

HOUSE CONCURRENT RESOLUTION NO. 3036

Introduced by

Representatives Klemin, Boehning, Delmore

Senators Hogue, Nething, Olafson

1 A concurrent resolution directing the Legislative Management to study the trial by jury rights of a
2 person charged with the commission of a misdemeanor, including the extent to which jury trials
3 are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for
4 misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of
5 imprisonment for Class B misdemeanors; and a review of the jury trial process of other states.

6 **WHEREAS**, Section 13 of Article I of the Constitution of North Dakota provides that "[t]he
7 right of trial by jury shall be secured to all, and remain inviolate"; and

8 **WHEREAS**, Section 13 of Article I of the Constitution of North Dakota also provides that a
9 person accused of a crime for which the person may be confined for a period of more than one
10 year has the right of trial by a jury of 12; and

11 **WHEREAS**, North Dakota Century Code Section 29-01-06 provides that in all criminal
12 prosecutions, the party accused has the right to a speedy and public trial by an impartial jury;
13 and

14 **WHEREAS**, the North Dakota Rules of Criminal Procedure provide that if the defendant is
15 entitled to a jury trial, the trial must be by jury unless the defendant waives a jury trial in writing
16 or in open court, the prosecuting attorney consents, and the court approves; and

17 **WHEREAS**, in 2009 and 2010 approximately 118 misdemeanor jury trials were held each
18 year in the state; and

19 **WHEREAS**, the annual cost of jury compensation for misdemeanor trials in the state is
20 approximately \$35,000 plus mileage reimbursements;

21 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
22 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

23 That the Legislative Management study the trial by jury rights of a person charged with the
24 commission of a misdemeanor, including the extent to which jury trials are conducted in the
25 state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor

- 1 offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for
- 2 Class B misdemeanors; and a review of the jury trial process of other states; and
- 3 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
- 4 recommendations, together with any legislation required to implement the recommendations, to
- 5 the Sixty-third Legislative Assembly.