

June 2007

TITLE 29

Judicial Procedure, Criminal

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 29. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1122 provides that the payment of expenses for the defense of indigents is the responsibility of the Commission on Legal Counsel for Indigents. The bill also provides that the expenses for the defense of an indigent person prosecuted in municipal court, when approved by the judge, must be paid by the city in which the alleged offense took place.

House Bill No. 1224 provides that a report or a portion of a report of a state grand jury which is suppressed or sealed may not be opened even by order of the court.

Senate Bill No. 2243 imposes a \$50 community service supervision fee upon each defendant who receives a sentence that includes community service. The bill provides that the community service supervision fees collected are to be deposited in the community service supervision fund. The fund is to be used to provide community service supervision grants.

Senate Bill No. 2248 provides that any person who, while outside North Dakota, solicits sexual contact with a person believed to be a minor who at the time of the solicitation is located in this state, is subject to prosecution under the laws of North Dakota. The bill also provides that the venue for the prosecution of the crime of luring a minor by computer or other electronic means is in any county in which the offense is committed, or into or out of which the individual upon whom the offense was committed may have been brought in the course of the commission of the offense, or in which an act was done by the accused in instigating, procuring, promoting, soliciting, or facilitating the commission of the offense.

Senate Bill No. 2378 provides that, under certain conditions, a federal agent, which includes an employee of the Federal Bureau of Investigation or the federal Drug Enforcement Administration who is authorized to arrest for a violation of a federal law, has the same authority and immunity as a peace officer in this state for making an arrest for a nonfederal crime.