

**2025 SENATE JUDICIARY**

**SB 2057**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2057  
1/8/2025

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.
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2:58 p.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

## **Discussion Topics:**

- Rate inflation history
- Public cost
- Disbursements & limits

2:58 p.m. Sally Holewa, State Court Administrator, testified in favor and submitted testimony #28135.

3:20 p.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**SB 2057****Senate Judiciary Committee  
January 8, 2025  
Testimony of Sally Holewa  
State Court Administrator**

Chair Larson and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2057 was introduced at the request of the Supreme Court to increase civil filing fees and other fees that are collected by the court. You might think that it is strange for the court to be bringing a bill to raise fees that are not going to directly benefit the court. However, we feel it is unfair to the public to remain silent about an issue that would otherwise fly under the radar.

Every service provided by the government has a cost that is borne by the public in general, by the individual user who is accessing the service or is shared between the two. It is ultimately up to the legislature to determine what the proper allocation of these costs should be. In this situation, the court believes that too much of the burden of providing court services for civil disputes is being borne by the public. Although the price of nearly all conceivable goods or services have increased over the past 30 years, most of the filing fees have remained unchanged and it is the public that has had to cover the entire increase for facilities, personnel and equipment.

The imbalance is obvious when we look at small claims court. In 1985, the jurisdictional limit for a small claims case was raised from \$1,500 to \$2,000 and the filing fee was raised from \$5 to \$10. Forty years later, the filing fee remains at

\$10 but the jurisdictional limit has been raised to \$15,000. At the same time, the public has absorbed a starting wage increase for deputy clerks of court of nearly \$30,000.

I've attached a brief history of the various court fees and calculations on the rate of inflation and cost of living changes between 1995 and today. Both types of calculations suggest that the fees should be doubled. Even at that higher amount, the filing fees would still be the lowest filing fees in the United States.

The specifics of the bill are:

**Section 1: Restitution Collection Assistance Fee** - This amendment would raise the ceiling of what a court can impose from \$10 to \$20. The fees collected under this statute are distributed to the entity responsible for collecting restitution to offset the costs associated with those programs. In North Dakota, restitution is collected and disbursed in three different ways. In most counties, restitution is collected by the clerks of court and disbursed by them. In Burleigh, Cass and Grand Forks counties the state's attorney employs personnel to run a restitution collection program. Ward County has a hybrid approach where the state's attorney collects and disburses restitution for felony cases but the clerk of court handles restitution for all other case types.

**Section 2: Crime Victim and Witness Program Fee** – This amendment would raise the victim/witness fee from \$25 to \$50. The fees are retained by the county or city in which they were collected and must be used to fund a non-profit domestic violence or sexual assault program, a victim and witness advocacy program that provides direct services to victims of or witnesses to a crime, or the statewide automated victim information and notification system (VINES). The



choice of where the money goes is made by the governing board of the county or municipality.

**Section 3: Supreme Court Filing Fee** – This amendment would increase the filing fee for a supreme court case from \$125 to \$250. The supreme court can waive this fee if the filer is found to be indigent. Fees collected under this statute are deposited into the state’s general fund.

**Section 4: Fees to be Charged by the Clerk of the District Court** – The amendments in this section of the bill would change several different fees as follows:

**(a)(1) Civil filing fee** would be raised from \$80 to \$160. A civil filing fee is charged for the initial document used to start a case that is not a small claims case, a juvenile court case, a domestic violence or sexual assault restraining order case or a criminal case. A district court judge can waive the filing fee if an individual is found to be indigent. The civil filing fee is divided between the general fund and the **civil legal services fund**. Currently, \$15 of each fee goes to civil legal services and that fund is capped at \$750,000 per biennium. Under this proposal, the civil legal services share would be \$30 of each fee and the cap would be raised to \$900,000. We currently have two legal service providers in the state: Legal Services of North Dakota (LSND) and Dakota Plains Legal Services. LSND provides statewide services to low-income and other eligible individuals. Dakota Plains operates eight branch offices, but only one is located in North Dakota so their presence here is much smaller than LSND.

**(a)(2) Family case filing fee** is charged for the initial document used to start a dissolution (divorce), annulment or legal separation and would be raised from \$80 to \$160. As is the case with the general civil filing fee, this fee can be waived if an individual is found to be indigent. This fee is divided between the general fund, civil legal services fund and the **displaced homemaker fund**. Currently, the share of the fee going to the displaced homemaker fund is \$50 and this amendment would raise that share to \$100. Displaced homemaker funds are used by the Department of Public Instruction to provide pass-through funding for the Adult Learning Centers. As with other civil case filing fees, currently \$15 of the fee is directed to the civil legal services fund, and we are proposing to raise that share to \$30. The remaining general fund portion would be raised from \$15 to \$30.

**(a)(3)** The balance of the civil filing fee, unless it is a family case filing fee, is deposited in the state's general fund. Under this section of the amendment, that amount would be raised from \$65 to \$130.

**(b) Civil Answer Filing Fee** would be raised from \$50 to \$100. An answer fee is charged for the initial document used to respond to a case that is not a small claims case, a juvenile court case, a domestic violence or sexual assault restraining order case or a criminal case. A district court judge can waive the answer fee if an individual is found to be indigent. All of the funds collected are deposited into the general fund.

**(c) Small Claims Filing Fee** would be raised from \$10 to \$20 to file a claim. There is no fee to respond to a small claims case. Like other filing fees, a judge can waive the small claims filing fee if an individual is found to be

indigent. Fees collected are deposited in the general fund of the county where the case is filed.

**(d) Other filing fee** this is a catch-all category for any matter authorized to be filed in the office of the clerk of court that does not require a decision. This is a rarely used process and the only example that comes to mind is the filing of a hospital lien or discharge of a lien. This amendment would raise the fee from \$10 to \$20. This fee can also be waived upon a finding of indigency. All fees collected are deposited in the general fund of the county where the action is filed.

**(e) Fee for preparing, certifying, issuing or transmitting any document.**

This category includes the certified copy fee and fees for issuing a certified abstract, certified transcript of judgment and issuing a subpoena, writ of execution and similar legal documents. This amendment would raise these fees from \$10 to \$20. If the clerk is a county employee, the fee is deposited in the county's general fund. If the clerk is a state employee, the fee is deposited in the state's general fund.

**(f) Motion to modify fee** is a fee charged to file a motion asking the court to modify an order for spousal support, property division, child support, parental responsibility, residential responsibility or parenting time. This amendment would modernize the language of the statute and raise the filing fee from \$30 to \$160. It would create a new **motion answer** fee of \$100. Raising the modification fee to equal the amount of a family case filing fee and creating an answer fee at the same cost of any civil answer fee reflects the amount of judicial time that is needed to resolve these issues. Since the

majority of divorces, child support and paternity cases are initially resolved through agreement, oftentimes the motion to modify is the first-time issues are actually being tried before the court. All of the current fees are deposited in the general fund and the proposed new fee would also be deposited in the general fund.

**Section 5: Fees added to criminal case** – Three fees have been enacted that are charged upon conviction in a criminal case. These fees are as follows:

**Criminal Court Administration fee** is deposited in the general fund and is different based on the level of conviction. For a Class B misdemeanor, the fee is currently \$125 and would be raised to \$250; for a Class A misdemeanor, it is currently \$200 and would be raised to \$400; for a Class C felony it is \$400 and would be raised to \$800, for a Class B felony it is \$650 and would be raised to \$1300 and for a Class A felony or AA felony it is \$900 and would be raised to \$1,800. This fee can be waived upon a finding of indigency. Fees collected are deposited in the general fund.

In addition, in all other cases except infractions, there is an additional **Court Administration Indigent Defense/Court Facility Fee**. Funds collected under this fee are split between the **Indigent Defense Administration Fund** used to offset the cost of funding indigent defense and the **Court Facilities Improvement and Maintenance Fund** used to provide grants to counties to assist in the upkeep and expansion of county facilities used for court functions. This amendment would raise the fee from \$100 to \$200. It would leave the current fee split as is. This fee can also be waived upon a showing of indigency.

Finally, a **Community Service Supervision Fee** is a fee that is imposed upon each defendant whose sentence includes community service. The fees collected are used by the Department of Corrections to provide grants to private, nonprofit organizations that run a community service work program. This amendment would raise the fee from \$25 per individual to \$50. This fee can be waived if the defendant is found indigent.

Thank you, and I will stand for any questions you may have.

### **Legislative History District Court Fees**

**Civil filing fee [NDCC 27-05.2-03(1)(a)]:** Raised from \$15 to \$20 effective July 1, 1985; raised from \$20 to \$80 effective July 1, 1995 (change in fee was included in 1995 judicial branch appropriation bill HB 1001).

**Answer fee [NDCC 27-05.2-03(1)(b)]:** Established July 1, 1995 as a \$50 fee at the direction of the Senate Appropriations Committee (Note: There is an error in the 1995 Session Laws publication in that they forgot to indicate that this was newly added language).

