

Sixty-second  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1065**

Introduced by

Representative DeKrey

(At the request of the Commission on Legal Counsel for Indigents)

1 A BILL for an Act to amend and reenact subsection 1 of section 29-07-01.1 of the North Dakota  
2 Century Code, relating to payment of and reimbursement for indigent defense attorney's fees  
3 and expenses.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 29-07-01.1 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 1. Lawyers provided to represent indigent persons must be compensated at a  
8 reasonable rate to be determined by the commission on legal counsel for indigents.  
9 Expenses necessary for the adequate defense of an indigent person prosecuted in  
10 district court, other than for a violation of a home rule county's ordinance, when  
11 approved by the commission, must be paid by the state. Expenses necessary for the  
12 adequate defense of an indigent person prosecuted for violation of a home rule  
13 county's ordinance must be paid by the home rule county. Expenses necessary for the  
14 adequate defense of an indigent person prosecuted in municipal court, when approved  
15 by the judge, must be paid by the city in which the alleged offense took place. The city  
16 shall also pay the expenses in any matter transferred to district court pursuant to  
17 section 40-18-06.2 or 40-18-15.1 and, in any appeal taken to district court from a  
18 judgment of conviction in municipal court pursuant to section 40-18-19, and in an  
19 appeal or postconviction matter seeking relief from a conviction resulting from violation  
20 of a municipal ordinance. A defendant requesting representation by counsel at public  
21 expense, or for whom counsel provided at public expense without a request is  
22 considered appropriate by the court, shall submit an application for indigent defense  
23 services. For an application for indigent defense services in the district court, a  
24 nonrefundable application fee of twenty-five dollars must be paid at the time the

1 application is submitted. The district court may extend the time for payment of the fee  
2 or may waive or reduce the fee if the court determines the defendant is financially  
3 unable to pay all or part of the fee. If the application fee is not paid before disposition  
4 of the case, the fee amount must be added to the amount to be reimbursed under this  
5 section. Application fees collected under this subsection must be forwarded for deposit  
6 in the indigent defense administration fund established under subsection 4.