

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 288

HOUSE BILL NO. 1165
(Murphy)

COSTS IN CRIMINAL CASES

AN ACT to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to criminal sentences and the imposition of costs; and to repeal section 33-12-33 of the North Dakota Century Code, relating to the disposition of fines assessed by a county justice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 29-26-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-26-22. JUDGMENT FOR FINES AND COSTS - STATEMENT TO BE FILED BY COURT - DOCKETING AND ENFORCEMENT.) In all cases of conviction, the costs of the prosecution may be taxed against the defendant. If the court does assess costs as part of its sentence, the court shall file a statement with the judgment justifying the amount assessed, which amount shall not exceed the expenses actually incurred. Costs shall not include any apportionment of salaries of judicial or law enforcement officers, nor shall any apportionment of maintenance costs, utility expenses, or amortization of capital expenditures be included in any assessment of costs. A judgment that the defendant pay a fine and costs, or either, must be docketed, and thereafter constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action.

SECTION 2. REPEAL.) Section 33-12-33 of the North Dakota Century Code is hereby repealed.

Approved March 9, 1975

CHAPTER 289

SENATE BILL NO. 2048
(Barth, Hoffner, Iszler, Kautzmann)
(From Legislative Council Study)

COMPENSATION FOR RETURNING FUGITIVES

AN ACT to amend and reenact section 29-30-14 of the North Dakota Century Code, relating to the per diem paid to agents returning fugitives from justice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 29-30-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

29-30-14. COMPENSATION AND EXPENSES OF AGENTS FOR RETURN OF FUGITIVES.) An agent appointed to receive and return to the state a fugitive from justice under the laws of the United States shall receive as his compensation a per diem not exceeding twenty dollars, and his actual expenses while in the discharge of his duties. The account of any such agency shall be paid:

1. In a case of treason or felony, by the state, upon:
 - a. The audit and approval by the board of county commissioners of the county in which the crime was committed; and
 - b. The approval of the attorney general; and
2. In the case of any other crime, by the county, upon the audit and approval by the board of county commissioners of the county in which the crime was committed.

Approved February 28, 1975