

2025 HOUSE JUDICIARY

HB 1310

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1310
2/5/2025

Relating to repayment of rewards paid by crimestoppers programs, the fee for crime victim and witness programs, and the court facilities improvement and maintenance fund; and to provide for application.

2:26 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Representative VanWinkle

Discussion Topics:

- North Dakota indigent defense
- Judge discretion regarding who can waive court fees

2:27 p.m. Representative Bernie Satrom, North Dakota Representative for District 12, introduced the bill and provided testimony #35439 and #35440.

2:54 p.m. Arron Birst, North Dakota Association of Counties, testified in favor.

3:01 p.m. Sister Kathleen Atkinson, Director of Ministry on the Margins, testified in favor.

Additional written testimony:

Mary Mergler, Fines and Fees Justice Center, submitted testimony in favor #34875

3:03 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk



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Written Testimony in Support of H.B. 1310

To: Representative Lawrence R. Klemin, Chair
Representative Karen Karls, Vice Chair
Members of the North Dakota House Judiciary Committee

From: Mary Mergler
Fines & Fees Justice Center

Date: February 4, 2025

The Fines and Fees Justice Center (FFJC) submits this testimony in support of H.B. 1310. We thank Representative Satrom, Senator Conley, Representative Ostlie, and Representative Schauer for filing this critically important legislation, which would reduce the burden of fees imposed on people in the criminal justice system. Specifically, H.B. 1310 would eliminate the \$55 per month supervision fees, a \$35 indigent defense application fee, reimbursement of the costs of appointed defense counsel, a \$50 presentence investigation fee, a \$100 court administration fees, a \$25 community service supervision fee, a victim and witness program fee of up to \$25, and reimbursement for rewards paid by crimestoppers programs (collectively referred to as “criminal justice fees” in this testimony).

Eliminating these criminal justice fees would improve outcomes for people who have been involved in the system, making it more likely they would be able to successfully reenter their communities and avoid rearrest, as well as help North Dakota families who are financially struggling to meet their most basic needs. **FFJC urges the Committee to support H.B. 1310 and eliminate these criminal justice fees in North Dakota.**

Criminal Justice Fees Are Imposed on North Dakotans who Cannot Afford Them

The vast majority of people charged with crimes in North Dakota are low income. Nationally, an estimated four in five people who are charged with a crime are too poor to afford an attorney and qualify to have a public defender appointed to represent them.¹ More than half of people who are incarcerated had virtually no annual earnings three years preceding their

¹ See Marea Beeman et al., *At What Cost?: Findings From an Examination Into the Imposition of Public Defense System Fees* at 3, National Legal Aid & Defender Association (2022), available at https://www.nlada.org/sites/default/files/NLADA_At_What_Cost.pdf?v=2.0 (hereinafter “At What Cost?”).

incarceration, and for those that were employed, their median earnings were about \$6,300 annually.²

After being convicted of a crime, a person will experience a significant reduction in their lifetime earnings. People who were convicted of a felony and incarcerated for some period of time experience the greatest decrease: they will earn approximately \$480,000 less over the course of their lifetime compared to someone who was not involved in the criminal justice system.³

Overwhelmingly, people who are charged with and convicted of crimes do not have the financial resources to pay for anything beyond their basic needs. Yet, they are still charged huge amounts of fees related to their system involvement in North Dakota, including fees for the cost of their defense counsel, court costs, supervision fees, and other fees.

Importantly, these criminal justice fees are distinct from fines. **Fines are intended as a form of punishment. On the other hand, fees are not intended to serve as punishment and are only intended to generate revenue for the government.** Criminal justice fees are unjust in that they operate as a tax, attempting to force those people who are least able to pay to fund the justice system, rather than evenly distributing the financial burden among everyone that the criminal justice system serves.

While North Dakota is not alone in charging fees to people in the criminal justice system, a rapidly growing number of states are recognizing the harms inflicted by such fees and have begun to eliminate them. In recent years:

- Three states have eliminated fees related to public defenders or appointed counsel, joining the seven other states that already do not charge such fees.
- Five states have eliminated some court costs and assessments.
- Six states have eliminated fees related to probation supervision and/or parole supervision.
- Nine states have eliminated some types of fees charged to people who are incarcerated, including room and board fees, medical copays and phone call fees.
- At least 24 states have eliminated all or some of the fees assessed against youth and their families in the juvenile justice system.⁴

² Adam Looney, *Work and opportunity before and after incarceration*, The Brookings Institution (2018), available at https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf.