**Displaced Homemaker fee [NDCC 27-05.2-03(1)(a)(2)]:** \$50 of each filing fee for dissolution of marriage deposited in the displaced homemaker account created by 14-06.1-14 Enacted 1979. Money is deposited with Department of Public Instruction (until 2018 – DPI granted the money to Minot State University for a skills training program for eligible applicants/beginning sometime after 2018, DPI began awarding these funds as a pass-through grant to each Adult Learning Center in the state)

**Motion Fee [NDCC 11-17-04]:** Enacted 1993 at \$20 for a motion to amend an order for alimony, property division, child custody or child support. Fee raised to \$30 in the 1995 judicial branch appropriation bill HB 1001.

**Civil Legal Service Fee [NDCC 27-05-.2-031(a)(1)]:** \$15 of each civil filing fee is deposited in Civil Legal Services Fund. Enacted 1989. Portion of fee raised from \$10 to \$15 effective July 1, 2009. Cap raised from \$400,000 to \$650,000 effective July 1, 2009. Cap raised from \$650,000 to \$750,000, effective July 1, 2019.

**Criminal Court Administration Fee [NDCC 29-26-22(1)]:** Established 1987 as 25% of maximum penalty allowed for the charge; raised to 30% in 1995; Effective July 1, 2003, changed to a variable fee from \$125 to \$900 based on the charge the defendant is convicted on.

**Court Administration Fee [NDCC 29-26-22(2)]:** Established July 1, 2003 as an additional \$100 court administration fee in addition to the variable court administration fee (as referenced above). The \$100 is split between the **Indigent Defense Fund** and the **Court Facility Maintenance and Improvement Fund**. The formula for the split is that the first \$750,000 goes to the ID Fund, the next \$460,000 goes to the Court Facility Fund, and after that fund is full the fees are split evenly between the two funds. The formula starts over at the beginning of each biennium.

**Restitution Collection Assistance Fee [NDCC 12.1-32-08-(6)]:** Established July 1, 2003. This fee is charged on all non-sufficient fund checks or checks issued without an account that have been criminally prosecuted. The fee is the greater of the sum of \$10 or an amount equal to the 25% of the restitution ordered, not to exceed \$1,000. The money collected goes to the county if restitution is collected by the state's attorney or clerk of court in a contract court, or to the state if collected through the district court in a state-employed clerk of court office. The money

must be used to defray the cost of defraying expenses incident to the collection of restitution, inking operating expenses and compensation of additional necessary personnel.

**Community Service Work Fee [NDCC 29-26-22(3)]**: enacted 2007; fee \$50 effective July 1 2007; fee reduced to \$25 effective July 1, 2009; other funding for CSW providers is through one-time legislative grants and direct charges to participants

**Victim Witness Fee [NDCC 27-01-10(1)]**: Established 1989 and earmarked to go to (1) a private, nonprofit domestic violence or sexual assault program; (2) a victim-witness advocacy program, or (3) the statewide automated victim information and notification system (SAVIN – run by CJS); By statute, the amount of the fee cannot exceed \$25 but the exact amount is set by resolution of the county governing board (for district court cases) or by the governing board of the city (municipal court cases).

**Indigent Defense Application Fee [NDCC 29-07-01.1(1)]**: Established July 1, 2001 and set at \$25. Raised to \$35 effective July 1, 2013. Money originally passed through general fund and was to be used by Indigent Defense Commission to pay for contract services. This restriction on how IDC used the money was later repealed.

**Indigent Defense Recoupment Fees [NDCC 29-07-01.1(2)(b)]**: Established July 1, 1997 as reimbursement for actual costs. Modified subsequently and as of July 1, 2009 to reimburse the presumed amount of indigent defense costs and expenses as determined by the Indigent Defense Commission (rates are adopted by IDC and published as policy titled “Presumed Rate for Attorney Fee Reimbursement”).

### **Supreme Court Fees**

**Filing Fee [NDCC 27-03-05]**: Raised from \$50 to \$125 effective July 1, 1995

**E-Filing Fee**: Statutory authority granted effective July 1, 1995, fee set at \$25 by Supreme Court effective 1997 fee; statutory authority still exists but fee was repealed by Supreme Court in 2019

## **History of Small Claims Court Jurisdiction and Fees**

1971 – Small Claims Court established; Jurisdictional limit set at \$200; fee to file a claim or counterclaim set at \$2 plus an additional \$1 fee per defendant served

Either party has the right to demand a 6-person jury trial in lieu of a court trial

1975 – Jurisdictional limit raised to \$500 if claim is filed in a county court of increased jurisdiction. No change to jurisdictional limit if claim is filed in county court; No change to fees.

Right to jury trial repealed; Informal hearing allowed

1981 – Consolidation of county courts so split jurisdictional limit eliminated; Jurisdictional limit raised to \$1,000; No change to fees

Requirement for any type of hearing eliminated

1983 – Jurisdictional limit raised to \$1,500; Fees raised to \$5 to file a claim or counterclaim plus an additional \$1 per defendant served

1985 – Jurisdictional limit raised to \$2,000; Filing fee raised to \$10 (which was half the cost of the district court filing fee of \$20)

1991 – Consolidation of county and district court; Jurisdictional limit raised to \$3,000; No change in fees

Judge allowed to dismiss without prejudice if determines the case cannot be fairly disposed of in small claims case; if a dismissal is entered, the plaintiff is entitled to a refund of the filing fee

1995 - Jurisdictional limit raised to \$5,000; no change to filing fees

1999 – Responsibility to fund clerk of court offices transferred from counties to the state; no changes to jurisdictional limit or filing fees

2009 - Jurisdictional limit raised to \$10,000; No change to filing fees

2013 - Jurisdictional limit raised to \$15,000; No change to filing fees



### **Cost of Living changes from July 1995 to July 2024**

Based on calculator provided by the American Institute for Economic Research

Fee - 1995	2024
\$10	\$19.99
\$50	\$99.97
\$80	\$159.95
\$100	\$199.94
\$125	\$249.92

### **Consumer Price Index Change from July 1995 to July 2024 (CPI Inflation)**

Based on calculator provided by the Bureau of Labor Statistics

Fee - 1995	2024
\$10	\$20.64
\$50	\$103.21
\$80	\$165.14
\$100	\$206.42
\$125	\$258.03

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2057  
1/15/2025  
11:20 a.m.

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

11:20 a.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

**Discussion Topics:**

- Amendment Process

11:21 a.m. Chair Larson discussed the amendment process.

11:25 a.m. Chair Larson opened discussion about amendments to the bill.

11:26 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2057  
1/15/2025  
2:01 p.m.

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

2:01 p.m. Chair Larson opened the hearing.

Members Present: Chair Larson, Vice-Chair Paulson, Senators Braunberger, Castaneda, Cory, Luick, Myrdal.

### Discussion Topics:

- Proposed Amendments
- Fee Increases & Waivers
- Small Claims Filing

2:01 p.m. Sally Holewa, State Court Administrator, introduced the amendment, testified in favor and submitted testimony #29294.

2:10 p.m. Senator Braunberger moved to adopt the amendment LC 25.8031.01001.

2:10 p.m. Senator Myrdal seconded the motion.

### Roll Call Vote:

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

2:11 p.m. Senator Braunberger moved a Do Pass as Amended.

2:12 p.m. Senator Myrdal seconded the motion.

### Roll Call Vote:

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y

Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

Senator Braunberger will carry the bill.

2:12 p.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

January 15, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2057**

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

*JB 1-15-25*  
*1 of 6*

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections  
2 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to  
3 court fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. When the restitution ordered by the court under subsection 1 is the result of a finding  
8 that the defendant issued a check or draft without sufficient funds or without an  
9 account, the court shall impose as costs the greater of the sum of ~~ten~~twenty dollars or  
10 an amount equal to twenty-five percent of the amount of restitution ordered. The costs  
11 imposed under this subsection, however, may not exceed one thousand dollars. The  
12 state-employed clerks of district court shall remit the funds collected as costs under  
13 this subsection to the state treasurer for deposit in the restitution collection assistance  
14 fund. The funds deposited into the restitution collection assistance fund are  
15 appropriated to the judicial branch on a continuing basis for the purpose of defraying  
16 expenses incident to the collection of restitution, including operating expenses and the  
17 compensation of additional necessary personnel. The state's attorneys and  
18 county-employed clerks of district court shall remit the funds collected as costs under  
19 this subsection to the county treasurer to be deposited in the county general fund.

20 **SECTION 2. AMENDMENT.** Section 27-01-10 of the North Dakota Century Code is  
21 amended and reenacted as follows:

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

1. The governing body of a county shall, by resolution, authorize the district judges serving that county to assess a fee under subsection 3 of not more than ~~twenty-five~~fifty dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.
2. The governing body of a city shall, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than ~~twenty-five~~fifty dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city shall determine the amount of the fee to be assessed in all cases or it may authorize the district or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The district or municipal judge shall assess the fee when sentence is imposed or when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a district or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the governing body of the county or city to one or more of the following programs as determined by the governing body or by agreement of the attorney general, the North Dakota league of cities, and the North Dakota association of counties:
  - a. A private, nonprofit domestic violence or sexual assault program.
  - b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime.
  - c. The statewide automated victim information and notification system, as provided for under chapter 12.1-34.

