

SENATE BILL NO. 2028

Introduced by

Legislative Council

(Commission on Alternatives to Incarceration)

1 A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code,
2 relating to repeal of the community service supervision fee.

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 - Court administration fee - ~~Community service~~**
7 **~~supervision fee~~ - Special funds - Docketing and enforcement.**

- 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.
- 14 2. In addition, in all criminal cases except infractions, the court administration fee
15 must include one hundred dollars. Of the additional one hundred dollar court
16 administration fee, the first seven hundred fifty thousand dollars collected per
17 biennium must be deposited in the indigent defense administration fund, which
18 must be used to contract for indigent defense services in this state, and the next
19 four hundred sixty thousand dollars collected per biennium must be deposited in
20 the court facilities improvement and maintenance fund. After the minimum
21 thresholds have been collected, one-half of the additional court administration fee
22 must be deposited in each fund.
- 23 3. ~~In addition to any court administration fees that may be imposed under~~
24 ~~subsections 1 and 2, the court shall impose upon each defendant who receives a~~

1 ~~sentence that includes community service a community service supervision fee of~~
2 ~~fifty dollars. The community service supervision fee must be deposited in the~~
3 ~~community service supervision fund. The fees deposited in this fund must be used~~
4 ~~to provide community service supervision grants subject to legislative~~
5 ~~appropriations.~~

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