³ Terry-Ann Craigie et al., *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, The Brennan Center (2020), available at <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

⁴ For a list of state and local governments that have eliminated fees, visit the End Justice Fees campaign website, www.endjusticefees.org/reform. For a list of all states that fully or partially eliminated juvenile justice fines and fees, see <https://debtfreejustice.org/our-impact>.

Increasingly, states are recognizing that fees harm public safety and harm families, while being an inefficient and problematic source of funding for the criminal justice system.

Fees are a Barrier to Successful Reentry and Damage Community Safety

After people have been incarcerated or punished by the criminal justice system, they deserve a meaningful second chance to rebuild their lives. When returning citizens are able to gain financial stability, their chances of avoiding rearrest and further criminal justice system contact decreases dramatically. **However, fees are a widely recognized barrier to successful reentry. They trap people in a perpetual cycle of debt and punishment, making successful reentry exponentially more difficult and increasing recidivism.**⁵

Finding a job after incarceration is particularly challenging. An estimated 3 in 5 formerly incarcerated people are unemployed,⁶ and individuals with a criminal record are only half as likely to get a callback or job offer.⁷ Only 55% of people have any reported earnings at all in the calendar year following their incarceration.⁸ Of the 55% with earnings, the median income is \$10,990 – i.e., less than \$1,000 per month.⁹ Only 1 in 5 people have jobs in which they make more than \$15,000 in the year following their incarceration.¹⁰

Nonpayment of fees prolongs people's involvement with the criminal justice system, making it impossible to move on. When people do not pay the fines and fees they owe, a warrant may be issued for their arrest and they may even be incarcerated for nonpayment of fees: a recent study found nearly 1 in 5 people with fines and fees from criminal cases served some amount of time in jail due to nonpayment.¹¹

⁵ See, e.g., U.S. Dept. of Justice Office of the Associate Attorney General, *Dear Colleague Letter to Courts Regarding Fines and Fees for Youth and Adults* at 3 (Apr. 20, 2023), available at https://www.justice.gov/d9/press-releases/attachments/2023/04/20/doj_fines_and_fees_dear_colleague_letter_final_with_signatures_0.pdf (hereinafter DOJ Dear Colleague Letter).

⁶ Leah Wang & Wanda Bertram, *New data on formerly incarcerated people's employment reveal labor market injustices*, Prison Policy Institute (2022), available at <https://www.prisonpolicy.org/blog/2022/02/08/employment/>.

⁷ Caroline Cohn et al., *The High Cost of a Fresh Start: A State-by-State Analysis of Court Debt as a Bar to Record Clearing*, National Consumer Law Ctr. (2022), available at <https://www.nclc.org/resources/the-high-cost-of-a-fresh-start-a-state-by-state-analysis-of-court-debt-as-a-bar-to-record-clear/>.

⁸ Adam Looney, *Work and opportunity before and after incarceration*, The Brookings Institution (2018), available at https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See, e.g., Aravind Boddupalli, *How Fines and Fees Impact Family Well-Being*, Urban Institute-Brookings Institution Tax Policy Center (2024), available at <https://www.taxpolicycenter.org/publications/how-fines-and-fees-impact-family-well-being/full> (hereinafter "Fines and Fees Impact"). See also Johann D. Gaebler et al., *Forgotten But Not Gone: A Multi-State Analysis of Modern-Day Debt Imprisonment*, PLoS ONE 18(9): e0290397, available at <https://doi.org/10.1371/journal.pone.0290397>; At What Cost?, *supra* n.1 at 13.

The nonpayment of criminal justice fees can also lead directly to consequences that make getting hired for a job much more difficult – which in turn, is a barrier to them ever paying their fees. For example, not paying fees is a barrier to expungement and record sealing.¹² They may also endure years of court involvement when fees go unpaid, causing them to miss work repeatedly.¹³

Research has shown that higher amounts of fees owed were linked to increases in returning citizens being rearrested for a new offense.¹⁴ Fear of the profound consequences of not paying these fees can lead people to criminal activity to get the money to resolve their debt. A survey of more than 900 people with court debt found nearly two in five people reported engaging in illegal activities for purposes of paying their court debt, with similar results found in a second survey.¹⁵ **Eliminating criminal justice fees would reduce the amount of debt that people owe after criminal justice system involvement, and hence reduce the pressure people feel to pay these fees or suffer the consequences, ultimately improving public safety overall.**

