

SENATE BILL NO. 2132

Introduced by

Senators Armstrong, Hogue

Representatives Maragos, Toman

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 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 A matter may be transferred to district court for trial ~~only~~ if within twenty-eight days after
9 arraignment the defendant has requested in writing to transfer the case to district court and to
10 exercise the defendant's right to a jury trial. After a transfer to district court, if the defendant
11 waives a jury trial, the matter must be remanded to the municipal court ~~unless the defendant~~
12 ~~and the prosecuting attorney agree that jurisdiction for the matter should remain with the district~~
13 ~~court for disposition if the defendant and prosecuting attorney agree to the remand. If the~~
14 ~~defendant does not waive a jury trial~~ Unless remanded to the municipal court by agreement of
15 the parties, the district court shall retain jurisdiction for sentencing. The city shall provide a
16 prosecuting attorney and, in the case of any indigent defendant, a defense attorney. The city
17 may contract with the county, state, or any individual or entity for prosecution or defense
18 services. In the contract, the city, county, and state may agree to a division of all fees, fines,
19 costs, forfeitures, and any other monetary consideration collected from cases transferred under
20 this section, which must be paid to the city and county treasury and state general fund at least
21 once each quarter. At the time of payment, the clerk of district court shall account under oath to
22 the city auditor, county, and state treasurer for all money collected. In the contract the city,
23 county, and state may also agree to a division of expenses, including jury and witness
24 expenses, related to cases transferred under this section. In the absence of a contract all fees,

Sixty-fifth
Legislative Assembly

- 1 fines, costs, forfeitures, and any other monetary consideration collected from transferred cases
- 2 must be deposited in the state general fund.