

2023 HOUSE JUDICIARY

HB 1453

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1453
1/31/2023

Relating to a uniform bail schedule initiative; and to provide for a legislative management report
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Chairman Klemin opened the hearing on HB 1453 at 2:45 PM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter. Absent: Rep. Bahl

Discussion Topics:

- Uniform bail amounts
- Judge's discretion
- Work group framework
- Bond schedules

Rep. Schneider: Introduced the bill. Testimony #18243, #18227

Travis Finck, Executive Director, NDCLCI: Testimony #18101

Jonathan Beyers, ND States Attorney; Opposition; No written testimony.

Sara Behrens, Staff Attorney, State Court Administrator's Office: Neutral Testimony #18154

Hearing closed at 3:15 PM.

Rep. Schneider moved amendment 23.0659.01001;
Seconded by Rep. Shannon Roers Jones

Discussion: Rep. Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	A
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y

Representative Steve Vetter	Y
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Roll call vote: 12 Yes 0 No 1 Absent

Rep. Shannon Roers Jones moved a Do Pass As Amended
Seconded by Rep. Satrom

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	A
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	N
Representative SuAnn Olson	N
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	N
Representative Steve Vetter	Y

Roll Call Vote: 9 Yes 3 No 1 Absent; Motion carried.
Carrier: Rep. Shannon Roers Jones

Additional written testimony:

Clayton, Jeff, Executive Director, American Bail Coalition, #18189
Fargo Municipal Court schedule. Testimony #18433

Meeting closed at 3:32 PM.

DeLores Shimek, Committee Clerk

A 1-31-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1453

Page 1, line 8, after "schedule" insert "to apply when an individual has been taken into custody and has not yet appeared before the district court"

Page 1, line 8, replace "violations" with "a violation"

Page 1, line 8, after "of" insert "a"

Page 1, line 9, replace "offenses" with "offense"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1453, as engrossed: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 8, after "schedule" insert "to apply when an individual has been taken into custody and has not yet appeared before the district court"

Page 1, line 8, replace "violations" with "a violation"

Page 1, line 8, after "of" insert "a"

Page 1, line 9, replace "offenses" with "offense"

Renumber accordingly

2023 SENATE JUDICIARY

HB 1453

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1453
3/8/2023

A bill relating to a uniform bail schedule initiative; and to provide for a legislative management report.
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2:31 PM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Estenson, Luick, Paulson and Braunberger are present. Senator Sickler was absent. Senator Luick left the meeting at 2:44 PM.

Discussion Topics:

- Arrested persons
- Court appearances
- Indigent defendants

2:31 PM Representative Schneider introduced the bill. #22921

2:37 PM Travis Finck, Executive Director, North Dakota Commission on Legal Counsel for Indigents, testified in favor of the bill. #22928

2:49 PM Sara Behrens, Staff Attorney, State Court Administrator's Office testified neutral on the bill. #22558, #22562

Additional written testimony:

Jeff Clayton #22940

3:03 PM Chairman Larson closed the public meeting.

3:05 PM Senator Braunberger moved to Do Pass the bill.
Motion seconded by Senator Myrdal.

3:08 PM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	AB
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	AB
Senator Janne Myrdal	Y

Motion passes 5-0-2.

Senator Braunberger will carry the bill.

This bill does not affect workforce development.

3:09 PM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1453, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1453

HB 1453
68th Legislative Assembly
House Judiciary Committee
January 24, 2023
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, Vice Chair Karls, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for delivery of public defense services in North Dakota. The Commission stands in support of HB 1453.

HB 1453 is a bill to require the Supreme Court to establish a uniform schedule for all district courts in North Dakota to follow. To better understand the bill, it is appropriate to walk through how it all works. When an individual is arrested, most of the time an arrest occurs without a warrant for a crime committed in the officer's presence or for a felony level offense. When that individual is arrested and the courts are not in session, the various districts across North Dakota have established presumptive bail schedules. These bail schedules allow someone with the means to post a cash amount, or in some cases a surety bond, to be released from custody pending further proceedings. If you are not able to post the amount on the schedule, you are held to see the Judge. The schedules also have several offenses requiring an individual be held to see the judge. Once the judge sees the individual, the Judge can set any amount of bond within constitutional limitations.

This current framework leads to those with means being released for identical offenses to those without means. To address some of this problem, North Dakota has created a Pre-Trial Service program which has been doing great work. However, Pre-Trial services is not in all districts and locations. Thus, more work needs to be done.

HB 1453 requires the new uniform schedule to be within current constraints of constitutional limits and requirements. Thus, there should be considerations to address a clients ability to pay worked within the schedule. Without considering the constitutional limits, HB 1453 would have no merit and only serve to exacerbate an already dangerous and archaic system of cash bail. This bill does not eliminate cash bail, but rather would have the constitutionally relevant questions asked when setting bail.

HB 1453 would also serve to treat all North Dakotans the same when arrested. Currently for a Driving under the Influence charge in North Dakota, your pre appearance bail requirement might be anywhere from \$75 to \$750 cash or surety bond, depending upon where you are arrested. I would submit someone who is arrested in Spiritwood should be treated the same as someone who is arrested in Bismarck, the same way as someone arrested in Arnegard.