**SECTION 3. AMENDMENT.** Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:



JB 3 of 6

**27-03-05. Fees to be charged and collected by clerk of supreme court.**

The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred~~ ~~twenty-five~~ two hundred fifty dollars upon the filing in the supreme court of the record in any cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the supreme court shall charge and collect any electronic filing processing fee established by court rule for any matter filed in an electronic format.

**SECTION 4. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is amended and reenacted as follows:

**27-05.2-03. Fees to be charged by the clerk of the district court.**

1. A clerk of the district court shall charge and collect the following fees in civil cases:

a. For filing a case for decision that is not ~~a small claims action~~ under subdivision b or e, ~~eightyone~~ eightyone hundred sixty dollars.

(1) ~~Fifteen~~ Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed ~~seven hundred fifty thousand~~ nine hundred thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

(2) ~~For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fiftyone hundred dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen~~ thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

(3) ~~For all other filings, sixty five~~ one hundred thirty One hundred thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

b. For filing a petition for dissolution of marriage, annulment, or separation, one hundred sixty dollars.

(1) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under

Am 4 of 6

this paragraph which exceed nine hundred thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

(2) One hundred dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account under section 14-06.1-14.

(3) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

c. For filing an answer to a case ~~that is not a small claims action~~ other than under subdivision d or e, ~~fiftyone~~ hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.

d. For filing a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, parenting time, one hundred sixty dollars. For filing an answer to a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or parenting time, one hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.

e.e. For filing a small claims action in district court, ~~tent~~twenty dollars.

d.f. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, ~~tent~~twenty dollars.

e.g. For preparing, certifying, issuing, or transmitting any document, ~~tent~~twenty dollars, or a lesser fee as may be set by the state court administrator.

f. ~~For filing a motion or an answer to a motion to modify an order for alimony, spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or child custody, parenting time, thirtyone hundred sixty dollars. For filing an answer to a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or parenting time, one hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.~~



- 1        2. Section 27-01-07 applies to fees charged under this section. The clerk of court may  
2        not charge or collect any fee, prescribed by this or any other section, from the state or  
3        an agency thereof or from a political subdivision or agency thereof.

4        **SECTION 5. 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. (Retroactive application -**  
8 **See note)**

- 9        1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall  
10        impose a court administration fee in lieu of the assessment of court costs. The court  
11        administration fee must include a fee of ~~one hundred twenty five~~ two hundred fifty  
12        dollars for a class B misdemeanor, ~~two hundred~~ four hundred dollars for a class A  
13        misdemeanor, ~~four hundred~~ eight hundred dollars for a class C felony, ~~six hundred~~  
14        ~~fifty~~ one thousand three hundred dollars for a class B felony, and ~~nine hundred~~ one  
15        thousand eight hundred dollars for a class A or AA felony.
- 16        2. In addition, in all criminal cases except infractions, ~~the court administration fee must~~  
17        ~~include~~ the court shall impose an indigent defense and court facilities fee of one  
18        ~~hundred~~ two hundred dollars. Of the additional ~~one hundred~~ two hundred dollar court  
19        administration fee, the first seven hundred fifty thousand dollars collected per  
20        biennium must be deposited in the indigent defense administration fund, which must  
21        be used for indigent defense services in this state, and the next four hundred sixty  
22        thousand dollars collected per biennium must be deposited in the court facilities  
23        improvement and maintenance fund. After the minimum thresholds have been  
24        collected, one-half of the additional court administration fee must be deposited in each  
25        fund.
- 26        3. In addition to any ~~court administration~~ fees that may be imposed under subsections 1  
27        and 2, the court shall impose upon each defendant who receives a sentence that  
28        includes community service a community service supervision fee of ~~twenty five~~ fifty  
29        dollars. The community service supervision fee must be deposited in the community  
30        service supervision fund. The fees deposited in this fund must be used to provide  
31        community service supervision grants subject to legislative appropriations.

*John Bobb*

- 1       4. A court may waive the court administration fee, indigent defense and court facilities  
2       fee, or community service supervision fee upon a showing of indigency as provided in  
3       section 25-03.1-13. District court administration fees, exclusive of amounts deposited  
4       in the indigent defense administration fund and the court facilities and improvement  
5       fund, and forfeitures must be deposited in the state general fund. A judgment that the  
6       defendant pay a fine or fees, or both, may be docketed and if docketed constitutes a  
7       lien upon the real estate of the defendant in like manner as a judgment for money  
8       rendered in a civil action. The court may allow the defendant to pay any assessed  
9       administration fee or community service supervision fee in installments. When a  
10      defendant is assessed administration fees or a community service supervision fee, the  
11      court may not impose at the same time an alternative sentence to be served if the fees  
12      are not paid.
- 13      5. Upon successful completion of an approved adult drug court program, a court may  
14      waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing  
15      the defendant to the drug court program, except for restitution. For purposes of this  
16      subsection, "approved drug court program" means a district court-supervised  
17      treatment program approved by the supreme court.

**REPORT OF STANDING COMMITTEE  
SB 2057**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS** ([25.8031.01001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

**PROPOSED AMENDMENTS TO**

Legislative Assembly  
of North Dakota

**BILL NO. 2057**

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections  
2 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to  
3 court fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. When the restitution ordered by the court under subsection 1 is the result of a finding  
8 that the defendant issued a check or draft without sufficient funds or without an  
9 account, the court shall impose as costs the greater of the sum of ~~ten~~twenty dollars or  
10 an amount equal to twenty-five percent of the amount of restitution ordered. The costs  
11 imposed under this subsection, however, may not exceed one thousand dollars. The  
12 state-employed clerks of district court shall remit the funds collected as costs under  
13 this subsection to the state treasurer for deposit in the restitution collection assistance  
14 fund. The funds deposited into the restitution collection assistance fund are  
15 appropriated to the judicial branch on a continuing basis for the purpose of defraying  
16 expenses incident to the collection of restitution, including operating expenses and the  
17 compensation of additional necessary personnel. The state's attorneys and  
18 county-employed clerks of district court shall remit the funds collected as costs under  
19 this subsection to the county treasurer to be deposited in the county general fund.

20 **SECTION 2. AMENDMENT.** Section 27-01-10 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **27-01-10. Fee assessments for funding crime victim and witness programs.**

23 1. The governing body of a county shall, by resolution, authorize the district judges  
24 serving that county to assess a fee under subsection 3 of not more than ~~twenty-five~~fifty

dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.

2. The governing body of a city shall, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than ~~twenty-five~~fifty dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city shall determine the amount of the fee to be assessed in all cases or it may authorize the district or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The district or municipal judge shall assess the fee when sentence is imposed or when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a district or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the governing body of the county or city to one or more of the following programs as determined by the governing body or by agreement of the attorney general, the North Dakota league of cities, and the North Dakota association of counties:
  - a. A private, nonprofit domestic violence or sexual assault program.
  - b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime.
  - c. The statewide automated victim information and notification system, as provided for under chapter 12.1-34.

**SECTION 3. AMENDMENT.** Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:

**27-03-05. Fees to be charged and collected by clerk of supreme court.**

The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred~~two hundred fifty dollars upon the filing in the supreme court of the record in any cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise



1 of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the  
2 supreme court shall charge and collect any electronic filing processing fee established by court  
3 rule for any matter filed in an electronic format.

4 **SECTION 4. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **27-05.2-03. Fees to be charged by the clerk of the district court.**

7 1. A clerk of the district court shall charge and collect the following fees in civil cases:

8 a. For filing a case for decision ~~that is not a small claims action~~ other than under  
9 subdivision b or e, ~~eightyone hundred sixty~~ eightyone hundred sixty dollars.

10 (1) ~~Fifteen~~Thirty dollars of this fee must be paid by the clerk of court to the state  
11 treasurer for deposit in the civil legal services fund. Any fees collected under  
12 this paragraph which exceed ~~seven hundred fifty thousand~~nine hundred  
13 thousand dollars in any biennium must be paid by the clerk of court to the  
14 state treasurer for deposit in the state general fund.

15 (2) ~~For the filing of a petition for dissolution of marriage, annulment, or~~  
16 ~~separation from bed and board, fiftyone hundred~~ dollars of this fee must be  
17 ~~paid by the clerk of court to the state treasurer for deposit in the displaced~~  
18 ~~homemaker account created by section 14-06.1-14 and fifteen~~thirty ~~dollars~~  
19 ~~of this fee must be paid by the clerk of court to the state treasurer for~~  
20 ~~deposit in the state general fund.~~

21 (3) ~~For all other filings, sixty-five~~one hundred thirty One hundred thirty dollars of  
22 this fee must be paid by the clerk of court to the state treasurer for deposit in  
23 the state general fund.

