

ORDINANCE NO. 1422

An ordinance amending Chapter 1 of the Code of the City of Jamestown, North Dakota by amending Section 1-10 which sets forth regulations regarding court fees in the City of Jamestown.

WHEREAS, the North Dakota Legislative Assembly has amended the fee for the indigent defense service.

WHEREAS, to allow implementation of the new provision the City Code of the City of Jamestown requires updating.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota that Chapter 1, Section 1-10, be amended and re-enacted as follows:

Sec. 1-10. Judgment for court administration fee, facility fee, indigent application fee and indigent recoupment fee.

(1) In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee and facility fee in lieu of the assessment of court costs. The court may waive the administration fee and facility fee upon a showing indigency. Charges arising from the same event and disposed of on the same day shall be treated as one (1) case with one (1) fee being assessed. The court may not impose at the same time an alternative sentence to be served if the fees are not paid. The court may allow the defendant to pay any assessed administration fee in installments.

(2) In addition to any fee imposed under section 1-10 subsection (1) the court shall require a indigent defense application fee in those criminal cases where indigent defense application is made. The court may require any person convicted of a criminal offense in violation of this code to pay an indigent recoupment fee in cases where indigent defense services were provided.

(3) The fees referred to under section 1-10 subsections (1) and (2) shall be assessed at the following amounts if required:

(a) Administration fee: \$30.00.

(b) Facility fee: \$25.00.

(c) Indigent defense application fee: \$35.00 (if applicable).

(d) Indigent recoupment fee: \$50.00 to \$300.00 (if applicable).

(4) All fees assessed under section 1-10 must be deposited in the city general fund.

ATTEST:

Jeff Fuchs, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Gumke
Seconded by Council Member Brubakken
First Reading: September 3, 2013
Second Reading: October 7, 2013
Final Passage: October 7, 2013

Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent.