

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2219

Introduced by

Senators Miller, Olafson, Schneider

Representatives Kilichowski, Kingsbury, Thoreson

1 A BILL for an Act to amend and reenact section 27-01-10 of the North Dakota Century Code,
2 relating to fees assessed for criminal violations; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 27-01-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-01-10. Fee assessments for funding crime victim and witness programs.**

- 7 1. The governing body of a county may, by resolution, authorize the district judges
8 serving that county to assess a fee under subsection 3 of not more than ~~twenty-five~~
9 one hundred dollars as part of a sentence imposed on a defendant who pleads
10 guilty to or is convicted of a criminal offense or of violating a municipal ordinance
11 for which the maximum penalty that may be imposed by law for the offense or
12 violation includes imprisonment.
- 13 2. The governing body of a city may, by ordinance, authorize a municipal judge to
14 assess a fee under subsection 3 of not more than ~~twenty-five~~ one hundred dollars
15 as part of a sentence imposed on a defendant who pleads guilty to or is convicted
16 of violating a municipal ordinance for which the maximum penalty that may be
17 imposed under the ordinance for the violation includes imprisonment.
- 18 3. The governing body of the county or city may determine the amount of the fee to
19 be assessed in all cases or it may authorize the district or municipal judge to
20 determine the amount of the fee to be assessed in each case. The fee assessed
21 under this section is in addition to any fine, penalty, costs, or administrative fee
22 prescribed by law. The district or municipal judge may assess the fee when
23 sentence is imposed or when sentence is suspended or imposition of sentence is
24 deferred, unless the defendant is indigent and unable to pay the fee. All fees paid

- 1 to a district or municipal court under this section must be deposited monthly in the
- 2 county or city treasury for allocation by the governing body of the county or city to
- 3 one or more of the following programs as determined by the governing body:
- 4 a. A private, nonprofit domestic violence or sexual assault program.
- 5 b. A victim and witness advocacy program of which the primary function is to
- 6 provide direct services to victims of and witnesses to crime.