24 b. For filing a petition for dissolution of marriage, annulment, or separation, one  
25 hundred sixty dollars.

26 (1) Thirty dollars of this fee must be paid by the clerk of court to the state  
27 treasurer for deposit in the civil legal services fund. Any fees collected  
28 under this paragraph which exceed nine hundred thousand dollars in any  
29 biennium must be paid by the clerk of court to the state treasurer for  
30 deposit in the state general fund.

(2) One hundred dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.

(3) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

c. For filing an answer to a case ~~that is not a small claims action~~ other than under subdivision d or e, fiftyone hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.

d. For filing a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, parenting time, one hundred sixty dollars. For filing an answer to a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or parenting time, one hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.

e-e. For filing a small claims action in district court, ~~ten~~twenty dollars.

d-f. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, ~~ten~~twenty dollars.

e-g. For preparing, certifying, issuing, or transmitting any document, ~~ten~~twenty dollars, or a lesser fee as may be set by the state court administrator.

f. ~~For filing a motion or an answer to a motion to modify an order for alimony spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or child custody parenting time, thirtyone hundred sixty dollars. For filing an answer to a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or parenting time, one hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.~~

2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.



1       **SECTION 5. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **29-26-22. Judgment for fines - Court administration fee - Community service**  
4 **supervision fee - Special funds - Docketing and enforcement. (Retroactive application -**  
5 **See note)**

- 6       1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall  
7 impose a court administration fee in lieu of the assessment of court costs. The court  
8 administration fee must include a fee of ~~one hundred twenty-five~~two hundred fifty  
9 dollars for a class B misdemeanor, ~~two hundred~~four hundred dollars for a class A  
10 misdemeanor, ~~four hundred~~eight hundred dollars for a class C felony, ~~six hundred~~  
11 ~~fifty~~one thousand three hundred dollars for a class B felony, and ~~nine hundred~~one  
12 thousand eight hundred dollars for a class A or AA felony.
- 13       2. In addition, in all criminal cases except infractions, ~~the court administration fee must~~  
14 ~~include~~ the court shall impose an indigent defense and court facilities fee of one  
15 ~~hundred~~two hundred dollars. Of the additional ~~one hundred~~two 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 must  
18 be used for indigent defense services in this state, and the next four hundred sixty  
19 thousand dollars collected per biennium must be deposited in the court facilities  
20 improvement and maintenance fund. After the minimum thresholds have been  
21 collected, one-half of the additional court administration fee must be deposited in each  
22 fund.
- 23       3. In addition to any ~~court administration~~ fees that may be imposed under subsections 1  
24 and 2, the court shall impose upon each defendant who receives a sentence that  
25 includes community service a community service supervision fee of ~~twenty-five~~fifty  
26 dollars. The community service supervision fee must be deposited in the community  
27 service supervision fund. The fees deposited in this fund must be used to provide  
28 community service supervision grants subject to legislative appropriations.
- 29       4. A court may waive the court administration fee, indigent defense and court facilities  
30 fee, or community service supervision fee upon a showing of indigency as provided in  
31 section 25-03.1-13. District court administration fees, exclusive of amounts deposited  
32 in the indigent defense administration fund and the court facilities and improvement



Legislative Assembly

- 1 fund, and forfeitures must be deposited in the state general fund. A judgment that the  
2 defendant pay a fine or fees, or both, may be docketed and if docketed constitutes a  
3 lien upon the real estate of the defendant in like manner as a judgment for money  
4 rendered in a civil action. The court may allow the defendant to pay any assessed  
5 administration fee or community service supervision fee in installments. When a  
6 defendant is assessed administration fees or a community service supervision fee, the  
7 court may not impose at the same time an alternative sentence to be served if the fees  
8 are not paid.
- 9 5. Upon successful completion of an approved adult drug court program, a court may  
10 waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing  
11 the defendant to the drug court program, except for restitution. For purposes of this  
12 subsection, "approved drug court program" means a district court-supervised  
13 treatment program approved by the supreme court.  
14

**2025 HOUSE JUDICIARY**

**SB 2057**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2057  
2/19/2025

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

9:01 a.m. Chairman Klemin opened the hearing.

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

Members Absent: Representative Henderson

**Discussion Topics:**

- Civil filing fees
- Indigent defense

9:04 a.m. Sally Holewa, North Dakota Court System, testified in favor and provided testimony #37753.

9:33 a.m. Gus Patel-Tupper, Supervising Attorney in the Policy Advocacy Clinic at Berkeley Law, testified in opposition and provided testimony #38016.

**Additional written testimony:**

Mary Megler, Fines and Fees Justice Center, submitted testimony in opposition #38005.

9:39 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**SB 2057****House Judiciary Committee  
February 19, 2025  
Testimony of Sally Holewa  
State Court Administrator**

Chair Klemin and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2057 was introduced at the request of the Supreme Court to increase civil filing fees and other fees that are collected by the court. You might think that it is strange for the court to be bringing a bill to raise fees that do not directly benefit the court. However, we feel it is unfair to the public to remain silent about an issue that would otherwise fly under the radar.

Every service provided by the government has a cost that is borne by the public in general, by the individual user who is accessing the service or is shared between the two. It is ultimately up to the legislature to determine what the proper allocation of these costs should be. In this situation, the court believes that too much of the burden of providing court services for civil disputes is being borne by the public. Although the price of nearly all conceivable goods or services have increased over the past 30 years, most of the filing fees have remained unchanged and it is the public that has had to cover the entire increase for facilities, personnel and equipment.

The imbalance is obvious when we look at small claims court. In 1985, the jurisdictional limit for a small claims case was raised from \$1,500 to \$2,000 and the filing fee was raised from \$5 to \$10. Forty years later, the filing fee remains at

\$10 but the jurisdictional limit has been raised to \$15,000. At the same time, the public has absorbed a starting wage increase for deputy clerks of court of nearly \$30,000.

I've attached a brief history of the various court fees and calculations on the rate of inflation and cost of living changes between 1995 and today. Both types of calculations suggest that the fees should be doubled. Even at that higher amount, the filing fees would still be the lowest filing fees in the United States.

Although our primary concern is the civil filing fees, this bill also includes other fees that are assessed that are used to fund services and have not been reviewed in a very long time.

**Section 1: Restitution Collection Assistance Fee** - This amendment would raise the ceiling of what a court can impose from \$10 to \$20. The fees collected under this statute are distributed to the entity responsible for collecting restitution to offset the costs associated with those programs. In North Dakota, restitution is collected and disbursed in three different ways. In most counties, restitution is collected by the clerks of court and disbursed by them. In Burleigh, Cass and Grand Forks counties the state's attorney employs personnel to run a restitution collection program. Ward County has a hybrid approach where the state's attorney collects and disburses restitution for felony cases but the clerk of court handles restitution for all other case types.

**Section 2: Crime Victim and Witness Program Fee** – This amendment would raise the victim/witness fee from \$25 to \$50. The fees are retained by the county or city in which they were collected and must be used to fund a non-profit

domestic violence or sexual assault program, a victim and witness advocacy program that provides direct services to victims of, or witnesses to, a crime, or the statewide automated victim information and notification system (VINES). The choice of where the money goes is made by the governing board of the county or municipality where the court is located.

**Section 3: Supreme Court Filing Fee** – This amendment would increase the filing fee for a supreme court case from \$125 to \$250. The supreme court can waive this fee if the filer is found to be indigent. Fees collected under this statute are deposited into the state’s general fund.

**Section 4: Fees to be Charged by the Clerk of the District Court** – The amendments in this section of the bill would increase several fees, rename a fee to distinguish it from a different fee of the same name, add one new fee, and re-align the sections to keep all information related to each fee within the same section.

**(1)(a) Civil filing fee** would be raised from \$80 to \$160. A civil filing fee is charged for the initial document used to start a case that is not a small claims case, a juvenile court case, a domestic violence or sexual assault restraining order case or a criminal case. A district court judge can waive the filing fee if an individual is found to be indigent. The civil filing fee is divided between the general fund and the **civil legal services fund**. Currently, \$15 of each fee goes to civil legal services and that fund is capped at \$750,000 per biennium. Under this proposal, the civil legal services share would be \$30 of each fee and the cap would be raised to \$900,000. We currently have two legal service providers in the state: Legal Services of North Dakota (LSND) and Dakota Plains Legal Services. LSND provides statewide services to low-income and other eligible individuals. Dakota

Plains operates eight branch offices, but only one is located in North Dakota so their presence here is much smaller than LSND.