Lastly, a uniform schedule such as the one contemplated in this bill is not unheard of. Doing quick research last night, it appears Iowa, Wyoming and Alabama all either have statewide schedules or state wide guidelines. North Dakota has been dealing with bail reform for years. This bill is a good step in the right direction.

Chairman Klemin, members of the House Judiciary, for the reasons stated herein, the Commission on Legal Counsel urges a DO PASS recommendation.

Respectfully Submitted:



Travis W. Finck

Executive Director, NDCLCI

House Bill 1453
House Judiciary Committee
Testimony Presented by Sara Behrens
January 31, 2023

Good afternoon Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in a neutral position on House Bill 1453 at the request of Representative Schneider to provide some background on the Court's efforts to address pre-appearance release.

In 2018, then Chief Justice Gerald VandeWalle created a workgroup to examine pretrial reform in the courts. The workgroup was comprised of district court judges, defense attorneys, state's attorneys, court administration, and representation from the DOCR. The workgroup held its first meeting in December of 2018. Originally, the workgroup looked at the issue of pre-trial release as a whole. The members discussed recent court decisions from other jurisdictions disapproving of cash bail and noted that some states are moving away from cash bail entirely. During the 2019 Legislative Session, a pretrial pilot project was approved to work on pre-trial assessments and services. Due to the pilot project, the workgroup decided to focus on the pre-appearance (between the time an individual is taken into custody until appearance in front of a judge) release of defendants instead of the broader topic of pre-trial release. It's my understanding that this bill covers only that window of time between custody and appearance in front of a judge for an individualized bond order at the initial appearance.

Rule 46 of the North Dakota Rules of Criminal Procedure governs release between the initial appearance and trial. The presumption is release on the individual's own recognizance or on an unsecured bond unless factors are present which would lead the court, in its discretion, to require

payment of a bond. Rule 46 is not applicable to the time period between being taken into custody and the initial appearance.

This bill would deal with a relatively small subset of individuals, mostly those arrested on a weekend where they may have to sit in jail for 48 hours. The bond schedule provides those instances where the individual can be released without posting a bond or with posting a certain bond. The individual is seen by the court within 48 hours and the court takes into consideration the specific circumstances to set an appropriate bail amount.

There are various bond schedules being used throughout the state, copies of which I have provided to Rep. Schneider. These schedules are put into place by judicial districts to cover the counties within that district. They are not uniform. The members of the workgroup reviewed these bond schedules and were in agreement that uniformity would be a positive step.

The workgroup met periodically during 2019 and 2020. In 2021, House Bill 1123 was introduced relating to bail. House Bill 1123 was very specific as to which crimes would be released without posting bail and which would need to be held. It did not solve the issue of non-uniformity in the bond schedules. House Bill 1123 was ultimately defeated.

The workgroup continued to meet and consider the issue of pre-appearance release in 2021 and 2022. The workgroup has not yet reached a consensus on how to handle pre-appearance release and will determine next steps depending on the outcome of this bill.



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January 31, 2023

North Dakota House Committee on Judiciary
Room JW327B
State Capitol
600 East Boulevard Ave
Bismarck, ND 58505-0360

RE: ND House Bill 1453

Dear Chairman Klemin and Members of the North Dakota House Judiciary Committee:

I am writing to make suggestions on how to improve HB 1453. We of course agree with the idea of making the bail schedule more uniform. There are, however, a few issues that you may not have considered that we have come across while working on this issue in other states.

We do not believe the Supreme Court should be tasked with setting the uniform statewide bail schedule.

This derives from two specific concerns.

First, there has been extensive litigation over bail schedule procedures related to the appeals therefrom that has made it to State Supreme Courts (Nevada and California), and there is another pending case in Los Angeles Superior Court (*Urquidi*) in California as to the constitutionality of bail schedules that is very likely to end up in the California Supreme Court. The movement against bail schedules is indeed a national, well-funded litigation effort that could easily target North Dakota. Because we anticipate a reasonable possibility of the North Dakota Supreme Court having to decide cases on the constitutional contours of the use schedules, in particular or in general, we think it inappropriate for the court of last resort in the state to make discretionary district court level custodial decisions.

Second, we think the citizens have a right to have the local judges who preside over the criminal matters in their jurisdiction to directly set the bail schedule. We would direct you to a legislative concept in California last year, which unfortunately did not become law, which would have required the Judicial Council (the governing body of the state courts) to appoint a representative group of local judges to act as a commission in setting the statewide bail schedule, with the Council acting as staff of this commission.¹ We might call this the North Dakota Statewide Bail Commission. The Supreme Court, thus, under such an arrangement would be appropriately walled-off from an ethical perspective, and local judges would be tasked with setting the bail as an independent commission. Thus, we think there

¹ See: <https://openstates.org/ca/bills/20212022/AB38/> (“The Judicial Council shall appoint a group of judges, deemed line 9 by the council sufficient to adequately represent counties varying line 10 in size from throughout the state, to develop and approve the line 11 statewide bail schedule.”).



