

Sixty-second
Legislative Assembly
of North Dakota

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; a review of the jury trial process of other states; and
6 the right to a jury trial in civil traffic cases.

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

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

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

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

18 **WHEREAS**, the North Dakota Supreme Court has found a constitutional right to a jury trial
19 in civil traffic cases; and

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

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

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

- 1 That the Legislative Management study the trial by jury rights of a person charged with the
2 commission of a misdemeanor, including the extent to which jury trials are conducted in the
3 state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor
4 offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for
5 Class B misdemeanors; a review of the jury trial process of other states; and the feasibility and
6 desirability of eliminating a jury trial right for civil traffic tickets; and
- 7 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
8 recommendations, together with any legislation required to implement the recommendations, to
9 the Sixty-third Legislative Assembly.