

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2022

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the commission on  
2 legal counsel for indigents; to amend and reenact subsection 1 of section 29-07-01.1 of the  
3 North Dakota Century Code, relating to the application fee for indigent defense services; and to  
4 provide legislative intent.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from other income, to the  
9 commission on legal counsel for indigents for the purpose of defraying the expenses of the  
10 commission on legal counsel for indigents, for the biennium beginning July 1, 2013, and ending  
11 June 30, 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 <del>Commission on legal counsel</del>	<del>\$11,779,282</del>	<del>\$2,781,005</del>	<del>\$14,560,287</del>
15 <del>—for indigents</del>			
16 <del>Less special funds</del>	<del>1,970,852</del>	<del>531,199</del>	<del>2,502,051</del>
17 <del>Total general fund</del>	<del>\$9,808,430</del>	<del>\$2,249,806</del>	<del>\$12,058,236</del>
18 <del>Full-time equivalent positions</del>	<del>30.00</del>	<del>3.00</del>	<del>33.00</del>
19 <u>Commission on legal counsel</u>	<u>\$11,779,282</u>	<u>\$2,402,080</u>	<u>\$14,181,362</u>
20 <u>  for indigents</u>			
21 <u>Accrued leave payments</u>	<u>0</u>	<u>116,872</u>	<u>116,872</u>
22 <u>Total all funds</u>	<u>\$11,779,282</u>	<u>\$2,518,952</u>	<u>\$14,298,234</u>
23 <u>Less special funds</u>	<u>1,970,852</u>	<u>523,322</u>	<u>2,494,174</u>

1	<u>Total general fund</u>	<u>\$9,808,430</u>	<u>\$1,995,630</u>	<u>\$11,804,060</u>
2	<u>Full-time equivalent positions</u>	<u>30.00</u>	<u>3.00</u>	<u>33.00</u>

3       **SECTION 2. AMENDMENT.** Subsection 1 of section 29-07-01.1 of the North Dakota  
4 Century Code is amended and reenacted as follows:

- 5       1. Lawyers provided to represent indigent persons must be compensated at a  
6       reasonable rate to be determined by the commission on legal counsel for indigents.  
7       Expenses necessary for the adequate defense of an indigent person prosecuted in  
8       district court, other than for a violation of a home rule county's ordinance, when  
9       approved by the commission, must be paid by the state. Expenses necessary for the  
10      adequate defense of an indigent person prosecuted for violation of a home rule  
11      county's ordinance must be paid by the home rule county. Expenses necessary for the  
12      adequate defense of an indigent person prosecuted in municipal court, when approved  
13      by the judge, must be paid by the city in which the alleged offense took place. The city  
14      shall also pay the expenses in any matter transferred to district court pursuant to  
15      section 40-18-06.2 or 40-18-15.1, in any appeal taken to district court from a judgment  
16      of conviction in municipal court pursuant to section 40-18-19, and in an appeal or  
17      postconviction matter seeking relief from a conviction resulting from violation of a  
18      municipal ordinance. A defendant requesting representation by counsel at public  
19      expense, or for whom counsel provided at public expense without a request is  
20      considered appropriate by the court, shall submit an application for indigent defense  
21      services. For an application for indigent defense services in the district court, a  
22      nonrefundable application fee of ~~twenty-five~~thirty-five dollars must be paid at the time  
23      the application is submitted. The district court may extend the time for payment of the  
24      fee or may waive or reduce the fee if the court determines the defendant is financially  
25      unable to pay all or part of the fee. If the application fee is not paid before disposition  
26      of the case, the fee amount must be added to the amount to be reimbursed under this  
27      section. Application fees collected under this subsection must be forwarded for deposit  
28      in the indigent defense administration fund established under subsection 4.

29       **SECTION 3. LEGISLATIVE INTENT - REIMBURSEMENT OF ATTORNEY FEES.** It is the  
30 intent of the sixty-third legislative assembly that a defendant who has been charged with a

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- 1 felony and for whom counsel is provided by the commission on legal counsel for indigents pay
- 2 \$575 for reimbursement of attorney fees.