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are important legal and constitutional concerns that warrant against the Supreme Court setting the bail schedule.

We would also recommend that the commission be tasked with an annual review of the schedule. It would also be wise to have some deviation reports, i.e., how often did judges adjust the bails up or down from the schedule. We would also suggest that the bail schedule be subject to a notice and comment period. We think groups such as prosecutors, defense counsel, victims' rights advocates, and even local judges should have the opportunity to comment to the commission (or Supreme Court) as to the appropriateness of the schedule and give the commission (or Supreme Court) the ability to then make adjustments to the schedule.

Thank you for your attention and thank you for your service to the People of North Dakota. If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

DocuSigned by:

A digital signature of Jeffrey Clayton, written in a cursive script, enclosed in a blue rounded rectangular box. Below the signature is a small alphanumeric string: 45CB1FFA6278476...

Jeff Clayton, M.S., J.D.

Executive Director

American Bail Coalition

jeff@ambailcoalition.org

NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Mary Schneider

District 21
1011 Eighth Street South
Fargo, ND 58103-2725
C: 701-306-0860
mschneider@nd.gov

COMMITTEES:
Human Services
Government and Veterans Affairs

Bill Presentation and Testimony in Support of HB 1453
By Representative Mary Schneider
House Judiciary Committee, Lawrence Klemin, Chair
Tuesday, January 31, 2023

Chairman Klemin, Vice Chairperson Karls, and Members of the Judiciary Committee:

This bill would create a uniform bail schedule initiative with a goal of achieving substantial uniformity of bail amounts that apply when individuals have been taken into custody but have not yet appeared before a judge in various district courts throughout the state.

Bail is the process that allows an arrested person to be released rather than held in jail by providing security, usually money, to assure that he or she will appear in court. The concept of bail actually predates the founding of our country with roots in the English Bill of Rights Act bail clause, but it has been part of our system of justice since 1791, when it was ratified as part of the Eighth Amendment's prohibition in its first clause where it says simply "Excessive bail shall not be required." A statutory right to bail in federal cases, except those punishable by death, was enacted by the Judiciary Act in 1789, and stated:

And upon all arrests in criminal cases, bail shall be admitted, (except where the punishment may be death, in which cases it shall not be admitted) by the supreme court, circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law.

The problem this bill is trying to address is the differences in the amount of bail for the same offense in various parts of the state. There currently is no requirement of consistency, uniformity, constancy, or regularity from one jurisdiction to another.

In Williams, Divide and McKenzie Counties, a class B misdemeanor will cost you \$750 in cash or corporate surety. In Southeast Judicial District it's \$500, \$300 in Southwest Judicial District, \$250 or possibly personal recognizance sometimes, elsewhere.

what? Well, because. Principles and perceptions of fairness throughout our justice system are grounded in equal treatment and equality under the law. We expect articulated reasons in law for circumstances justifying unequal treatment. When you hear a protest of "That's not fair!" from a two-year-old, twenty-two-year-old, or

62-year-old, it's usually because of unequal treatment. Uniformity is helpful in eliminating that problem, lending credibility to actions, and establishing systemic trust. It's one of the reasons we adopt model laws and state written schedules of prices, policies, and regulations.

Not all states have uniform bail schedules, but many do, with various forms and features. Some span the whole state, some certain courts or counties. Among them are: Wyoming, Oregon, Alabama, Colorado, Wisconsin, Iowa, California, Indiana, Florida, and Kentucky.

With this bill our supreme court will work cooperatively with the district courts in standardizing pre-appearance bail. Some of the factors they may want to consider are listed, and they may have others to add. And kudos to the court—they have already begun this journey, demonstrating a willingness and commitment to this effort. They've had a couple of committees examine the issue and have a 2021 Court Rule 46 on "Release from Custody," so the timeline may not cause concern.

When finished with the project, this bill would require a report to the legislative management regarding implementation of the uniform bail schedule before September 1, 2024.

23.0659.01001

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1453

Introduced by

Representatives Schneider, Bahl, Conmy, Hanson, Klemin, Roers Jones, Satrom
Senators Braunberger, Dwyer, Mathern

1 A BILL for an Act to create and enact a new section to chapter 29-08 of the North Dakota
2 Century Code, relating to a uniform bail schedule initiative; and to provide for a legislative
3 management report.

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

5 **SECTION 1.** A new section to chapter 29-08 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Supreme court uniform bail schedule initiative - Report.**

- 8 1. The supreme court shall establish a uniform bail schedule to apply when an individual
9 has been taken into custody and has not yet appeared before the district court for
10 violationsa violation of a state offensesoffense to achieve substantial uniformity of bail
11 in district court.
- 12 2. The uniform bail schedule must be established in cooperation with the district court.
- 13 3. When establishing the uniform bail schedule, the supreme court shall consider the
14 following factors when setting the standard amount of bail:
 - 15 a. Maintaining public safety;
 - 16 b. The severity of the offense justifying the bail amount;
 - 17 c. The need to assure defendants appear for court hearings;
 - 18 d. Equal treatment within the judicial system;
 - 19 e. Constitutional limits and requirements related to bail;
 - 20 f. Prohibiting excessive bail; and
 - 21 g. Any other factors considered by the supreme court to be relevant.
- 22 4. The supreme court may adjust the standard bail amounts established by the uniform
23 bail schedule as needed or when requested by the district court.
- 24 5. The uniform bail schedule must be implemented by August 1, 2024.