**(1)(b) Family case filing fee** is charged for the initial document used to start a dissolution (divorce), annulment or legal separation and would be raised from \$80 to \$160. As is the case with the general civil filing fee, this fee can be waived if an individual is found to be indigent. This fee is divided between the general fund, civil legal services fund and the **displaced homemaker fund**. Currently, the share of the fee going to the displaced homemaker fund is \$50 and this amendment would raise that share to \$100. Displaced homemaker funds are used by the Department of Public Instruction to provide pass-through funding for the Adult Learning Centers. As with other civil case filing fees, currently \$15 of the fee is directed to the civil legal services fund, and we are proposing to raise that share to \$30. The remaining general fund portion would be raised from \$15 to \$30.

**(1)(c) Civil Answer Filing Fee** would be raised from \$50 to \$100. An answer fee is charged for the initial document used to respond to a case that is not a small claims case, a juvenile court case, a domestic violence or sexual assault restraining order case or a criminal case. A district court judge can waive the answer fee if an individual is found to be indigent. All of the funds collected are deposited into the general fund.

**(1)(d) Motion to modify fee** is a fee charged to file a motion asking the court to modify an order for spousal support, property division, child support, parental responsibility, residential responsibility or parenting time. This amendment would modernize the language of the statute and raise the filing fee from \$30 to \$160. It would create a new **motion answer** fee of \$100. Raising the modification fee to equal the amount of a family case filing fee and creating an answer fee at the same

cost of any civil answer fee reflects the amount of judicial time that is needed to resolve these issues. Since the majority of divorces, child support and paternity cases are initially resolved through agreement, oftentimes the motion to modify is the first-time issues are actually being tried before the court. All of the current fees are deposited in the general fund and the proposed new fee would also be deposited in the general fund. These fees can also be waived if the party is indigent.

**(1)(e) Small Claims Filing Fee** would be raised from \$10 to \$20 to file a claim. There is no fee to respond to a small claims case. Like other filing fees, a judge can waive the small claims filing fee if an individual is found to be indigent. Fees collected are deposited in the general fund of the county where the case is filed.

**(1)(f) Other filing fee** this is a catch-all category for any matter authorized to be filed in the office of the clerk of court that does not require a decision. This is a rarely used process and the only examples that comes to mind is the filing of a hospital lien or discharge of a lien. This amendment would raise the fee from \$10 to \$20. This fee can also be waived upon a finding of indigency. All fees collected are deposited in the general fund of the county where the action is filed.

**(1)(g) Fee for preparing, certifying, issuing or transmitting any document.**

This category includes the certified copy fee and fees for issuing a certified abstract, certified transcript of judgment and issuing a subpoena, writ of execution and similar legal documents. This amendment would raise these fees from \$10 to \$20. If the clerk is a county employee, the fee is deposited in the county's general fund. If the clerk is a state employee, the fee is deposited in the state's general fund.



**Section 5: Fees upon conviction in a criminal case** – Three fees have been enacted that are charged upon conviction in a criminal case. These fees are as follows:

**Criminal Court Administration fee** is deposited in the general fund and is different based on the level of conviction. For a Class B misdemeanor, the fee is currently \$125 and would be raised to \$250; for a Class A misdemeanor, it is currently \$200 and would be raised to \$400; for a Class C felony it is \$400 and would be raised to \$800, for a Class B felony it is \$650 and would be raised to \$1,300 and for a Class A felony or AA felony it is \$900 and would be raised to \$1,800. This fee can be waived upon a finding of indigency. Fees collected are deposited in the general fund.

In addition, in all other cases except infractions, there is *another* **Court Administration fee**. This is the fee that we are recommending be renamed to make it distinguishable from the court administration fee noted above. We are recommending the name of **Indigent Defense and Court Facilities Fee**. This name reflects the dual purpose of the fee. Funds collected under this fee are split between the **Indigent Defense Administration Fund** used to offset the cost of funding indigent defense and the **Court Facilities Improvement and Maintenance Fund** used to provide grants to counties to assist in the upkeep and expansion of county facilities used for court functions. This amendment would raise the fee from \$100 to \$200. The current fee split is that the first \$750,000 collected goes to Indigent Defense, the next \$460,000 collected goes to the court facility fund, and any fees collected after that are split 50/50 between the two

funds. This bill would leave the current fee split as is. This fee can also be waived upon a showing of indigency.

Finally, a **Community Service Supervision Fee** is a fee that is imposed upon each defendant whose sentence includes community service. The fees collected are used by the Department of Corrections to provide grants to private, nonprofit organizations that run a community service work program. This amendment would raise the fee from \$25 per individual to \$50. This fee can be waived if the defendant is found indigent.

Thank you, and I will stand for any questions you may have.

## **Legislative History District Court Fees**

**Civil filing fee [NDCC 27-05.2-03(1)(a)]:** Raised from \$15 to \$20 effective July 1, 1985; raised from \$20 to \$80 effective July 1, 1995 (change in fee was included in 1995 judicial branch appropriation bill HB 1001).

**Answer fee [NDCC 27-05.2-03(1)(b)]:** Established July 1, 1995 as a \$50 fee at the direction of the Senate Appropriations Committee (Note: There is an error in the 1995 Session Laws publication in that they forgot to indicate that this was newly added language).

**Displaced Homemaker fee [NDCC 27-05.2-03(1)(a)(2)]:** \$50 of each filing fee for dissolution of marriage deposited in the displaced homemaker account created by 14-06.1-14 Enacted 1979. Money is deposited with Department of Public Instruction (until 2018 – DPI granted the money to Minot State University for a skills training program for eligible applicants/beginning sometime after 2018, DPI began awarding these funds as a pass-through grant to each Adult Learning Center in the state)

**Motion Fee [NDCC 11-17-04]:** Enacted 1993 at \$20 for a motion to amend an order for alimony, property division, child custody or child support. Fee raised to \$30 in the 1995 judicial branch appropriation bill HB 1001.

**Civil Legal Service Fee [NDCC 27-05-.2-03(1)(a)(1)]:** \$15 of each civil filing fee is deposited in Civil Legal Services Fund. Enacted 1989. Portion of fee raised from \$10 to \$15 effective July 1, 2009. Cap raised from \$400,000 to \$650,000 effective July 1, 2009. Cap raised from \$650,000 to \$750,000, effective July 1, 2019.

**Other filing fee/fees for preparing, certifying, issuing or transmitting a document [NDCC 27-05.2-03(1)(d) and (1)(e)]:** The fees were raised from \$5 per document or a lesser fee if established by the state court administrator, to \$10 per document effective July 1, 1997. These fees were carried over from the county section of Century Code (fees formerly found in NDCC 11-17-04) when the county clerk of court responsibility was transferred to the state in 1999.

**Criminal Court Administration Fee [NDCC 29-26-22(1)]:** Established 1987 as 25% of maximum penalty allowed for the charge; raised to 30% in 1995; Effective July 1, 2003, changed to a variable fee from \$125 to \$900 based on the charge the defendant is convicted on.

**Court Administration Fee [NDCC 29-26-22(2)]:** Established July 1, 2003 as an additional \$100 court administration fee in addition to the variable court administration fee (as referenced above). The \$100 is split between the **Indigent Defense Fund** and the **Court Facility Maintenance and Improvement Fund**. The formula for the split is that the first \$750,000 goes to the ID Fund, the next \$460,000 goes to the Court Facility Fund, and after that fund is full the fees are split evenly between the two funds. The formula starts over at the beginning of each biennium.

**Restitution Collection Assistance Fee [NDCC 12.1-32-08-(6)]:** Established July 1, 2003. This fee is charged on all non-sufficient fund checks or checks issued without an account that have been

criminally prosecuted. The fee is the greater of the sum of \$10 or an amount equal to the 25% of the restitution ordered, not to exceed \$1,000. The money collected goes to the county if restitution is collected by the state's attorney or clerk of court in a contract court, or to the state if collected through the district court in a state-employed clerk of court office. The money must be used to defray the cost of defraying expenses incident to the collection of restitution, including operating expenses and compensation of additional necessary personnel.

**Community Service Work Fee [NDCC 29-26-22(3)]:** enacted 2007; fee \$50 effective July 1 2007; fee reduced to \$25 effective July 1, 2009; other funding for CSW providers is through one-time legislative grants and direct charges to participants

**Victim Witness Fee [NDCC 27-01-10(1)]:** Established 1989 and earmarked to go to (1) a private, nonprofit domestic violence or sexual assault program; (2) a victim-witness advocacy program, or (3) the statewide automated victim information and notification system (SAVIN – run by CJIS); By statute, the amount of the fee cannot exceed \$25 but the exact amount is set by resolution of the county governing board (for district court cases) or by the governing board of the city (municipal court cases).

**Indigent Defense Application Fee [NDCC 29-07-01.1(1)]:** Established July 1, 2001 and set at \$25. Raised to \$35 effective July 1, 2013. Money originally passed through general fund and was to be used by Indigent Defense Commission to pay for contract services. This restriction on how IDC used the money was later repealed.

