

SENATE BILL NO. 2292

Introduced by

Senators Luick, Dotzenrod, J. Lee

Representatives Lefor, Mitskog

1 A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code,
2 relating to transfer of municipal court cases to district court.

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

4 **SECTION 1. AMENDMENT.** Section 40-18-15.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-18-15.1. Transfer to district court - Expenses of prosecution - Division of funds**
7 **and expenses between city, county, and state.**

8 1. A matter may be transferred to district court for trial if within ~~twenty-eight~~forty-two days
9 after arraignment the defendant has requested in writing to transfer the case to district
10 court and to exercise the defendant's right to a jury trial. After a transfer to district
11 court, if the defendant waives a jury trial or if the parties enter an agreement providing
12 for a conditional waiver of a jury trial, the matter must be remanded to the municipal
13 court for disposition ~~if the defendant and prosecuting attorney agree to the remand.~~
14 ~~Unless remanded to the municipal court by agreement of the parties, the district court~~
15 ~~shall retain jurisdiction for sentencing~~unless the defendant and the prosecuting
16 attorney agree jurisdiction for the matter should remain with district court.

17 2. Upon remand to the municipal court, if the municipal court rejects the terms of a plea
18 agreement that provided for a conditional waiver of a jury trial, the case must be
19 returned to district court for jury trial, court trial, or other final disposition.

20 3. The city shall provide a prosecuting attorney and, in the case of any indigent
21 defendant, a defense attorney. The city may contract with the county, state, or any
22 individual or entity for prosecution or defense services. In the contract, the city, county,
23 and state may agree to a division of all fees, fines, costs, forfeitures, and any other
24 monetary consideration collected from cases transferred under this section, which

1 must be paid to the city and county treasury and state general fund at least once each
2 quarter. At the time of payment, the clerk of district court shall account under oath to
3 the city auditor, county, and state treasurer for all money collected. In the contract the
4 city, county, and state may also agree to a division of expenses, including jury and
5 witness expenses, related to cases transferred under this section. In the absence of a
6 contract all fees, fines, costs, forfeitures, and any other monetary consideration
7 collected from transferred cases must be deposited in the state general fund.