

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

That the House recede from its amendments as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that Senate Bill No. 2243 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

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

29-26-22. Judgment for fines and court - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

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 dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one 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 to contract 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 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 administration 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 in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed

administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM. In addition to the funds appropriated in section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of House Bill No. 1015, as approved by the sixtieth legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose."

Page 1, line 5, replace "general" with "community service supervision" and replace "\$380,000" with "125,000"

Page 1, line 7, after "providing" insert "matching"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Department of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-09 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.