

HOUSE BILL NO. 1382

Introduced by

Representative Hawken

Senator W. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 29-08 of the North Dakota
2 Century Code, relating to bail as the defendant's property.

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

4 **SECTION 1.** A new section to chapter 29-08 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Bail - Defendant's property.** Moneys deposited as bail are the property of the
7 defendant, whether deposited by the defendant or by a third person on the defendant's behalf.
8 When moneys are accepted by the court as bail, the judge shall order that the moneys received
9 be deposited with the clerk of court. The clerk shall retain the moneys until the final order of the
10 court disposing of the case. Upon release of the moneys held by the clerk, the moneys must be
11 paid to the defendant or upon the defendant's written direction. In the case of a conviction, the
12 judge may order the moneys to be applied to any fine, cost, or restitution imposed on the
13 defendant. The balance of the deposit, if any, must be paid to the defendant. Moneys
14 deposited with the court or clerk of court as bail are exempt from garnishment, attachment, or
15 execution.