

Testimony to the: **HOUSE INTERIM JUDICIARY COMMITTEE**
Prepared May 6, 2014 by the North Dakota Association of Counties
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CONCERNING THE ASSESSMENT OF COURT FEES

Chairman Hogue and members of the committee, NDACo has been following this study and the previous legislation closely as it impacts just about all counties to some degree. Generally, we agree with the concept that under the current system there are multiple fees being charged to defendants and there is no unified way those moneys are distributed. Because of that lack of uniformity and guidance there is a loss of efficiency. State's Attorneys, County and State Clerks, probation officers and the Courts are all left trying to make priority decisions when the defendant is not able to pay all the Court ordered fees at the time of the original sentencing. (which is most defendants)

However, the problem in finding a solution is like trying to stick a square peg in a round hole. Over time, these various fees have been used to fund both local and state programs. When there is an attempt to create a one size fits all formula inevitably one of those groups is left shorted.

Here is the primary example of the stumbling block. In Burleigh County, prosecutors ask and courts grant a victim witness fee in just about all cases. (even in cases where there is not an individual victim). Those fees then go to support local programs such as the victim witness coordinators. In other judicial districts, such fees are not routinely ordered.

When creating a formula if your intentions are to hold harmless all groups then you must provide each group with the highest common denominator. Since the pie of available monies is fixed, then that means some groups would receive a larger share at the expense of someone else. It was for this reason that SB 2078 was turned into a study.

Because of this problem, assuming the legislature wishes to continue the statutes quo for those groups, it appears the legislatures' options would be limited. A formula based approach could work if either the assumptions change or the legislature makes some additional changes.

Some additional changes could include streamlining the amount of fees that are ordered and replacing those lost dollars with general appropriation dollars or mandating courts order fees on a more uniformed basis. Additionally, the legislature could reduce the number of fees that would be included in the formula thereby allowing the status quo for certain groups.

Thank you for allowing me to address this issue.

Aaron Birst