- 1 6. Before September 1, 2024, the supreme court shall provide a report to the legislative
- 2 management regarding the implementation of the uniform bail schedule and the
- 3 standard amount of bail for each state offense.

FARGO MUNICIPAL COURT

#18433

BAIL SCHEDULE FOR CRIMINAL AND NONCRIMINAL OFFENSES CLASSIFICATION AND DESCRIPTION OF FREQUENTLY USED ORDINANCES

Effective August 5, 2021

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
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CHAPTER 8 – TRAFFIC CODE

ARTICLE 8-01 GENERAL PROVISIONS

08-0105	Noncriminal	Driving Wrong Way On One-Way Street	\$ 40.00	
08-0106	Noncriminal	Disobey Temporary Traffic Device	40.00	
08-0113	Noncriminal	Unlawful Use Of Skates/Coasters	20.00	
08-0116	Noncriminal	Failure To Yield To Emergency Vehicle	50.00	
08-0117	Infraction	Tampering With Motor Vehicle		300.00
08-0123	Class B Misd	Operating Motor Vehicle On Dike	/	300.00

ARTICLE 8-03 REGULATIONS GOVERNING OPERATORS

08-0301	Noncriminal	Failure To Have Vehicle Under Control	60.00	
08-0303B	Noncriminal	Owner or Person Allow Unlic/ Under/16 To Drive	40.00	
08-0303C	Noncriminal	Under 18 Not Allowed to Use Electronic Device	40.00	
08-0304	Noncriminal	Fail To Carry Registration Card In Vehicle	20.00	
08-0305A1	Noncriminal	Cancelled/Revoked Vehicle Registration	100.00	
08-0305A2	Class B Misd	Fictitious Registration		300.00
08-0305A3	Class B Misd	Lending Registration Plates		300.00
08-0305A4	Noncriminal	Failure To Display Current Vehicle License	20.00	
08-0305B	Noncriminal	OMV/Without Valid Drivers License	40.00	
08-0306	Noncriminal	Violation Of Restricted Lic	40.00	
08-0307A	Infraction	Unlawful Possession/Display Of Drivers License		300.00
08-0307B	Infraction	Permit Another To Use Drivers License		300.00
08-0307C	Infraction	Display Drivers License Of Another		300.00
08-0307D	Infraction	Fail To Surrender Drivers License To State		500.00
08-0307E	Infraction	Permit Unlawful Use Of Drivers License		300.00
08-0308A	Class B Misd	Unlawful Reproduction Of Drivers License		300.00
08-0308B	Class B Misd	Altered Drivers License		300.00
08-0309	Class B Misd	Driving Under Suspension/Revocation		**400.00 all PR
08-0310A	Class B Misd	DUI/APC	NO PR	700.00
08-0310B	Class B Misd	DUI/APC Refusal	****PR if also charged w/DUI	700.00
08-0311	Noncriminal	Open Container (Specify Driver Or Passenger)	50.00	
08-0313	Noncriminal	Careless Driving	60.00	
08-0314	Class B Misd	Reckless Driving		500.00
08-0316	Noncriminal	Permit Unauthorized Person To Drive	40.00	
08-0317B1	Noncriminal	Drag Racing	100.00	
08-0317B2	Noncriminal	Exhibition Driving	50.00	
08-0317B3	Noncriminal	Racing	100.00	
08-0318	Noncriminal	OMV/On Bicycle Trail	20.00	
08-0319	Noncriminal	OMV/Park Or Playground	20.00	

HB 1453

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
08-0320	Noncriminal	OMV/Without Liability Insurance Or Registered Owner Permit Vehicle To Be Driven Without Liability Ins.	150.00	
08-0320D	Class B Misd ▲	Fail Surrender Plates Upon 2 nd OMV/Without Liab Ins Conviction		300.00
8-0321	Noncriminal	Use Wireless Communication Device Prohibited	200.00	
08-0322	Noncriminal	Distracted Driving	200.00	
08-0323	Noncriminal	No Drivers License In Possession	20.00	

ARTICLE 8-04 TRAFFIC-CONTROL DEVICES

08-0403	Noncriminal	Disobey Traffic Control Device (Barricade)	40.00	
08-0405	Noncriminal	Disobey Traffic Control Signal	40.00	
08-0405C	Noncriminal	Right Turn On Red Prohibited	40.00	
08-0407	Noncriminal	Disobey Flashing Signal	40.00	
08-0411	Noncriminal	Alter Traffic Or Railroad Sign	20.00	