Criminal Justice Fees Burden Entire Families, Not Just People Charged with Crimes

While criminal justice fees are technically assessed against individuals who have been charged with a crime, the costs are inevitably borne by entire households – children, spouses, parents and other dependents. Families are most often the primary source of support for people who are reentering communities after incarceration, and those families are also the ones footing the bill for outstanding fees while their loved one tries to reestablish their life and find stable employment. One study across 14 states found that in more than 3 in 5 cases, family members were the ones primarily responsible for paying what the fees of their incarcerated loved one, and the majority of families reported they could not afford what was owed.¹⁶ Of the family members responsible for paying, 83% were women.¹⁷

¹² Caroline Cohn et al., *The High Cost of a Fresh Start: A State-by-State Analysis of Court Debt as a Bar to Record Clearing*, Nat'l Consumer Law Ctr. (2022), available at <https://www.nclc.org/resources/the-high-cost-of-a-fresh-start-a-state-by-state-analysis-of-court-debt-as-a-bar-to-record-clear/>.

¹³ *At What Cost?*, supra n. 1 at 13.

¹⁴ Michael Ostermann et al., *Reframing the debate on legal financial obligations and crime: How accruing monetary sanctions impacts recidivism*, *Criminology*, Vol. 62, Issue 2, 331-363 (May 2024) DOI: 10.1111/1745-9125.12375; Tyler Giles, *The Government Revenue, Recidivism and Financial Health Effects of Criminal Fines and Fees*, Working Paper, available at <https://sites.google.com/view/tylergiles/research?authuser=0>.

¹⁵ Alabama Appleseed et al., *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide* (2018), available at <https://www.alabamaappleseed.org/underpressure>. See also Fines and Fees Justice Center, *The Impact of New Mexico's Fines and Fees: Interim Survey Results* (2023), available at https://finesandfeesjusticecenter.org/content/uploads/2023/01/New-Mexico-Survey-DIGITAL_2023.pdf.

¹⁶ Saneta deVuono-powell et al., *Who Pays? The True Cost of Incarceration on Families* at 13-14, Ella Baker Center (2015), available at <https://ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-exec-summary.pdf>.

¹⁷ *Id.*

Families regularly forgo basic necessities, like food, rent, and medical care, to pay fees owed to the justice system, fearing the consequences of nonpayment, like arrest and incarceration of their loved one.¹⁸ A 2023 study by the Fines and Fees Justice Center and the Wilson Center for Science and the Law at Duke University found that 1 in 3 adults in the U.S. had fine or fee debt in the previous 10 years.¹⁹ Of those with debt, more than 1 in 3 had challenges obtaining food as a result, and more than 1 in 4 reported the debt causing hardships related to housing.²⁰ **Another recent study looked at families owing court and incarceration-related fees, and the financial devastation was even more profound: 57% of families experienced food insecurity and 29% reported difficulty paying housing costs** (compared to 25% and 8% of families who did not owe fines and fees).²¹ Elimination of criminal justice fees would provide immediate financial relief to families, putting money back into their budgets to meet the essential needs of everyone in the household, including food, housing and healthcare.

Criminal Justice Fees Assessed are an Ineffective, Unreliable Way to Fund the Justice System

Collection rates of criminal justice fees are very low given that these fees are assessed against people who do not have the financial resources to pay them. Only a fraction of what is assessed is ever collected.²² For example, the collection rate of the supervision fees that would be eliminated by this bill is only 25%. While collection rates vary based on the type of fees and the jurisdiction, studies from across the country have documented dismal collection rates.²³ Nationally, there is more than \$27 billion in unpaid fines and fees outstanding.²⁴ With so many fees going uncollected, the amount collected from criminal justice fees is a tiny drop in the bucket of state revenue and only a fraction of the costs of the justice system. This revenue stream is also unreliable, ebbing and flowing based on external factors, and dependent upon crimes being committed to generate revenue.

¹⁸ *Id.*

¹⁹ Fines and Fees Justice Center & Wilson Center for Science and Justice at Duke Law, *Debt Sentence: How Fines And Fees Hurt Working Families* (2023), available at <https://finesandfeesjusticecenter.org/articles/debt-sentence-how-fines-and-fees-hurt-working-families/>.

