

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections
2 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to
3 court fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 6. When the restitution ordered by the court under subsection 1 is the result of a finding
8 that the defendant issued a check or draft without sufficient funds or without an
9 account, the court shall impose as costs the greater of the sum of ~~ten~~twenty dollars or
10 an amount equal to twenty-five percent of the amount of restitution ordered. The costs
11 imposed under this subsection, however, may not exceed one thousand dollars. The
12 state-employed clerks of district court shall remit the funds collected as costs under
13 this subsection to the state treasurer for deposit in the restitution collection assistance
14 fund. The funds deposited into the restitution collection assistance fund are
15 appropriated to the judicial branch on a continuing basis for the purpose of defraying
16 expenses incident to the collection of restitution, including operating expenses and the
17 compensation of additional necessary personnel. The state's attorneys and
18 county-employed clerks of district court shall remit the funds collected as costs under
19 this subsection to the county treasurer to be deposited in the county general fund.

20 **SECTION 2. AMENDMENT.** Section 27-01-10 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **27-01-10. Fee assessments for funding crime victim and witness programs.**

23 1. The governing body of a county shall, by resolution, authorize the district judges
24 serving that county to assess a fee under subsection 3 of not more than ~~twenty-five~~fifty

1 dollars as part of a sentence imposed on a defendant who pleads guilty to or is
2 convicted of a criminal offense or of violating a municipal ordinance for which the
3 maximum penalty that may be imposed by law for the offense or violation includes
4 imprisonment.

5 2. The governing body of a city shall, by ordinance, authorize a municipal judge to
6 assess a fee under subsection 3 of not more than ~~twenty-five~~fifty dollars as part of a
7 sentence imposed on a defendant who pleads guilty to or is convicted of violating a
8 municipal ordinance for which the maximum penalty that may be imposed under the
9 ordinance for the violation includes imprisonment.

10 3. The governing body of the county or city shall determine the amount of the fee to be
11 assessed in all cases or it may authorize the district or municipal judge to determine
12 the amount of the fee to be assessed in each case. The fee assessed under this
13 section is in addition to any fine, penalty, costs, or administrative fee prescribed by
14 law. The district or municipal judge shall assess the fee when sentence is imposed or
15 when sentence is suspended or imposition of sentence is deferred, unless the
16 defendant is indigent and unable to pay the fee. All fees paid to a district or municipal
17 court under this section must be deposited monthly in the county or city treasury for
18 allocation by the governing body of the county or city to one or more of the following
19 programs as determined by the governing body or by agreement of the attorney
20 general, the North Dakota league of cities, and the North Dakota association of
21 counties:

22 a. A private, nonprofit domestic violence or sexual assault program.

23 b. A victim and witness advocacy program of which the primary function is to
24 provide direct services to victims of and witnesses to crime.

25 c. The statewide automated victim information and notification system, as provided
26 for under chapter 12.1-34.

27 **SECTION 3. AMENDMENT.** Section 27-03-05 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **27-03-05. Fees to be charged and collected by clerk of supreme court.**

30 The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred~~
31 ~~twenty-five~~two hundred fifty dollars upon the filing in the supreme court of the record in any

1 cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise
2 of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the
3 supreme court shall charge and collect any electronic filing processing fee established by court
4 rule for any matter filed in an electronic format.

5 **SECTION 4. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **27-05.2-03. Fees to be charged by the clerk of the district court.**

8 1. A clerk of the district court shall charge and collect the following fees in civil cases:

9 a. For filing a case for decision that is not a small claims action, ~~eightyone hundred~~
10 ~~sixty~~ dollars.

11 (1) ~~Fifteen~~Thirty dollars of this fee must be paid by the clerk of court to the state
12 treasurer for deposit in the civil legal services fund. Any fees collected under
13 this paragraph which exceed ~~seven hundred fifty thousand~~nine hundred
14 thousand dollars in any biennium must be paid by the clerk of court to the
15 state treasurer for deposit in the state general fund.

16 (2) For the filing of a petition for dissolution of marriage, annulment, or
17 separation from bed and board, ~~fiftyone hundred~~ dollars of this fee must be
18 paid by the clerk of court to the state treasurer for deposit in the displaced
19 homemaker account created by section 14-06.1-14 and ~~fifteen~~thirty dollars
20 of this fee must be paid by the clerk of court to the state treasurer for
21 deposit in the state general fund.