ARTICLE 8-05 SPEED REGULATIONS

08-0501	Noncriminal	Speed/Care Required	60.00	
08-0502	Noncriminal	Speeding		
Speed Zones 55 or less		Fee (\$)		
1-5 miles over limit		\$10		
6-10 miles over limit		\$10 + \$2/each mph over 5 mph over limit		
11-15 miles over limit		\$20 + \$2/each mph over 10 mph over limit		
16-20 miles over limit		\$30 + \$4/each mph over 15 mph over limit		
21-25 miles over limit		\$50 + \$6/each mph over 20 mph over limit		
26-35 miles over limit		\$80 + \$6/each mph over 25 mph over limit		
36-45 miles over limit		\$140 + \$6/each mph over 35 mph over limit		
46+ mph over limit		\$200 + \$10/each mph over 45 mph over limit		
Speed Zones greater than 55		Fee (\$)		
1-10 miles over limit		\$4/each mph over limit		
11+ mph over limit		\$40 plus \$10/each mph over 11 mph over limit		
Speed Zones greater than 65		\$10 for each mph over limit		
08-0502B	Noncriminal	Speeding In School Zone with Children Present 1-10 mph over \$80 plus \$2 for every mph over 10 unless a greater fee would be applicable		
08-0502H	Noncriminal	Speeding In Construction Zone with Workers Present 1-10 mph 160 plus \$4 for every mph over 10 – must be posted “Minimum fee \$160”		
08-0506	Noncriminal	Driver Impeding Traffic	40.00	

ARTICLE 8-06 TURNING MOVEMENTS

08-0601A	Noncriminal	Improper Right Turn	40.00	
08-0601B	Noncriminal	Improper Left Turn On 2-Way Street	40.00	
08-0601C	Noncriminal	Improper Left Turn On 1-Way Street	40.00	
08-0602A	Noncriminal	Improper Start, Turn Or Stop	40.00	
08-0602B	Noncriminal	Failure To Signal Turn	40.00	
08-0602C	Noncriminal	Failure To Signal Stop	40.00	
08-0603	Noncriminal	Fail/Yield R/W When Turning Left At Intersection	40.00	
08-0605	Noncriminal	Disobey No Turn Sign	40.00	

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
08-0606	Noncriminal	Unlawful U-Turn	40.00	
08-0607	Noncriminal	Turning Where Prohibited	40.00	
08-0608A	Noncriminal	Fail/Yield Right of Way When Emerging/Entering Alley	40.00	
08-0608B	Noncriminal	Fail/Yield R/W To Pedestrian When Emerging/Entering Driveway	40.00	
08-0609	Noncriminal	Fail To Turn As Directed	40.00	

ARTICLE 8-07 PEDESTRIANS' RIGHTS AND DUTIES

08-0701	Infraction	Pedestrians Subject to Traffic Control Signals		20.00
08-0702	Noncriminal	Fail To Yield R/Way To Pedestrian – regulated inter	100.00	
08-0703A	Noncriminal	Fail To Yield R/Way to Pedestrian-unregulated inter	50.00	
08-0706	Noncriminal	Pedestrian Fail to Yield Right of Way	20.00	
08-0707	Noncriminal	Pedestrian Crossing Street Where Prohibited	20.00	
08-0708	Infraction	Pedestrian Obey Railroad Signal**		**100.00 all PR
08-0709A	Noncriminal	Pedestrian Traveling In Roadway - Sidewalk Available	20.00	
08-0709B	Infraction	Pedestrian Traveling Wrong Side of Road – No Sidewalk		20.00
08-0710	Noncriminal	Pedestrian Soliciting Rides Or Business	20.00	
08-0712	Noncriminal	Pedestrian Obstructing Traffic	20.00	

ARTICLE 8-08 ACCIDENTS

08-0801	Noncriminal	Fail To Give Immediate Notice/Report Accident	50.00	
08-0802	Infraction	Fail To File Police Report of Accident		200.00
08-0803	Class B Misd	Fail To Stop/Remain At Scene Of Accident		500.00
08-0804	Class B Misd	Fail To Give Info/Render Aid In Accident		500.00
08-0805	Class B Misd	Duty Upon Striking Fixtures/Property		500.00
08-0808	Infraction	Garage/Failing To Report Damaged Vehicle		500.00
08-0809	Class B Misd	Giving False Information/Accident		500.00

ARTICLE 8-09 EQUIPMENT OF VEHICLES

08-0901	Noncriminal	Fail To Display Flag/Light Rear Of Load	20.00	
08-0902	Noncriminal	Improper Tires	20.00	
08-0903	Noncriminal	Improper Horn	20.00	
08-0904	Noncriminal	Brakes Required	20.00	
08-0905	Noncriminal	Mirrors Required	20.00	
08-0906	Noncriminal	Obstructed Vehicle Windshield/Windows	20.00	
08-0907	Noncriminal	Windshield Wipers Required	20.00	
08-0908	Noncriminal	Mufflers/Exhaust System Required	20.00	
08-0909	Noncriminal	Leaking Or Loose Load	20.00	
08-0910	Noncriminal	Lights/Lamps Fail To Conform To State Law	20.00	
08-0911	Noncriminal	Fail To Display Lighted Lamps	20.00	
08-0913	Noncriminal	Illegal Spot lamps	20.00	
08-0915	Noncriminal	Reflectors/Taillight Required On Trailer	20.00	
08-0916	Noncriminal	Flashing Lights Prohibited	20.00	
08-0917	Noncriminal	Illegal Light On Vehicle	20.00	
08-0919A	Noncriminal	Riding On Exterior Of Vehicle	20.00	
08-0919B	Noncriminal	OMV/With More Passengers Than Capacity	20.00	
08-0919C	Noncriminal	Allow Body To Protrude From Moving Vehicle	20.00	
08-0920	Infraction	Size/Weight/Load Restrictions		100.00
08-0921	Infraction	Moving Object/Cause Damage To Pavement		500.00
08-0922	Infraction	Permit Required For Excessive Size & Weight		500.00

