

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 276

SENATE BILL NO. 2105

(Judiciary Committee)

(At the request of the Supreme Court)

JUVENILE SERVICES COORDINATOR REPEAL

AN ACT to repeal section 27-02-05.2 of the North Dakota Century Code, relating to the state juvenile services coordinator.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 27-02-05.2 of the North Dakota Century Code is repealed.

Approved March 7, 2005

Filed March 8, 2005

CHAPTER 277

HOUSE BILL NO. 1064

(Representatives Klemin, Sitte)

SMALL CLAIMS REMOVAL ATTORNEY'S FEES

AN ACT to amend and reenact section 27-08.1-04 of North Dakota Century Code, relating to the awarding of attorney's fees in cases removed from small claims court to district court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

27-08.1-04. Election to proceed in small claims court irrevocable.

Election by the plaintiff to use the procedures provided for in this chapter is irrevocable. In the event the plaintiff elects to discontinue the proceedings, the court shall enter its order accordingly, and unless otherwise provided in the order the dismissal must be deemed to be with prejudice. By election to proceed in small claims court, the plaintiff waives the right to appeal to any other court from the decision of the small claims court. The defendant waives the right to appeal from the decision of the small claims court upon receiving the order for appearance as required herein, unless the defendant elects to remove the action from the small claims court to district court. If the defendant elects to remove the action to district court, the defendant must serve upon the plaintiff a notice of the removal and file with the clerk of the court to which the action is removed a copy of the claim affidavit and the defendant's answer along with the filing fee, except for an answer fee, required for civil actions. If the defendant elects to remove the action from small claims court to district court, the district court shall award attorney's fees to a prevailing plaintiff.

Approved March 30, 2005

Filed March 31, 2005

CHAPTER 278

SENATE BILL NO. 2104

(Judiciary Committee)

(At the request of the Supreme Court)

JUROR SELECTION

AN ACT to amend and reenact section 27-09.1-05.1 of the North Dakota Century Code, relating to the selection of jurors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-09.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

27-09.1-05.1. Selection of jurors from judicial district - Impact of natural disaster - Grounds and method for selection. The court, upon its own motion or in response to a motion by a party, may direct that prospective jurors be selected from one or more counties in the judicial district in which the court is located if the ~~county of venue has a population of not more than ten thousand persons and the~~ court determines that the number of prospective jurors within the county of venue is inadequate ~~insufficient~~ to obtain ~~a fair and impartial~~ an adequate jury pool. Following notification by the court, the clerk of court of any county in the judicial district shall submit a specified number of names, with mailing addresses, of the prospective, qualified jurors to the clerk of court of the county of venue. If a natural disaster impairs the selection of a sufficient number of prospective jurors in any county, the supreme court, by emergency order, may authorize the court in the affected county to obtain additional names and mailing addresses of prospective, qualified jurors from the clerk of court of an adjoining county ~~in the judicial district~~ or from the clerk of court of another county in the judicial district if a sufficient number of names and addresses is not available from the adjoining county.

Approved March 7, 2005

Filed March 8, 2005

CHAPTER 279

HOUSE BILL NO. 1486

(Representatives Kerzman, Froelich, S. Meyer)
(Senator Krauter)

JUVENILE PLACEMENT IN TREATMENT FACILITY

AN ACT to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to placement of juveniles in in-state residential care or residential treatment facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 27-20 of the North Dakota Century Code is created and enacted as follows:

In-state placement of juveniles - Exception. Except for cases in which the specific necessary treatment is unavailable in the state or cases in which the appropriate treatment or services cannot be provided in a timely manner in the state, all juveniles in need of residential treatment or residential care placement must be placed in in-state residential facilities.

Approved April 12, 2005
Filed April 13, 2005