²⁰ *Id.*

²¹ *Fines and Fees Impact*, *supra* n. 11 at 11.

²² See, e.g., Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, The Brennan Center (2019), available at brennancenter.org/sites/default/files/2019-11/2019_10_Fees%26Fines_Final5.pdf (hereinafter “Steep Costs”); Lauren-Brooke Eisen, *Paying for Your Time: How Charging Inmates Fees Behind Bars May Violate the Excessive Fines Clause*, Brennan Center (Jul. 31, 2024), available at <https://www.brennancenter.org/our-work/research-reports/paying-your-time-how-charging-inmates-fees-behind-bars-may-violate>.

²³ *Id.* See also Paige Wanner et al., *Legal Financial Obligations in Washington State: Final Report*, Washington Institute for Public Policy (December 2022).

²⁴ Brianna Hammons, *Tip of the Iceberg: How Much Criminal Justice Debt does the U.S. Really Have?* Fines and Fees Justice Center, 5 (Apr. 2021), available at <https://finesandfeesjusticecenter.org/articles/tip-of-the-iceberg-how-much-criminal-justice-debt-does-the-u-s-really-have/>.

Additionally, there are enormous costs associated with the collection of fees charged in the criminal justice system. **One study showed that on average it costs 121 times more to collect one dollar of criminal justice fees than it does to collect one dollar of tax revenue.**²⁵ In counties across Texas, New Mexico and Florida, more than 40% of each dollar collected went towards collection costs, and in some cases, counties actually spent more to collect the fees than they were raising in revenue.²⁶ In another study in Washington State, the state recouped less than 30% of every dollar spent on collections.²⁷

Reliance on fee revenue may misdirect law enforcement and court resources away from true safety concerns, instead forcing them to chase uncollectable debts. **Research shows that every 1% increase in revenue from fines and fees corresponds with a 6% decrease in the violent crime clearance rate and an 8% decrease in the property crime clearance rate.**²⁸ Police resources are limited and focusing them on fee collection puts public safety at risk. Revenue generation also generates greater distrust of law enforcement within communities, making people less likely to report crime and cooperate with police.²⁹

In short, the current framework of levying unaffordable fees on people least able to afford them is failing. The criminal justice system is an essential government service that works to ensure that people follow the law and are held accountable when they do not. Attempting to transfer the costs of the system to the people least able to afford it through fees puts the effectiveness and efficiency of this critically important system at risk.

The Solution: H.B. 1310 Eliminates Harmful Fees

The assessment of criminal justice fees, including supervision fees and counsel fees is a failed attempt to transfer the costs of the criminal justice system to those least able to afford those costs. People who are returning to their families and communities after incarceration and system involvement are saddled with enormous debt that is a major barrier to their successful reentry. H.B. 1310 would eliminate certain criminal justice fees, thereby improving reentry outcomes and public safety, and providing immediate relief to families struggling to meet their basic needs.

We appreciate the Committee's attention to this critical issue and urge you to support H.B. 1310. Do not hesitate to contact me with any follow up questions or requests for additional information.

²⁵ *Steep Costs*, *supra* n. 5.

²⁶ *Id.*

²⁷ Wanner, *supra* n. 23.

²⁸ Rebecca Goldstein et al., *Exploitative Revenues, Law Enforcement, and the Quality of Government Services*, *Urban Affairs Review* (August 2018): 1-27, 4-5 & 17.

²⁹ See, e.g., U.S. Dep't of Justice, *Investigation of the Ferguson Police Department*, March 4, 2015, 1-2, available at

https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

Respectfully submitted,

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About the Fines & Fees Justice Center

The Fines and Fees Justice Center is a national hub for information, advocacy, and collaboration for the reform of fines and fees. Our mission is to eliminate fees in the justice system, ensure that fines are equitably imposed, and end abusive collection practices. Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment. FFJC spearheads the bipartisan End Justice Fees coalition, which supports the elimination of fees that are charged in the justice system. These fees operate as a regressive tax, forcing those least able to pay to fund the justice system rather than evenly distributing the burden among everyone that it serves. Learn more about our work at www.finesandfeesjusticecenter.org and www.endjusticefees.org.

