasury
19 and state general fund at least once each quarter. At the time of payment, the clerk of district
20 court shall account under oath to the city auditor, county, and state treasurer for all money
21 collected. In the contract the city, county, and state may also agree to a division of expenses,
22 including jury and witness expenses, related to cases transferred under this section. In the
23 absence of a contract all fees, fines, costs, forfeitures, and any other monetary consideration
24 collected from transferred cases must be deposited in the state general fund.