**Indigent Defense Recoupment Fees [NDCC 29-07-01.1(2)(b)]:** Established July 1, 1997 as reimbursement for actual costs. Modified subsequently and as of July 1, 2009 to reimburse the presumed amount of indigent defense costs and expenses as determined by the Indigent Defense Commission (rates are adopted by IDC and published as policy titled "Presumed Rate for Attorney Fee Reimbursement").

### **Supreme Court Fees**

**Filing Fee [NDCC 27-03-05]:** Raised from \$50 to \$125 effective July 1, 1995

**E-Filing Fee:** Statutory authority granted effective July 1, 1995, fee set at \$25 by Supreme Court effective 1997 fee; statutory authority still exists but fee was repealed by Supreme Court in 2019

## **History of Small Claims Court Jurisdiction and Fees**

1971 – Small Claims Court established; Jurisdictional limit set at \$200; fee to file a claim or counterclaim set at \$2 plus an additional \$1 fee per defendant served

Either party has the right to demand a 6-person jury trial in lieu of a court trial

1975 – Jurisdictional limit raised to \$500 if claim is filed in a county court of increased jurisdiction. No change to jurisdictional limit if claim is filed in county court; No change to fees.

Right to jury trial repealed; Informal hearing allowed

1981 – Consolidation of county courts so split jurisdictional limit eliminated; Jurisdictional limit raised to \$1,000; No change to fees

Requirement for any type of hearing eliminated

1983 – Jurisdictional limit raised to \$1,500; Fees raised to \$5 to file a claim or counterclaim plus an additional \$1 per defendant served

1985 – Jurisdictional limit raised to \$2,000; Filing fee raised to \$10 (which was half the cost of the district court filing fee of \$20)

1991 – Consolidation of county and district court; Jurisdictional limit raised to \$3,000; No change in fees

Judge allowed to dismiss without prejudice if determines the case cannot be fairly disposed of in small claims case; if a dismissal is entered, the plaintiff is entitled to a refund of the filing fee

1995 - Jurisdictional limit raised to \$5,000; no change to filing fees

1999 – Responsibility to fund clerk of court offices transferred from counties to the state; no changes to jurisdictional limit or filing fees

2009 - Jurisdictional limit raised to \$10,000; No change to filing fees

2013 - Jurisdictional limit raised to \$15,000; No change to filing fees

### **Cost of Living changes from July 1995 to July 2024**

Based on calculator provided by the American Institute for Economic Research

Fee - 1995	2024
\$10	\$19.99
\$50	\$99.97
\$80	\$159.95
\$100	\$199.94
\$125	\$249.92

### **Consumer Price Index Change from July 1995 to July 2024 (CPI Inflation)**

Based on calculator provided by the Bureau of Labor Statistics

Fee - 1995	2024
\$10	\$20.64
\$50	\$103.21
\$80	\$165.14
\$100	\$206.42
\$125	\$258.03



## Written Testimony in Opposition to S.B. 2057

February 18, 2025

North Dakota House Judiciary Committee  
North Dakota House of Representatives  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Klemin, Vice Chair Karls, and Members of the Committee:

We submit this testimony in opposition to Senate Bill 2057. Senate Bill 2057 would double many existing fees charged to people in North Dakota's criminal justice system, making already unaffordable fees even more expensive. Our organizations are committed to reducing the burden of fines and fees in order to advance economic prosperity and public safety. **We urge the Committee to reject attempts to increase criminal justice fees, and instead support the elimination of these fees as in House Bill 1417, which would eliminate counsel and supervision fees.**

Criminal justice fees are charged in addition to any fines ordered by the court, and unlike fines, fees are not intended as punishment — they are solely intended to generate revenue for the government.<sup>1</sup> Yet, the vast majority of people involved in the criminal justice system have very limited incomes and financial resources.<sup>2</sup> While mechanisms may exist to reduce the burden of fines and fees on an individual basis, the reality is that many people fail to utilize them due to lack of awareness or legal knowledge.

**As a result, only a fraction of what is assessed is ever collected, and these fees fail to pay for the functions they were intended to fund.** Indeed, in some jurisdictions, it actually costs the government more money to collect than what is owed in fines and fees.<sup>3</sup> The expense of this system to both people who are assessed fees and to the government can be enormous. For example, the North Dakota Department of Corrections (DOC) reports spending more than \$410,000 per year attempting to collect fees, and nearly 140 DOC staff members are involved in the collections process.<sup>4</sup>

<sup>1</sup> See *Gillespie v. Little*, 564 N.W.2d 651 (N.D. 1997) (“fees are intended to be revenue-generating and civil in nature, rather than punitive.”).

<sup>2</sup> See, e.g., 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](https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf).

<sup>3</sup> 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](https://brennancenter.org/sites/default/files/2019-11/2019_10_Fees%26Fines_Final5.pdf).

<sup>4</sup> Data collected by and on file with the Berkeley Law Policy Advocacy Clinic.

Fees are also a widely recognized barrier to successful reentry after incarceration and system involvement.<sup>5</sup> **Assessing fees sets returning citizens up to fail, taking money out of their pockets when they are struggling to reintegrate into their communities and regain their financial stability.** When people cannot pay, they become trapped in a relentless and inescapable cycle of debt and punishment. Instead, people should be empowered to support themselves and their families.

Research has shown that families frequently choose to forego their most basic needs to pay the fees of their loved ones, using money out of their limited budgets to pay fees rather than housing, food and basic household necessities.<sup>6</sup> **While fees are technically assessed against the person charged with a crime, the debt is borne by their entire household, including children, spouses, parents and other dependents, who sacrifice to ensure their loved one is not punished for nonpayment.** These fees also disproportionately burden people and families from marginalized communities, widening existing economic disparities.

We urge the Committee not to advance Senate Bill 2057, as it is an unjust, ineffective way to generate revenue. Increasing criminal justice fees will ultimately lead to worse reentry outcomes and families being unable to afford basic needs. Instead of relying on fees, we urge the committee to consider more stable and sustainable funding alternatives for the courts and justice system.

Respectfully submitted,

Mary Mergler  
Fines & Fees Justice Center  
mmergler@ffjc.us  
[www.finesandfeesjusticecenter.org](http://www.finesandfeesjusticecenter.org)  
[www.endjusticefees.org](http://www.endjusticefees.org)

Alasdair Whitney  
Institute for Justice  
awhitney@ij.org

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<sup>5</sup> Fines & Fees Justice Center, *End Fees, Discharge Debt, Fairly Fund Government* (2022), available at <https://finesandfeesjusticecenter.org/content/uploads/2022/01/FFJC-Policy-Guidance-Fee-Elimination-1.13.22.pdf>.

<sup>6</sup> 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/>; 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>.





Policy Advocacy Clinic

Gus Patel-Tupper  
UC Berkeley School of Law  
353 Law Building  
Berkeley, CA 94720  
gtupper@clinical.law.berkeley.edu

February 19, 2025  
Senate Bill 2057

Dear Chairman Klemin & Members of the House Judiciary Committee,

My name is Gus Patel-Tupper and I'm a supervising attorney in the Policy Advocacy Clinic at Berkeley Law. The Clinic provides technical and research support on state and local reforms to criminal and juvenile justice system fees and fines. We do not work on anything related to civil courts or civil fees, so everything I say here is only about to criminal fees and fines.

It may seem contradictory, but there is evidence from outside North Dakota that increasing fees and fines actually reduces collections. I am not sure if there is a reason to believe that North Dakota would be different. In fact, there are reasons to think it might be the same story in North Dakota: the Department of Corrections reports spending more than \$410,000 per year and using 139 staff members' time to collect fees. And their collection rate is still only 25%.

This is likely due to the reality that criminal defendants are, for the most part, low income, and are not often able to pay any amount in court fees. In Wisconsin, [increasing a criminal fee](#) by about \$300 reduced overall revenue by almost 30%, and increased by 36% the number of people who made no payment at all. Similarly, counties, courts, and agencies in [Montana](#), [Idaho](#), [Colorado](#), [Oregon](#), and [many other states](#) lost money trying to collect juvenile and criminal fees. Recognizing the ineffectiveness of criminal fees as a source of revenue, Wyoming, Idaho, and South Dakota have recently rejected legislation to increase court fees and fines.

Research into criminal fees has found that they place other unintended, significant on taxpayers. These costs come from increased recidivism, decreased trust in the courts, and reduced law enforcement effectiveness. Increased fees in Wisconsin also increased recidivism by 18% within two years. [Several other studies](#) have found that higher fees increase recidivism. Furthermore, increasing fees [makes police less likely to solve cases](#) of property and violent crime.

SB 2057 is clearly motivated by important goals, like the funding of state government. However, the State Court Administrator reports that revenues from increased fees and fines are not necessary to the functioning of the courts. That presents an opportunity for advocates like me to partner with the courts to find longer term solutions to meet the goals of this legislation without the same level of risk to low-income North Dakotans. For example, there is a data collection



requirement in HB 1417 which was recently before this committee and I think could provide very helpful insight to some of the questions I've raised in my testimony.

