

HOUSE BILL NO. 1076

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact section 29-08-28 of the North Dakota Century Code,
2 relating to bail as defendant's property.

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

4 **SECTION 1. AMENDMENT.** Section 29-08-28 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **29-08-28. Bail - Defendant's property.**

7 ~~Except as otherwise provided in this section, moneys~~Moneys deposited as bail are the
8 property of the defendant, whether deposited by the defendant or by a third person on the
9 defendant's behalf. If bail moneys are deposited by a third person, the person must be notified
10 at the time of deposit that the moneys ~~may~~will be paid to the defendant upon final disposition of
11 the case ~~or, subject to the moneys being applied to any fine, cost, or restitution imposed on~~due
12 from the defendant or applied to any child support obligation owed by the defendant. ~~The~~
13 ~~person may direct, subject to further order of the judge, that the deposited moneys be released~~
14 ~~to that person upon final disposition of the case.~~ When moneys are accepted by the court as
15 bail, the ~~judge~~court shall order that the moneys received ~~be~~ deposited with the clerk of court.
16 The clerk shall retain the moneys until the final order of the court disposing of the case. ~~Upon~~
17 ~~release of~~if the moneys held by the clerk are released, the moneys must be paid to the
18 defendant ~~or pursuant to the defendant's written direction or, unless otherwise ordered by the~~
19 ~~judge, as directed by a person who deposited moneys on behalf of the defendant~~court before
20 disposition of the case. ~~In the case of a conviction, the judge~~The court may order the moneys ~~to~~
21 ~~be applied to any fine, cost, or restitution imposed on~~due from the defendant or applied to any
22 child support obligation owed by the defendant. The balance of the deposit, if any, must be paid
23 to the defendant, ~~unless otherwise ordered by the court before disposition of the case.~~ Moneys

Sixty-third
Legislative Assembly

- 1 deposited with the court or clerk of court as bail are exempt from garnishment, attachment, or
- 2 execution.