

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. If the defendant does
12 not waive a jury trial, the district court shall retain jurisdiction for sentencing. The city shall
13 provide a prosecuting attorney and, in the case of any indigent defendant, a defense attorney.
14 The city may contract with the county, state, or any individual or entity for prosecution or
15 defense services. In the contract, the city, county, and state may agree to a division of all fees,
16 fines, costs, forfeitures, and any other monetary consideration collected from cases transferred
17 under this section, which must be paid to the city and county treasury and state general fund at
18 least once each quarter. At the time of payment, the clerk of district court shall account under
19 oath to the city auditor, county, and state treasurer for all money collected. In the contract the
20 city, county, and state may also agree to a division of expenses, including jury and witness
21 expenses, related to cases transferred under this section. In the absence of a contract all fees,
22 fines, costs, forfeitures, and any other monetary consideration collected from transferred cases
23 must be deposited in the state general fund.