

**FIRST ENGROSSMENT  
with House Amendments  
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 Commission on legal counsel	\$11,779,282	\$2,402,080	\$14,181,362
15 for indigents			
16 Accrued leave payments	0	116,872	116,872
17 Total all funds	\$11,779,282	\$2,518,952	\$14,298,234
18 Less special funds	1,970,852	523,322	2,494,174
19 Total general fund	\$9,808,430	\$1,995,630	\$11,804,060
20 Full-time equivalent positions	30.00	3.00	33.00

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

23 1. Lawyers provided to represent indigent persons must be compensated at a  
24 reasonable rate to be determined by the commission on legal counsel for indigents.

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

23 **SECTION 3. LEGISLATIVE INTENT - REIMBURSEMENT OF ATTORNEY FEES.** It is the  
24 intent of the sixty-third legislative assembly that a defendant who has been charged with a  
25 felony and for whom counsel is provided by the commission on legal counsel for indigents pay  
26 \$575 for reimbursement of attorney fees.