

# JUDICIAL PROCEDURE, CRIMINAL

## CHAPTER 281

### SENATE BILL NO. 2378

(Senators Olafson, Fiebiger, Lyson, Nething)  
(Representatives Berg, DeKrey)

## FEDERAL AGENT AUTHORITY TO ARREST

AN ACT to amend and reenact section 29-06-05.2 of the North Dakota Century Code, relating to the authority of a federal law enforcement agent to make an arrest for a violation of state law.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

#### **29-06-05.2. Federal ~~bureau of investigation~~ law enforcement officer - Authority to make arrests.**

1. "~~Special~~ Federal agent" means an employee of the federal bureau of investigation or the federal drug enforcement administration who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer.
2. A ~~special~~ federal agent has the same authority and immunity as a peace officer in this state when making an arrest for a nonfederal crime if any of the following exist:
  - a. The ~~special~~ federal agent has reasonable grounds to believe that a felony offense was committed and the ~~person~~ individual arrested committed the offense.
  - b. The ~~special~~ federal agent is rendering assistance to a peace officer in an emergency or at the request of the peace officer.
  - c. The ~~special~~ federal agent is working as a part of a task force composed of North Dakota peace officers and federal law enforcement officers.

Approved May 2, 2007  
Filed May 3, 2007

## CHAPTER 282

### SENATE BILL NO. 2243

(Senators Nething, Erbele, Heckaman)  
(Representatives Carlisle, Pollert)

## COMMUNITY SERVICE SUPERVISION FEES AND FUNDING

AN ACT to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and to provide an appropriation to the department of corrections and rehabilitation to provide funding for community service supervision grants.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**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.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the community service supervision fund in the state treasury, not otherwise appropriated, the sum of \$125,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation 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.

Approved April 26, 2007

Filed April 27, 2007