I would be excited to participate in any follow-up conversations about the generation of revenue through court fees and fines. I strongly recommend that the legislature take time to guarantee that North Dakota's policies are based in the strongest available evidence.

Sincerely,

Gus Patel-Tupper  
Supervising Attorney  
Policy Advocacy Clinic, UC Berkeley Law  
gtupper@clinical.law.berkeley.edu  
503-891-0009

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2057  
2/25/2025

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

8:47 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:**

- Different types of North Dakota court fees
- Civil filing fees

8:47 a.m. Representative Satrom proposed an Amendment, testimony #38385.

8:49 a.m. Representative Satrom moved to Adopt Amendments proposed in testimony #38385.

8:49 a.m. Representative Vetter seconded the motion.

8:53 a.m. Sara Behrens, Staff Attorney in the North Dakota Supreme Court's Office, answered committee questions.

<b>Representatives</b>	<b>Vote</b>
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

8:55 a.m. Motion passed 14-0-0

8:56 a.m. Representative Satrom moved a Do Pass as Amended and rerefer to Appropriations.

8:56 a.m. Representative Schneider seconded the motion.

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

8:57 a.m. Motion passed 8-6-0

8:57 a.m. Representative Satrom will carry the bill.

8:59 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

February 25, 2025

*RS 2/25/25*

*1 of 6*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2057**

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections  
2 ~~27-01-10~~, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to  
3 court fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. When the restitution ordered by the court under subsection 1 is the result of a finding  
8 that the defendant issued a check or draft without sufficient funds or without an  
9 account, the court shall impose as costs the greater of the sum of ~~ten~~twenty dollars or  
10 an amount equal to twenty-five percent of the amount of restitution ordered. The costs  
11 imposed under this subsection, however, may not exceed one thousand dollars. The  
12 state-employed clerks of district court shall remit the funds collected as costs under  
13 this subsection to the state treasurer for deposit in the restitution collection assistance  
14 fund. The funds deposited into the restitution collection assistance fund are  
15 appropriated to the judicial branch on a continuing basis for the purpose of defraying  
16 expenses incident to the collection of restitution, including operating expenses and the  
17 compensation of additional necessary personnel. The state's attorneys and  
18 county-employed clerks of district court shall remit the funds collected as costs under  
19 this subsection to the county treasurer to be deposited in the county general fund.

1 ~~SECTION 2. AMENDMENT.~~ Section 27-01-10 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3 ~~27-01-10. Fee assessments for funding crime victim and witness programs.~~

4 ~~1. The governing body of a county shall, by resolution, authorize the district judges~~  
5 ~~serving that county to assess a fee under subsection 3 of not more than twenty five~~fifty  
6 ~~dollars as part of a sentence imposed on a defendant who pleads guilty to or is~~  
7 ~~convicted of a criminal offense or of violating a municipal ordinance for which the~~  
8 ~~maximum penalty that may be imposed by law for the offense or violation includes~~  
9 ~~imprisonment.~~

10 ~~2. The governing body of a city shall, by ordinance, authorize a municipal judge to~~  
11 ~~assess a fee under subsection 3 of not more than twenty five~~fifty~~dollars as part of a~~  
12 ~~sentence imposed on a defendant who pleads guilty to or is convicted of violating a~~  
13 ~~municipal ordinance for which the maximum penalty that may be imposed under the~~  
14 ~~ordinance for the violation includes imprisonment.~~

15 ~~3. The governing body of the county or city shall determine the amount of the fee to be~~  
16 ~~assessed in all cases or it may authorize the district or municipal judge to determine~~  
17 ~~the amount of the fee to be assessed in each case. The fee assessed under this~~  
18 ~~section is in addition to any fine, penalty, costs, or administrative fee prescribed by~~  
19 ~~law. The district or municipal judge shall assess the fee when sentence is imposed or~~  
20 ~~when sentence is suspended or imposition of sentence is deferred, unless the~~  
21 ~~defendant is indigent and unable to pay the fee. All fees paid to a district or municipal~~  
22 ~~court under this section must be deposited monthly in the county or city treasury for~~  
23 ~~allocation by the governing body of the county or city to one or more of the following~~  
24 ~~programs as determined by the governing body or by agreement of the attorney~~  
25 ~~general, the North Dakota league of cities, and the North Dakota association of~~  
26 ~~counties:~~

27 ~~a. A private, nonprofit domestic violence or sexual assault program.~~

28 ~~b. A victim and witness advocacy program of which the primary function is to~~  
29 ~~provide direct services to victims of and witnesses to crime.~~

30 ~~c. The statewide automated victim information and notification system, as~~  
31 ~~provided for under chapter 12.1-34.~~



1       **SECTION 2. AMENDMENT.** Section 27-03-05 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **27-03-05. Fees to be charged and collected by clerk of supreme court.**

4       The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred~~  
5 ~~twenty five~~two hundred fifty dollars upon the filing in the supreme court of the record in any  
6 cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise  
7 of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the  
8 supreme court shall charge and collect any electronic filing processing fee established by court  
9 rule for any matter filed in an electronic format.

10       **SECTION 3. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **27-05.2-03. Fees to be charged by the clerk of the district court.**

13       1. A clerk of the district court shall charge and collect the following fees in civil cases:

14           a. For filing a case for decision that is not a ~~small claims action~~under subdivision b  
15 or e, eightyone hundred sixty dollars.

16           (1) ~~Fifteen~~Thirty dollars of this fee must be paid by the clerk of court to the state  
17 treasurer for deposit in the civil legal services fund. Any fees collected under  
18 this paragraph which exceed ~~seven hundred fifty thousand~~nine hundred  
19 thousand dollars in any biennium must be paid by the clerk of court to the  
20 state treasurer for deposit in the state general fund.

21           (2) ~~For the filing of a petition for dissolution of marriage, annulment, or~~  
22 ~~separation from bed and board, fifty dollars of this fee must be paid by the~~  
23 ~~clerk of court to the state treasurer for deposit in the displaced homemaker~~  
24 ~~account created by section 14-06.1-14 and fifteen dollars of this fee must be~~  
25 ~~paid by the clerk of court to the state treasurer for deposit in the state~~  
26 ~~general fund.~~

27           (3) ~~For all other filings, sixty five~~One hundred thirty dollars of this fee must be  
28 paid by the clerk of court to the state treasurer for deposit in the state  
29 general fund.

30           b. For filing a petition for dissolution of marriage, annulment, or separation, one  
31 hundred sixty dollars.

- 1           (1) Thirty dollars of this fee must be paid by the clerk of court to the state  
2           treasurer for deposit in the civil legal services fund. Any fees collected under  
3           this paragraph which exceed nine hundred thousand dollars in any biennium  
4           must be paid by the clerk of court to the state treasurer for deposit in the  
5           state general fund.
- 6           (2) One hundred dollars of this fee must be paid by the clerk of court to the  
7           state treasurer for deposit in the displaced homemaker account under  
8           section 14-06.1-14.
- 9           (3) Thirty dollars of this fee must be paid by the clerk of court to the state  
10          treasurer for deposit in the state general fund.
- 11          c. For filing an answer to a case that is not a small claims action other than under  
12          subdivision d or e, fiftyone hundred dollars. The clerk shall deposit this fee with  
13          the state treasurer for deposit in the general fund in the state treasury.
- 14          d. For filing a motion to modify an order for spousal support, property division, child  
15          support, parental rights and responsibilities, residential responsibility, parenting  
16          time, one hundred sixty dollars. For filing an answer to a motion to modify an  
17          order for spousal support, property division, child support, parental rights and  
18          responsibilities, residential responsibility, or parenting time, one hundred dollars.  
19          The clerk shall deposit this fee with the state treasurer for deposit in the general  
20          fund of the state treasury.
- 21          e-e. For filing a small claims action in district court, tentwenty dollars.
- 22          d-f. For filing any matter authorized to be filed in the office of the clerk of court other  
23          than under subdivision a, b, or c, tentwenty dollars.
- 24          e-g. For preparing, certifying, issuing, or transmitting any document, tentwenty dollars,  
25          or a lesser fee as may be set by the state court administrator.
- 26          f. ~~For filing a motion or an answer to a motion to modify an order for alimony,~~  
27          ~~property division, child support, or child custody, thirty dollars. The clerk shall~~  
28          ~~deposit this fee with the state treasurer for deposit in the general fund of the state~~  
29          ~~treasury.~~



2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

**SECTION 4. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

**29-26-22. Judgment for fines - Court administration fee - Community service supervision fee - Special funds - Docketing and enforcement. (Retroactive application - See note)**

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of ~~one hundred twenty-five~~two hundred fifty dollars for a class B misdemeanor, ~~two hundred~~four hundred dollars for a class A misdemeanor, ~~four hundred~~eight hundred dollars for a class C felony, ~~six hundred fifty~~one thousand three hundred dollars for a class B felony, and ~~nine hundred one thousand eight hundred dollars for a class A or AA felony.~~
2. In addition, in all criminal cases except infractions, ~~the court administration fee must include~~the court shall impose an indigent defense and court facilities fee of one hundred~~two hundred~~ dollars. Of the additional ~~one hundred~~two hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any ~~court administration~~ fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of ~~twenty-five~~fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.