22 (3) For all other filings, ~~sixty-five~~one hundred thirty dollars of this fee must be
23 paid by the clerk of court to the state treasurer for deposit in the state
24 general fund.

25 b. For filing an answer to a case that is not a small claims action, ~~fiftyone hundred~~
26 dollars. The clerk shall deposit this fee with the state treasurer for deposit in the
27 general fund in the state treasury.

28 c. For filing a small claims action in district court, ~~ten~~twenty dollars.

29 d. For filing any matter authorized to be filed in the office of the clerk of court other
30 than under subdivision a, b, or c, ~~ten~~twenty dollars.

- 1 e. For preparing, certifying, issuing, or transmitting any document, ~~ten~~twenty dollars,
2 or a lesser fee as may be set by the state court administrator.
- 3 f. For filing a motion ~~or an answer to a motion~~ to modify an order for
4 ~~alimony~~spousal support, property division, child support, parental rights and
5 responsibilities, residential responsibility, or child custody~~parenting time~~, ~~thirtyone~~
6 ~~hundred sixty~~ dollars. For filing an answer to a motion to modify an order for
7 spousal support, property division, child support, parental rights and
8 responsibilities, residential responsibility, or parenting time, one hundred dollars.
- 9 The clerk shall deposit this fee with the state treasurer for deposit in the general
10 fund of the state treasury.
- 11 2. Section 27-01-07 applies to fees charged under this section. The clerk of court may
12 not charge or collect any fee, prescribed by this or any other section, from the state or
13 an agency thereof or from a political subdivision or agency thereof.

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

16 **29-26-22. Judgment for fines - Court administration fee - Community service**
17 **supervision fee - Special funds - Docketing and enforcement. (Retroactive application -**
18 **[See note](#))**

- 19 1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall
20 impose a court administration fee in lieu of the assessment of court costs. The court
21 administration fee must include a fee of ~~one hundred twenty five~~two hundred fifty
22 dollars for a class B misdemeanor, ~~two hundred~~four hundred dollars for a class A
23 misdemeanor, ~~four hundred~~eight hundred dollars for a class C felony, ~~six hundred~~
24 ~~fiftyone thousand three hundred~~ dollars for a class B felony, and ~~nine hundredone~~
25 thousand eight hundred dollars for a class A or AA felony.
- 26 2. In addition, in all criminal cases except infractions, the court administration fee must
27 include ~~one hundred~~two hundred dollars. Of the additional ~~one hundred~~two hundred
28 dollar court administration fee, the first seven hundred fifty thousand dollars collected
29 per biennium must be deposited in the indigent defense administration fund, which
30 must be used for indigent defense services in this state, and the next four hundred
31 sixty thousand dollars collected per biennium must be deposited in the court facilities

- 1 improvement and maintenance fund. After the minimum thresholds have been
2 collected, one-half of the additional court administration fee must be deposited in each
3 fund.
- 4 3. In addition to any court administration fees that may be imposed under subsections 1
5 and 2, the court shall impose upon each defendant who receives a sentence that
6 includes community service a community service supervision fee of ~~twenty-five~~fifty
7 dollars. The community service supervision fee must be deposited in the community
8 service supervision fund. The fees deposited in this fund must be used to provide
9 community service supervision grants subject to legislative appropriations.
- 10 4. A court may waive the administration fee or community service supervision fee upon a
11 showing of indigency as provided in section 25-03.1-13. District court administration
12 fees, exclusive of amounts deposited in the indigent defense administration fund and
13 the court facilities and improvement fund, and forfeitures must be deposited in the
14 state general fund. A judgment that the defendant pay a fine or fees, or both, may be
15 docketed and if docketed constitutes a lien upon the real estate of the defendant in
16 like manner as a judgment for money rendered in a civil action. The court may allow
17 the defendant to pay any assessed administration fee or community service
18 supervision fee in installments. When a defendant is assessed administration fees or a
19 community service supervision fee, the court may not impose at the same time an
20 alternative sentence to be served if the fees are not paid.
- 21 5. Upon successful completion of an approved adult drug court program, a court may
22 waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing
23 the defendant to the drug court program, except for restitution. For purposes of this
24 subsection, "approved drug court program" means a district court-supervised
25 treatment program approved by the supreme court.