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
08-0923	Infraction	Truck Exceeding 5 Ton Prohibited		500.00
08-0924	Infraction	Restricted Use of Streets and Highways		100.00
08-0928	Noncriminal	OMV/Modified Suspension System	20.00	
08-0929	Noncriminal	OMV/In Unsafe Condition	20.00	
08-0930	Infraction	Use Of Police Radio In Motor Vehicle W/O Permit		300.00
08-0931	Noncriminal	Child Restraint Device Required	50.00	

ARTICLE 8-10 PARKING REGULATIONS

08-1010	Noncriminal	Fail To Remove Keys/Set Brake	40.00	
08-1011	Noncriminal	Drive Or Park On Private Property	40.00	
08-1013	Noncriminal	Improper Parking/Obstructing Traffic	20.00	

ARTICLE 8-11 RAILROAD CARS AND CROSSINGS

08-1108A	Noncriminal	Disobey Signal Of Approaching Train	100.00	
08-1108B	Noncriminal	Driving Thru/Around RR Crossing Gate	100.00	
08-1110	Noncriminal	Disobey Railroad Stop Sign	100.00	
08-1111	Noncriminal	Vehicle Required To Stop At RR Crossing	40.00	

ARTICLE 8-12 GENERAL RULES OF THE ROAD

08-1201	Noncriminal	Following Too Closely	40.00	
08-1202	Noncriminal	Fail To Yield R/W At Intersection	40.00	
08-1203	Noncriminal	Fail To Yield R/W Emerging or Entering Driveway	40.00	
08-1204	Noncriminal	Fail To Obey Stop Sign	40.00	
08-1205	Noncriminal	Fail To Obey Yield Sign	40.00	
08-1206	Noncriminal	Driving On Wrong Side Of Divided Street	40.00	
08-1209	Noncriminal	Driving On Wrong Side Of Roadway	40.00	
08-1210	Noncriminal	Passing Vehicle in Opposite Direction	40.00	
08-1211	Noncriminal	Failure To Dim Headlights	40.00	
08-1213	Noncriminal	Unlawful Passing On Right	40.00	
08-1214	Noncriminal	Improper Passing On Left	40.00	
08-1215A	Noncriminal	Improper Passing On Curve or Hill	40.00	
08-1215B	Noncriminal	Improper Pass At Intersection/RR Crossing	40.00	
08-1215C	Noncriminal	Improper Pass At Bridge/Viaduct	40.00	
08-1216	Noncriminal	Pass In No-Passing Zone	40.00	
08-1217	Noncriminal	Improper Lane Usage	40.00	
08-1218A	Noncriminal	Improper Stopping/Parking On Street	40.00	
08-1218E	Infraction	Unlawful School Bus Operator to Activate Lights Four Lane or One-Way Street		**100.00 all PR
08-1218F	Noncriminal	Unlawful Passing Of School Bus	100.00	
08-1218G	Noncriminal	Unlawful To Proceed Past School Bus In Oncoming Lane	100.00	
08-1219	Noncriminal	Registered Owner Permitting Vehicle To Be Operated In Violation Of Sections 08-1218 F Or G	50.00	

ARTICLE 8-13 MISCELLANEOUS DRIVING RULES

08-1301A	Noncriminal	Following Fire Apparatus	20.00	
08-1301B	Noncriminal	Driving Within Block Of Fire Apparatus	20.00	
08-1301C	Noncriminal	Driving Over Fire Hose	40.00	
08-1301D	Noncriminal	Driving Through Or Around Barricade	40.00	
08-1302	Noncriminal	Driving Through Parade or Funeral Procession	20.00	
08-1304	Noncriminal	Failure To Obtain Parade Permit	20.00	

