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January 13, 2014

ASSISTANT STATE'S ATTORNEYS:

JUSTIN J. SCHWARZ

DAWN M. DEITZ

CHRISTINE M. McALLISTER

BRITTA K. DEMELLO RICE

LEA WILSON

MARJORIE R. KOHLS

CHRISTOPHER M. REDMANN

Honorable David Hogue
Chairman, Interim Judiciary Committee
c/o Vonette Richter, Counsel
Legislative Council - State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505

Re: Senate Bill 2078 - Consolidation of Court Fees

Dear Senator Hogue:

As I am unable to attend the January Interim Judiciary Committee meeting, I respectfully request that you accept written comments concerning Senate Bill 2078 which deals with consolidation of court fees.

As you are aware, the courts are permitted to impose various fees on criminal defendants who have either entered guilty pleas or been found guilty. These fees include court administration fees, indigent defense application fees, facility improvement fees, fines, costs, restitution, NSF check fees, and victim/witness fees.

Senate Bill 2078 was a proposal by state court administration to consolidate these fees. With respect to the victim/witness fees, this proposal would consolidate these funds into one state wide fund with state wide distribution based upon a formula set out in the bill.

Unfortunately, for those jurisdictions where the courts typically impose victim/witness fees, the formula acts as a detriment. For example, in Burleigh County, where the fee is routinely imposed on nearly all types of cases, Burleigh County would lose nearly 30% of our victim/witness fees. Ward County would lose as well but Cass and Grand Forks counties would stand to gain 495% and 662% respectively. The reason for the gains in Cass and Grand Forks counties is that the judges there rarely impose victim/witness fees whereas in Burleigh and Ward counties the judges typically impose the fees on the majority of cases.

The judges in the South Central Judicial District have been very good about imposing victim/witness fees, not only in Burleigh County, but in all of the counties of the district. In Burleigh County, we are anticipating collecting approximately \$55,000.00 this year in these fees. The Burleigh County Board of Commissioners approved the hiring of an additional victim/witness coordinator in 2013 due to increased caseloads and the county uses these

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funds to offset the cost of staffing the office so the taxpayers are not burdened with the entire cost of the victim/witness program. To lose nearly 30% of that amount would have a significant impact on the county and aid in providing a windfall for those counties where the judges do not impose the fee.

While the concept of consolidation of fees has merit, I respectfully request that the victim/witness fees be kept out of the consolidation. I further ask that 100% of the fees continue to be distributed to the counties wherein the fee is assessed.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Riha". The signature is fluid and cursive, with the first name "Richard" being the most prominent part.

Richard J. Riha
Burleigh County State's Attorney