Harms of Fines and Fees to Families

- [*Debt Sentence: How Fines And Fees Hurt Working Families*](#), Fines and Fees Justice Center & Wilson Center for Science and Justice at Duke Law (2023)
 - **Key findings:** 1 in 3 adults in the U.S. had fine or fee debt in the previous 10 years. Of those with debt, more than 1 in 3 had challenges obtaining food as a result, and more than 1 in 4 reported the debt causing hardships related to housing.
- [*How Fines and Fees Impact Family Well-Being*](#), Urban Institute-Brookings Institution Tax Policy Center (2024)
 - **Key findings:** This study looked specifically at families owing court and incarceration-related fees for more serious charges, and the financial devastation was even more profound than what the FFJC/Wilson Center found: 57% of families experience food insecurity and 29% reported difficulty paying housing costs (compared to 25% and 8% of families who did not owe fines and fees).
- [*Who Pays? The True Cost of Incarceration on Families*](#), Ella Baker Center, (2015)
 - **Key findings:** More often than not, family members end up responsible for paying loved one's fines and fees. Of the family members responsible for paying, 83% were women.

Negative Impact of Fines and Fees on Safety & Reentry

- [*Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide*](#), Alabama Appleseed et al. (2018) and
- [*The Impact of New Mexico's Fines and Fees: Interim Survey Results*](#), Fines and Fees Justice Center (2023)
 - **Key findings:** These studies involved surveys of hundreds of people impacted by fines and fees. Both studies found that about 2 in 5 people reported engaging in illegal activity to get the money needed to pay court-ordered fines and fees.
- [*Exploitative Revenues, Law Enforcement, and the Quality of Government Services*](#), Rebecca Goldstein et al., Urban Affairs Review (2018)
 - **Key findings:** Every 1% increase in revenue from fines and fees corresponds with a 6% decrease in the violent crime clearance rate and an 8% decrease in the property crime clearance rate.
- [*Reframing the debate on legal financial obligations and crime: How accruing monetary sanctions impacts recidivism*](#), Michael Ostermann et al., Criminology (2024)
 - **Key findings:** As the amount of fines and fees owed grows, the risk of rearrest, reconviction and parole revocation increases.

Research Specific to Counsel Fees

- *At What Cost?: Findings From an Examination Into the Imposition of Public Defense System Fees*, NLADA (2022)
 - **Key findings:** Most counsel fees assessed are not collected. For example, in Iowa, only about 3% of what is assessed is collected annually. These fees lead to ongoing entanglement with the criminal justice system for failure to pay.
- *Can't Afford an Attorney? Virginia Law Tells People to Pay Anyway* Legal Aid Justice Center (Virginia) (2023)
 - **Key findings:** The majority of counsel fees are uncollectible. In Virginia, only 3% of the counsel fees are collected during the same year that they are assessed. Typical collection costs are around 50% in Virginia, meaning jurisdictions are spending about half of what they collect on the collections process itself.

HB 1310

What does this bill do? This bill eliminates a wide variety of fines and fees associated with criminal justice in North Dakota.

Why is eliminating fines and fees in the public interest?

A wide body of research shows that criminal justice fines and fees are a significant barrier to reentry, and a hardship not just for people with convictions, but their families as well. The U.S. Justice Department has noted that justice-involved families have had to choose between food and clothing for children and paying court fees.¹ Financial pressure and lack of access to transportation and shelter can also increase recidivism and lead to further incarceration.

Further, in North Dakota these fees are often never recouped, but exist in perpetuity. In 2020, the amount of debt owed for criminal and traffic cases for fees ordered as far back as 1990 was \$28.8M.²

In recent years, many states including Texas, Delaware, Vermont, Washington, Minnesota and New Mexico have eliminated all or some fees associated with adult criminal justice. HB 1310 is well within the national trend of investing in successful reentry and reduced recidivism.

HB 1310 contains the following provisions:

Section 1. Eliminates reimbursement for prosecution costs, and the fees associated with a presentence investigation report from the sentencing statute.

What this does: Currently, people convicted of crimes can be required to reimburse the state for the costs of their prosecution. Current law also requires the payment of a \$50 presentence report fee, and potentially other fees associated with presentence investigation. SB 1310 eliminates these requirements.

Section 2. Eliminates the \$55/month community supervision fee.