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
08-1305	Noncriminal	Driving Vehicle On Sidewalk	40.00	
08-1306	Noncriminal	Improper Backing	40.00	
08-1307	Noncriminal	Opening Vehicle Door Into Traffic	20.00	
08-1308	Noncriminal	Helmet Required - Operator/Passenger	40.00	
08-1309	Noncriminal	Number Of Riders On Motorcycle Limited	40.00	
08-1310	Noncriminal	Clinging To A Vehicle Or Allowing Same	40.00	
08-1311	Noncriminal	Improper Start Of Parked Vehicle	20.00	
08-1313	Noncriminal	Unlawful Riding On Vehicle	40.00	
08-1315	Noncriminal	Unlawful Towing	40.00	
08-1316A	Noncriminal	OMV/With View Obstructed By Load/Passengers	40.00	
08-1316B	Noncriminal	Passenger Obstructing Driver's View	40.00	
08-1317	Noncriminal	Coasting Vehicle On Downgrade Prohibited	20.00	
08-1318	Noncriminal	Littering Street	20.00	
08-1319A	Noncriminal	Drive On Private Property As Shortcut	40.00	
08-1319B	Noncriminal	Drive On Private Property To Cruise Or Race	40.00	
08-1319C	Noncriminal	Drive On Private Prop To Avoid Traffic Control Dev	40.00	
08-1319D	Noncriminal	Drive On Private Property To Endanger Person or Prop	40.00	
08-1319E	Noncriminal	Drive On Private Property Without Doing Business	40.00	
08-1320A	Noncriminal	Oper Snowmobile Under 16 Or Allow When Prohibited	20.00	
08-1320B	Noncriminal	Operate Snowmobile In Restricted Area	20.00	
08-1321	Noncriminal	OMV/Without Required Safety Belts	40.00	

ARTICLE 8-14 BICYCLES

08-1411	Noncriminal	Bicyclist Fail To Obey Traffic Control Device	20.00	
08-1412	Noncriminal	Number Of Riders/Type Of Riding Restricted	5.00	
08-1413	Noncriminal	Riding On Roadway/Bike Paths - Restrictions	5.00	
08-1414	Noncriminal	Operate Bicycle Too Fast For Conditions	5.00	
08-1418	Noncriminal	Riding Bicycle On Sidewalks - Restrictions	20.00	
08-1419	Noncriminal	Bicycle Equipment Regulations	5.00	

ARTICLE 8-17 SNOW EMERGENCY ROUTE AND SNOW EMERGENCY DECLARATION

08-1710	Noncriminal	Prohibited Parking or Stopping	100.00	
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ARTICLE 8-18 SCHOOL SAFETY PATROLS

08-1804	Noncriminal	Driving Through School Patrol	40.00	
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ARTICLE 8-19 CRUISING

08-1902	Noncriminal	Cruising	20.00	
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ARTICLE 8-20 MOTORIZED SCOOTERS

08-2002	Noncriminal	Disobey Motorized Scooter Regulations	20.00	
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CHAPTER 9 - FIRE PROTECTION AND PREVENTION

09-0402	Infraction	▲ Fire On Pavement, Sewers, Drains		100.00
09-0417	Infraction	▲ Causing Fire by Smoking	NO PR	500.00
09-0701	Infraction	▲ Violation of Fire Code		Bail to be set at 1st appearance

CHAPTER 10 - PUBLIC SAFETY, MORALS AND WELFARE

ARTICLE 10-01 RESTRAINT OF MINORS

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
10-0101	Infraction	MIP/MCA/MUI/Minor Purchase Alcohol **		**400.00 all PR
10-0102	Infraction	Minor Enter/Attempt to Enter Licensed Liquor/Beer Est		**400.00 all PR
10-0103B	Infraction	Selling Tobacco to Person Under 21		50.00
10-0103C	Noncriminal	Use or Possession of Tobacco by Person Under 21	25.00	
10-0105	Infraction	Sale of E-Liquids to Individual Under 21		**200.00 All PR

ARTICLE 10-02 REGULATION OF DECENCY

10-0201	Class B Misd ▲	Indecent Exposure	NO PR	1000.00
10-0202	Infraction	Indecent or Disorderly Act		100.00

ARTICLE 10-03 BREACHES OF PEACE AND ORDER

10-0301	Class B Misd ▲	Disorderly Conduct	NO PR	500.00
10-0302	Infraction ▲	Making False Report To PD (<i>use Obstructing for false name</i>)		500.00
10-0303	Infraction ▲	Obstructing Public Officer		100.00
10-0304	Infraction ▲	Violation Of Weapons Regulations (Specify)		100.00
10-0306	Infraction ▲	Throwing Missiles		500.00
10-0307	Class B Misd ▲	Hinder/Molest Person Using Street/Sidewalk		300.00
10-0309	Class B Misd ▲	Assembly On Street		500.00
10-0311B	Infraction	Aggressive Panhandling		500.00
10-0311C	Noncriminal	Panhandling	50.00	
10-0312	Infraction ▲	Posting Handbills/Writing On Property		50.00
10-0313	Infraction ▲	False Fire Or Police Alarm		500.00
10-0316	Infraction	Sell Or Use Fireworks In City		100.00
10-0317	Class B Misd ▲	Resisting Police Officer	NO PR	500.00
10-0318	Infraction	Violate State Of Emergency Declaration		200.00
10-0320	Class B Misd ▲	Registration in Public Schools		100.00
10-0321	Class B Misd ▲	Criminal Mischief		500.00
10-0321.1	Class B Misd	Criminal Mischief -- Hate Crime		500.00
10-0322	Class B Misd ▲	Harassment		500.00
10-0322.1	Class B Misd	Harassment – Hate Crime		500.00
10-0323	Class B Misd ▲	Simple Assault	NO PR	500.00
10-0323.1	Class B Misd	Simple Assault – Hate Crime	NO PR	500.00
10-0324	Class B Misd	Aiding or Abetting		400.00
10-0325	Class B Misd ▲	Criminal trespass		500.00
10-0326	Noncriminal	Urinating in Public	100.00	

