

Sixty-second
Legislative Assembly
of North Dakota

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. ~~Upon transfer to district court, if the defendant~~
11 ~~enters a plea of not guilty or a plea agreement is reached before the selection of a jury, if the~~
12 ~~defendant waives a jury trial, or upon a finding of guilt, upon the request of the city prosecuting~~
13 ~~attorney, the matter must be remanded to the municipal court from which the transfer occurred~~
14 ~~for conclusion.~~ After a transfer to district court, if the defendant waives a jury trial, the matter
15 must be remanded to the municipal court. If the defendant does not waive a jury trial, the district
16 court shall retain jurisdiction for sentencing. The city shall provide a prosecuting attorney and, in
17 the case of any indigent defendant, a defense attorney. The city may contract with the county,
18 state, or any individual or entity for prosecution or defense services. In the contract, the city,
19 county, and state may agree to a division of all fees, fines, costs, forfeitures, and any other
20 monetary consideration collected from cases transferred under this section, which must be paid
21 to the city and county treasury and state general fund at least once each quarter. At the time of
22 payment, the clerk of district court shall account under oath to the city auditor, county, and state
23 treasurer for all money collected. In the contract the city, county, and state may also agree to a
24 division of expenses, including jury and witness expenses, related to cases transferred under

Sixty-second
Legislative Assembly

- 1 this section. In the absence of a contract all fees, fines, costs, forfeitures, and any other
- 2 monetary consideration collected from transferred cases must be deposited in the state general
- 3 fund.