What this does: Currently, people sentenced to community supervision are responsible for the cost of that supervision. If someone is in arrears by the time supervision is completed, they can have a civil judgement levied against them for the unpaid balance. **This proposal is also in HB 1417, the Reentry Study Work Group Recommendation Bill.**

Section 3: Eliminates reimbursement for public defender services as a condition of community supervision.

What this does: Currently, a court may require a convicted person to pay back the costs of their public defender. Even if paid, these proceeds do not go to the indigent defense

¹ US Department of Justice Office of Civil Rights Dear Colleague letter to Courts. April 2023. [Dear Colleague Letter to Courts Regarding Fines and Fees for Youth and Adults](#).

² ⁷ https://finesandfeesjusticecenter.org/content/uploads/2021/04/Tip-of-the-Iceberg_Criminal_Justice_Debt_BH1.pdf, page 18.

counsel, but rather to the general fund. This bill would eliminate a fee that acts as a barrier to successful reentry and does not fund indigent defense services in North Dakota. **The indigent defense counsel supports this measure, and it is also in HB 1417, the Reentry Study Work Group Recommendation Bill.**

Section 4: Eliminates the ability to order reimbursement for defense costs during a hearing.

What this does: Consistent with section 3, this section removes a court's ability to order the reimbursement of defense costs during a restitution or reparation proceeding. **This proposal is also in HB 1417, the Reentry Study Work Group Recommendation Bill.**

Section 5: eliminates the \$35 application fee and reimbursement from the Century Code.

What this does: Currently, a defendant is charged a \$35 application fee in order to be evaluated for indigent defense services, and may be required to reimburse a jurisdiction (state, county or city) for the services provided, after a hearing. Once this cost is assessed, a civil judgement can be rendered against a defendant who does not pay. Since anyone who qualifies for indigent defense services is by definition low income, and these fees amount to a hardship with no public safety benefit, HB 1310 eliminates the \$35 application fee and reimbursement from the Century Code.

Section 6 Eliminates the general assessment fines and fees associated with a criminal conviction, including:

- The \$125-\$900 fine depending on the severity of the offense.
- The \$100 court administration fee
- The \$25 community supervision fee

What this does: Currently, a fine may be imposed in a criminal case in addition to any sentence. North Dakota has some of the highest maximum such fines in the country.³ These fines are in addition to community service and administrative fees – all of which can be docketed as a civil judgement against the defendant. Research shows that criminal justice fees such as these can be a significant barrier to reentry. This bill would eliminate these harmful and unnecessary fees.

Section 7; [makes technical non-substantive changes to existing law to conform to the provisions of HB 1310]

Section 8: Removes reward refunds from the asset forfeiture fund.

What it does: Currently, the attorney general maintains a fund made up of monies obtained through asset forfeiture. The fund can be used to reimburse local agencies for rewards made in exchange for information that leads to seized property. This provision would eliminate those reimbursements.

Section 9: [makes technical non-substantive changes to existing law to conform to the provisions of HB 1310]

³ "50 State Fees Survey," Fines and Fees Justice Center. <https://endjusticefees.org/fee-surveys/>.

Section 10: Removes jurisdictions' obligation to pay refunds for rewards offered by local programs for information that led to forfeiture and sale of an item.

What it does: Currently, a firearm or dangerous weapon seized in the course of a criminal case may be auctioned after conviction. If a qualified program offered a reward leading to forfeiture of the item, proceeds from the sale of a firearm or dangerous weapon may be used to reimburse the program for the reward. This provision eliminates that reimbursement.

Section 11: Repeals the following:

- Requirement that a defendant repay the cost of a reward offered by a "crime stoppers" program.
- The ability to assess up to \$25 from a convicted defendant to fund victim and witness programs
- The court improvement maintenance fund, its advisory committee, and the associated grant application process.

What it does: Currently, a defendant may be required to repay a qualified organization who offered a reward associated with the defendant's capture. A defendant may also be required to pay up to \$25 to fund victim and witness programs. This bill eliminates these criminal justice fees