- 1       4. A court may waive the court administration fee, indigent defense and court facilities  
2       fee, or community service supervision fee upon a showing of indigency as provided in  
3       section 25-03.1-13. District court administration fees, exclusive of amounts deposited  
4       in the indigent defense administration fund and the court facilities and improvement  
5       fund, and forfeitures must be deposited in the state general fund. A judgment that the  
6       defendant pay a fine or fees, or both, may be docketed and if docketed constitutes a  
7       lien upon the real estate of the defendant in like manner as a judgment for money  
8       rendered in a civil action. The court may allow the defendant to pay any assessed  
9       administration fee or community service supervision fee in installments. When a  
10      defendant is assessed administration fees or a community service supervision fee, the  
11      court may not impose at the same time an alternative sentence to be served if the fees  
12      are not paid.
- 13      5. Upon successful completion of an approved adult drug court program, a court may  
14      waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing  
15      the defendant to the drug court program, except for restitution. For purposes of this  
16      subsection, "approved drug court program" means a district court-supervised  
17      treatment program approved by the supreme court.

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2057**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** [\(25.8031.02001\)](#) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

25.8031.02000

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2057**

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections  
2 27-01-10, 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to  
3 court fees.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. When the restitution ordered by the court under subsection 1 is the result of a finding  
8 that the defendant issued a check or draft without sufficient funds or without an  
9 account, the court shall impose as costs the greater of the sum of ~~ten~~twenty dollars or  
10 an amount equal to twenty-five percent of the amount of restitution ordered. The costs  
11 imposed under this subsection, however, may not exceed one thousand dollars. The  
12 state-employed clerks of district court shall remit the funds collected as costs under  
13 this subsection to the state treasurer for deposit in the restitution collection assistance  
14 fund. The funds deposited into the restitution collection assistance fund are  
15 appropriated to the judicial branch on a continuing basis for the purpose of defraying  
16 expenses incident to the collection of restitution, including operating expenses and the  
17 compensation of additional necessary personnel. The state's attorneys and  
18 county-employed clerks of district court shall remit the funds collected as costs under  
19 this subsection to the county treasurer to be deposited in the county general fund.

20 **SECTION 2. AMENDMENT.** Section 27-01-10 of the North Dakota Century Code is  
21 amended and reenacted as follows:



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

1. The governing body of a county shall, by resolution, authorize the district judges serving that county to assess a fee under subsection 3 of not more than ~~twenty-five~~ ~~fifty~~ dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.
2. The governing body of a city shall, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than ~~twenty-five~~ ~~fifty~~ dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city shall determine the amount of the fee to be assessed in all cases or it may authorize the district or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The district or municipal judge shall assess the fee when sentence is imposed or when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a district or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the governing body of the county or city to one or more of the following programs as determined by the governing body or by agreement of the attorney general, the North Dakota league of cities, and the North Dakota association of counties:
  - a. A private, nonprofit domestic violence or sexual assault program.
  - b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime.
  - c. The statewide automated victim information and notification system, as provided for under chapter 12.1-34.

**SECTION 3. AMENDMENT.** Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:

**27-03-05. Fees to be charged and collected by clerk of supreme court.**

The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred~~ ~~twenty-five~~ two hundred fifty dollars upon the filing in the supreme court of the record in any cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the supreme court shall charge and collect any electronic filing processing fee established by court rule for any matter filed in an electronic format.

**SECTION 4. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is amended and reenacted as follows:

**27-05.2-03. Fees to be charged by the clerk of the district court.**

1. A clerk of the district court shall charge and collect the following fees in civil cases:

a. For filing a case for decision that is not ~~a small claims action under subdivision b or e,~~ eighty-one hundred sixty dollars.

(1) ~~Fifteen-Thirty~~ Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed ~~seven hundred fifty thousand nine hundred~~ thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

(2) ~~For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.~~

(3) ~~For all other filings, sixty-five~~ One hundred thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

b. For filing a petition for dissolution of marriage, annulment, or separation, one hundred sixty dollars.

(1) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under

1                   this paragraph which exceed nine hundred thousand dollars in any biennium  
2                   must be paid by the clerk of court to the state treasurer for deposit in the  
3                   state general fund.

4                   (2) One hundred dollars of this fee must be paid by the clerk of court to the  
5                   state treasurer for deposit in the displaced homemaker account under  
6                   section 14-06.1-14.

7                   (3) Thirty dollars of this fee must be paid by the clerk of court to the state  
8                   treasurer for deposit in the state general fund.

9                   c. ~~For filing an answer to a case that is not a small claims action other than under~~  
10                  ~~subdivision d or e, fifty-one hundred~~ dollars. The clerk shall deposit this fee with  
11                  the state treasurer for deposit in the general fund in the state treasury.

12                  d. For filing a motion to modify an order for spousal support, property division, child  
13                  support, parental rights and responsibilities, residential responsibility, parenting  
14                  time, one hundred sixty dollars. For filing an answer to a motion to modify an  
15                  order for spousal support, property division, child support, parental rights and  
16                  responsibilities, residential responsibility, or parenting time, one hundred dollars.  
17                  The clerk shall deposit this fee with the state treasurer for deposit in the general  
18                  fund of the state treasury.

19                  e.e. For filing a small claims action in district court, ~~ten-twenty~~ dollars.

20                  d.f. For filing any matter authorized to be filed in the office of the clerk of court other  
21                  than under subdivision a, b, or c, ~~ten-twenty~~ dollars.

22                  e.g. For preparing, certifying, issuing, or transmitting any document, ~~ten-twenty~~ dollars,  
23                  or a lesser fee as may be set by the state court administrator.

24                  f. ~~For filing a motion or an answer to a motion to modify an order for alimony,~~  
25                  ~~property division, child support, or child custody, thirty dollars. The clerk shall~~  
26                  ~~deposit this fee with the state treasurer for deposit in the general fund of the state~~  
27                  ~~treasury.~~

28                  2. Section 27-01-07 applies to fees charged under this section. The clerk of court may  
29                  not charge or collect any fee, prescribed by this or any other section, from the state or  
30                  an agency thereof or from a political subdivision or agency thereof.



**SECTION 5. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

**29-26-22. Judgment for fines - Court administration fee - Community service supervision fee - Special funds - Docketing and enforcement. (Retroactive application - See note)**

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of ~~one hundred twenty-five~~ two hundred fifty dollars for a class B misdemeanor, ~~two hundred~~ four hundred dollars for a class A misdemeanor, ~~four hundred~~ eight hundred dollars for a class C felony, ~~six hundred fifty~~ one thousand three hundred dollars for a class B felony, and ~~nine hundred-one thousand eight hundred~~ dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, ~~the court administration fee must include~~ the court shall impose an indigent defense and court facilities fee of ~~one hundred~~ two hundred dollars. Of the additional ~~one hundred~~ two hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any ~~court administration~~ fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of ~~twenty-five~~ fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the court administration fee, indigent defense and court facilities fee, or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited



- 1 in the indigent defense administration fund and the court facilities and improvement  
2 fund, and forfeitures must be deposited in the state general fund. A judgment that the  
3 defendant pay a fine or fees, or both, may be docketed and if docketed constitutes a  
4 lien upon the real estate of the defendant in like manner as a judgment for money  
5 rendered in a civil action. The court may allow the defendant to pay any assessed  
6 administration fee or community service supervision fee in installments. When a  
7 defendant is assessed administration fees or a community service supervision fee, the  
8 court may not impose at the same time an alternative sentence to be served if the fees  
9 are not paid.
- 10 5. Upon successful completion of an approved adult drug court program, a court may  
11 waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing  
12 the defendant to the drug court program, except for restitution. For purposes of this  
13 subsection, "approved drug court program" means a district court-supervised  
14 treatment program approved by the supreme court.

**2025 HOUSE APPROPRIATIONS**

**SB 2057**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

SB 2057  
3/20/2025

A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

10:08 a.m. Chairman Vigesaa opened the meeting to order.

Members Present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Member absent: Representative Brandenburg

### Discussion Topics:

- Committee Action

10:08 a.m. Representative Vetter introduced the bill and answered questions.

10:11 a.m. Sally Holewa, ND State Court Administrator, ND Court System, answered questions.

10:19 a.m. Representative Murphy moved Do Pass.

10:19 a.m. Representative Meier seconded the motion.

### Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	AB
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	AB
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	Y

Motion passed 21-0-2.

10:19 a.m. Representative Satrom will carry.

10:19 a.m. Chairman Vigesaa closed the meeting.

*Krystal Eberle, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED AND AMENDED SB 2057 ([25.8031.03000](#))**

**Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2057 was placed on the Fourteenth order on the calendar.