

Introduced by

Senators Nething, Erbele, Heckaman

Representatives Carlisle, Pollert

1 A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code,  
2 relating to community service supervision fees; and to provide an appropriation to the  
3 department of corrections and rehabilitation to provide funding for community service  
4 supervision grants.

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

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

8 **29-26-22. Judgment for fines and court - Court administration fee - Community**  
9 **service supervision fee - Special fund funds - Docketing and enforcement.**

- 10 1. In all criminal cases except infractions, upon a plea or finding of guilt, the court  
11 shall impose a court administration fee in lieu of the assessment of court costs.  
12 The court administration fee must include a fee of one hundred twenty-five dollars  
13 for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four  
14 hundred dollars for a class C felony, six hundred fifty dollars for a class B felony,  
15 and nine hundred dollars for a class A or AA felony.
- 16 2. In addition, in all criminal cases except infractions, the court administration fee  
17 must include one hundred dollars. Of the additional one hundred dollar court  
18 administration fee, the first seven hundred fifty thousand dollars collected per  
19 biennium must be deposited in the indigent defense administration fund, which  
20 must be used to contract for indigent defense services in this state, and the next  
21 four hundred sixty thousand dollars collected per biennium must be deposited in  
22 the court facilities improvement and maintenance fund. After the minimum  
23 thresholds have been collected, one-half of the additional court administration fee  
24 must be deposited in each fund.

- 1           3. In addition to any court administration fees that may be imposed under  
2           subsections 1 and 2, the court shall impose upon each defendant who receives a  
3           sentence that includes community service a community service supervision fee of  
4           fifty dollars. The community service supervision fee must be deposited in the  
5           community service supervision fund. The fees deposited in this fund must be used  
6           to provide community service supervision grants subject to legislative  
7           appropriations.
- 8           4. A court may waive the administration fee or community service supervision fee  
9           upon a showing of indigency as provided in section 25-03.1-13. District court  
10          administration fees, exclusive of amounts deposited in the indigent defense  
11          administration fund and the court facilities and improvement fund, and forfeitures  
12          must be deposited in the state general fund. A judgment that the defendant pay a  
13          fine or ~~court administration fee~~ fees, or both, may be docketed and if docketed  
14          constitutes a lien upon the real estate of the defendant in like manner as a  
15          judgment for money rendered in a civil action. The court may allow the defendant  
16          to pay any assessed administration fee or community service supervision fee in  
17          installments. When a defendant is assessed administration fees or a community  
18          service supervision fee, the court may not impose at the same time an alternative  
19          sentence to be served if the fees are not paid.

20           **SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM - CITIES AND**  
21 **COUNTIES PARTICIPATION.** The department of corrections and rehabilitation shall charge  
22 cities and counties participating in the community service supervision program on a per case  
23 basis an amount sufficient to generate income of \$35,000 from participating cities and  
24 \$220,000 from participating counties for the period beginning July 1, 2007, and ending June 30,  
25 2009. All moneys collected by the department of corrections and rehabilitation under this  
26 section must be deposited in the community services supervision fund.

27           **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the  
28 community service supervision fund in the state treasury, not otherwise appropriated, the sum  
29 of \$380,000, or so much of the sum as may be necessary, to the department of corrections and  
30 rehabilitation for the purpose of providing grants for community service supervision of  
31 offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009.