

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE CONCURRENT RESOLUTION NO. 3036
(Representatives Klemin, Boehning, Delmore)
(Senators Hogue, Nething, Olafson)

A concurrent resolution directing the Legislative Management to study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury trial process of other states; and the right to a jury trial in civil traffic cases.

WHEREAS, Section 13 of Article I of the Constitution of North Dakota provides "[t]he right of trial by jury shall be secured to all, and remain inviolate"; and

WHEREAS, Section 13 of Article I of the Constitution of North Dakota also provides a person accused of a crime for which the person may be confined for a period of more than one year has the right of trial by a jury of 12; and

WHEREAS, North Dakota Century Code Section 29-01-06 provides in all criminal prosecutions, the party accused has the right to a speedy and public trial by an impartial jury; and

WHEREAS, the North Dakota Rules of Criminal Procedure provide if the defendant is entitled to a jury trial, the trial must be by jury unless the defendant waives a jury trial in writing or in open court, the prosecuting attorney consents, and the court approves; and

WHEREAS, the North Dakota Supreme Court has found a constitutional right to a jury trial in civil traffic cases; and

WHEREAS, in 2009 and 2010 approximately 118 misdemeanor jury trials were held each year in the state; and

WHEREAS, the annual cost of jury compensation for misdemeanor trials in the state is approximately \$35,000 plus mileage reimbursements;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury trial process of other states; and the feasibility and desirability of eliminating a jury trial right for civil traffic tickets; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State