

HOUSE BILL NO. 1497

Introduced by

Representatives Aarsvold, Gruchalla, S. Meyer, Skarphol

Senators G. Lee, Triplett

1 A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code,
2 relating to court administration fees.

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

4 **SECTION 1. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-26-22. Judgment for fines and court administration fee - Special fund -**
7 **Docketing and enforcement - County technology fee.**

- 8 1. In all criminal cases except infractions, upon a plea or finding of guilt, the court
9 shall impose a court administration fee in lieu of the assessment of court costs.
10 The court administration fee must include a fee of one hundred twenty-five dollars
11 for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four
12 hundred dollars for a class C felony, six hundred fifty dollars for a class B felony,
13 and nine hundred dollars for a class A or AA felony. In addition, in all criminal
14 cases except infractions, the court administration fee must include one hundred
15 dollars. Of the additional one hundred dollar court administration fee, the first
16 seven hundred fifty thousand dollars collected per biennium must be deposited in
17 the indigent defense administration fund, which must be used to contract for
18 indigent defense services in this state, and the next four hundred sixty thousand
19 dollars collected per biennium must be deposited in the court facilities improvement
20 and maintenance fund. After the minimum thresholds have been collected,
21 one-half of the additional court administration fee must be deposited in each fund.
- 22 2. In addition to the court administration fees imposed under subsection 1, in all
23 criminal cases except infractions, the court shall impose a county technology fee of
24 fifteen dollars. The court shall transfer the fifteen dollar county technology fee to

1 the county treasurer, or other designated official, to be deposited in the county
2 general fund of the county in which the fee is imposed. The county shall use the
3 funds collected under this subsection to offset the county's cost of obtaining
4 state-provided technology services.

5 3. A court may waive the administration fee or county technology fee upon a showing
6 of indigency as provided in section 25-03.1-13. District court administration fees,
7 exclusive of amounts deposited in the indigent defense administration fund and the
8 court facilities and improvement fund, and forfeitures must be deposited in the
9 state general fund. A judgment that the defendant pay a fine ~~or~~, court
10 administration fee, or ~~both~~, county technology fee may be docketed and if
11 docketed constitutes a lien upon the real estate of the defendant in like manner as
12 a judgment for money rendered in a civil action. The court may allow the
13 defendant to pay any assessed administration fee or county technology fee in
14 installments. When a defendant is assessed administration fees or a county
15 technology fee, the court may not impose at the same time an alternative sentence
16 to be served if the fees are not paid.