

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2022**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the commission on
2 legal counsel for indigents; to amend and reenact subsection 1 of section 29-07-01.1 of the
3 North Dakota Century Code, relating to the application fee for indigent defense services; and to
4 provide legislative intent.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from other income, to the
9 commission on legal counsel for indigents for the purpose of defraying the expenses of the
10 commission on legal counsel for indigents, for the biennium beginning July 1, 2013, and ending
11 June 30, 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Commission on legal counsel	\$11,779,282	\$2,525,122	\$14,304,404
15 for indigents			
16 Accrued leave payments	<u>0</u>	<u>116,872</u>	<u>116,872</u>
17 Total all funds	\$11,779,282	\$2,641,994	\$14,421,276
18 Less special funds	<u>1,970,852</u>	<u>527,014</u>	<u>2,497,866</u>
19 Total general fund	\$9,808,430	\$2,114,980	\$11,923,410
20 Full-time equivalent positions	30.00	3.00	33.00

21 **SECTION 2. AMENDMENT.** Subsection 1 of section 29-07-01.1 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 1. Lawyers provided to represent indigent persons must be compensated at a
24 reasonable rate to be determined by the commission on legal counsel for indigents.

1 Expenses necessary for the adequate defense of an indigent person prosecuted in
2 district court, other than for a violation of a home rule county's ordinance, when
3 approved by the commission, must be paid by the state. Expenses necessary for the
4 adequate defense of an indigent person prosecuted for violation of a home rule
5 county's ordinance must be paid by the home rule county. Expenses necessary for the
6 adequate defense of an indigent person prosecuted in municipal court, when approved
7 by the judge, must be paid by the city in which the alleged offense took place. The city
8 shall also pay the expenses in any matter transferred to district court pursuant to
9 section 40-18-06.2 or 40-18-15.1, in any appeal taken to district court from a judgment
10 of conviction in municipal court pursuant to section 40-18-19, and in an appeal or
11 postconviction matter seeking relief from a conviction resulting from violation of a
12 municipal ordinance. A defendant requesting representation by counsel at public
13 expense, or for whom counsel provided at public expense without a request is
14 considered appropriate by the court, shall submit an application for indigent defense
15 services. For an application for indigent defense services in the district court, a
16 nonrefundable application fee of ~~twenty-five~~thirty-five dollars must be paid at the time
17 the application is submitted. The district court may extend the time for payment of the
18 fee or may waive or reduce the fee if the court determines the defendant is financially
19 unable to pay all or part of the fee. If the application fee is not paid before disposition
20 of the case, the fee amount must be added to the amount to be reimbursed under this
21 section. Application fees collected under this subsection must be forwarded for deposit
22 in the indigent defense administration fund established under subsection 4.

23 **SECTION 3. LEGISLATIVE INTENT - REIMBURSEMENT OF ATTORNEY FEES.** It is the
24 intent of the sixty-third legislative assembly that a defendant who has been charged with a
25 felony and for whom counsel is provided by the commission on legal counsel for indigents pay
26 \$575 for reimbursement of attorney's fees.