Table of SB 1310 – Introduced Version

Section	Amended Statute	Original bill filed
1	12.1-32-02. Sentencing alternatives	<ul style="list-style-type: none"> • Eliminates payment for reasonable prosecution costs as a sentencing alternative. • Non-substantive language changes (e.g. changes "prior to" to "before") <p>Eliminates the \$50 presentence report fee, and any other fees associated with a presentence investigation.</p>
2	12.1-32-07(2). Supervision of probationer	<ul style="list-style-type: none"> • Eliminates the \$55/per month supervision fee • NOTE: This proposal is also in HB 1417, the Reentry Study Work Group Recommendation Bill.
3	12.1-32-07(4). Supervision of probationer	<ul style="list-style-type: none"> • Eliminates the court's ability to require reimbursement requirement for indigent defense services as a supervision condition. • NOTE: This proposal is also in HB 1417, the Reentry Study Work Group Recommendation Bill.
4	12.1-32-08 - Hearing prior to ordering restitution, reparation, or reimbursement of indigent defense	<ul style="list-style-type: none"> • Changes title to "Hearing before ordering restitution or reparation"

	costs and expenses - Conditions - Collection of restitution for insufficient funds checks - Continuing appropriation	<ul style="list-style-type: none"> • Eliminates the ability of the court to order reimbursement for defense costs during a restitution or reparation hearing. • Removes references to supervision fees and indigent defense reimbursement. • NOTE: This proposal is also in HB 1417, the Reentry Study Work Group Recommendation Bill.
5	29-07-01.1. Payment of expenses for defense of indigents - Reimbursement of indigent defense costs and expenses - Indigent defense administration fund - Continuing appropriation	<ul style="list-style-type: none"> • Changes the title to "Payment of expenses for defense of indigents -Indigent defense administration fund - Continuing appropriation." • Eliminates the \$35 indigent defense application fee. • Eliminates the requirement that a defendant reimburse the relevant jurisdiction for public defense, and the ability of a jurisdiction to seek recovery for indigent defense fees from a defendant.
6	29-26-22. Judgment for fines - Court administration fee - Community service supervision fee - Special funds - Docketing and enforcement.	<ul style="list-style-type: none"> • Changes title to "Court fines and costs waived for completing drug court program." • Eliminates all general assessment fees after a conviction (\$125-900 depending on severity of offense). • Eliminates the \$100 court administration fee. • Eliminates the \$25 community supervision fee. • Removes any references to fees in language allowing the court to waive legal financial obligations upon completion of a drug court program.
7	39-08-01(5)(h) Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty	<ul style="list-style-type: none"> • [Non-substantive technical and conforming changes]
8	54-12-14 (1) Assets forfeiture fund - Created - Purpose - Continuing appropriation.	<ul style="list-style-type: none"> • Removes refunds from the asset forfeiture fund for repayments to local programs whose reporting substantially assisted asset forfeiture.
9	54-23.3-04 Director - Powers and duties	<ul style="list-style-type: none"> • [Technical and conforming changes]
10	62.1-05-01 Possession and sale of machine guns, automatic rifles, silencers, and bombs - Penalty - Forfeiture.	<ul style="list-style-type: none"> • Removes jurisdictions' obligation to pay refunds for rewards offered by local programs for information that led to forfeiture and sale of an item.
11	REPEALS: 12.1-32-02.2 Repayment of rewards paid by crimestoppers programs - Duties of attorney general - Qualified local programs - Disbursement of moneys collected;	<ul style="list-style-type: none"> • Repeals the ability to order a defendant to repay a reward offered by a qualified local "crime stoppers" program • Repeals the ability to assess fees of up to \$25 from convicted defendants to fund victim and witness programs.

	<p>27-01-10 Fee assessments for funding crime victim and witness programs; 27-05.2-08 Court facilities improvement and maintenance fund - Administration - Continuing appropriation; 27-05.2-09 27-05.2-09. Court facilities improvement advisory committee - Members; and 27-05.2-10. Application for grants from court facilities improvement and maintenance fund.</p>	<ul style="list-style-type: none"> • Repeals the court improvement maintenance fund, its advisory committee, and the associated grant application process.
12	Application clause	<ul style="list-style-type: none"> • Clarifies that this bill applies to any court sentencing after the effective date.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1310
2/10/2025

Relating to repayment of rewards paid by crimestoppers programs, the fee for crime victim and witness programs, and the court facilities improvement and maintenance fund; and to provide for application.

11:06 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Committee action

11:07 a.m. Representative Satrom moved a Do Not Pass and be placed on the Consent Calendar.

11:07 a.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

11:10 a.m. Motion passed 14-0-0

11:11 a.m. Representative Satrom will carry the bill.

11:12 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1310 ([25.0105.01000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1310 was placed on the Tenth order on the calendar.