

**SENATE BILL NO. 2028  
with House Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**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 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 twenty-five~~  dollars. The community service supervision fee must be deposited  
3 in the community service supervision fund. The fees deposited in this fund must  
4 be used 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.