



February 17, 2025  
Senate Judiciary Committee  
HB 1032  
Senator Diane Larson, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities, in support of HB 1032. I am the deputy director and attorney for the North Dakota League of Cities.

HB 1032 is the result of an interim study of municipal courts. The study sought to clarify several sections in the Century Code related to municipal courts and is the result of collaboration between the Interim Legislative Judiciary Committee, the North Dakota Supreme Court, the Municipal Judges Association, and the North Dakota League of Cities.

The bill repeals NDCC ch. 40-18 and replaces it with a new chapter NDCC ch. 40-18.1. A lot of the requirements related to municipal courts stay the same under the bill; however, there are a few changes I want to highlight for the committee.

The bill creates jurisdiction in district court for violations of municipal ordinances in cities under 5,000 when they do not have a municipal court. We have had instances where smaller cities have had challenges setting up a municipal court or do not have one and need a place to resolve a municipal ordinance violation.

The bill adds a process for the municipal court to refer a class B misdemeanor to district court when a fitness to proceed issue arises. Under the current law, the only option is usually for the court to dismiss a class B misdemeanor. It also adds a section to allow for transferring a case to district court for issues surrounding criminal responsibility.

The bill provides that in cities with a population over 5,000, the city can provide by ordinance for a judge not being required to be a resident of the city. Currently, in cities over 5,000 population, the judge must be a resident of the city.

The bill provides that a city prosecutor must be present for all contested hearings and proceedings involving a class B misdemeanor in municipal court. Currently, there is a court rule suggesting that the city has a prosecutor present.

Finally, the bill provides authority for the North Dakota Judicial Conduct Commission to order a non-law trained judge not to hear cases for failure to comply with the rules. This authority is lacking in the current version of NDCC ch. 40-18.

The North Dakota League of Cities respectfully requests a Do Pass recommendation on HB 1032.