ARTICLE 10-04 PROHIBITED KNIVES OR OTHER DEVICES

10-0401	Infraction ▲	Possess Or Sell Switchblade Knife		100.00
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ARTICLE 10-05 FALSE IDENTIFICATION AS TO AGE

10-0501	Infraction	Display/Possess/Permit False ID		300.00
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ARTICLE 10-06 THEFT AND SHOPLIFTING

10-0601	Class B Misd ▲	Shoplifting (Up to \$500 Value)		**400.00 all PR
10-0602	Class B Misd ▲	Theft (Up To \$500 Value)		**400.00 all PR

ARTICLE 10-07 NOISY PARTIES

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
10-0701	Infraction	Noisy Party Or Gathering		**200.00 all PR
10-0702	Class B Misd ▲	Refusal To Disperse Noisy Party	NO PR	500.00
10-0703	Class B Misd ▲	Failure Of Owner/Tenant To Cooperate	NO PR	500.00

ARTICLE 10-12 MARIJUANA AND MARIJUANA PARAPHERNALIA

10-1202 (1)	Infraction ▲	Unlawful to Possess Marijuana ** (less than ½ ounce)		**400.00 all PR
10-1202 (2)	Class B Misd	Unlawful to Possess Marijuana ** (½ ounce to 500 grams)		**400.00 all PR
10-1202 (3)	Class B Misd	Ingesting/Using Marijuana under the age of 21		**400.00 all PR
10-1204	Infraction ▲	Unlawful to Possess Marijuana Paraphernalia **		**400.00 all PR

CHAPTER 11 - PUBLIC AND SANITARY NUISANCES

ARTICLE 11-02 NOISE CONTROL AND RADIO INTERFERENCE

11-0202	Noncriminal	Making Loud/Unnecessary Noise	120.00	
11-0204	Noncriminal	Projecting Unlawful Noise (Excluding From Vehicle)	120.00	
11-0205	Noncriminal	Motorized Vehicle – Compression Brakes Prohibited	120.00	

ARTICLE 11-08 ENVIRONMENTAL NUISANCES

11-0814	Noncriminal	Littering	150.00	
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ARTICLE 11-09 LITTERING OF PUBLIC PLACES BY CONTRACTORS

11-0901	Infraction	Illegal Dumping on City Streets		100.00
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CHAPTER 12 - CONTROL AND PROTECTION OF ANIMALS, BIRDS AND FOWL

ARTICLE 12-01 DOGS AND CATS

12-0102	Infraction	Maintaining Unlicensed Dog/Cat		50.00
12-0105A	Infraction	Dog/Cat Running At Large		50.00
12-0105B	Infraction	Failure To Collect Animal Waste		100.00
12-0105D	Infraction	Failure To Confine Dog/Cat In Heat		50.00
12-0105E	Infraction	Show Cause/Public Nuisance		
12-0105F	Infraction	Requirements Animal Bite/Rabies		500.00
12-0112	Infraction	Animal Disturbing the Peace		50.00
12-0113	Infraction	Animal Shelter Requirements		500.00
12-0114	Infraction	Animal Food/Water Requirements		500.00
12-0115	Infraction	Chain/Kennel/Tether/Tie out Requirements		200.00
12-0116	Infraction	Limit Number Dogs/Cats		50.00
12-0117C	Class B Misd	Dangerous Dog Registration Requirements		200.00
12-0117G	Class B Misd	Dangerous Dog Leashed		500.00
12-0117(J)(1)(b)	Class B Misd	Allow a Dangerous Dog to "Run at Large"		400.00

ARTICLE 12-02 ANIMALS, GENERAL

12-0201	Infraction	Allowing Vicious Animal At Large (not dog)		500.00
12-0216	Infraction	Killing Squirrels		500.00
12-0217	Infraction	Cruelty To Dumb Animal		500.00

ARTICLE 12-03 DOMESTIC FOWL, WILD BIRDS, AND PETS

12-0305	Infraction	Killing Harmless Wild Birds		500.00
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NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
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CHAPTER 17 - SEWERS AND SEWAG

	Class B Misd ▲			300.00
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CHAPTER 18 - PUBLIC WAYS AND PLACES

ARTICLE 18-03 USE AND CARE OF STREETS AND SIDEWALKS

18-0301	Infraction ▲	Failure To Remove Snow/Ice From Sidewalk		100.00
18-0304	Infraction ▲	Selling Merchandise On A Public Way		100.00
18-0426	Infraction	Depositing of Snow on Streets		50.00

CHAPTER 25 - LICENSING AND REGULATING BUSINESSES AND TRADES

ARTICLE 25-04 TAXICABS, OWNERS AND DRIVERS, LIMOUSINES AND HANDICAPPED VANS

25-0402	Infraction ▲	Failure To Have Taxicab License		100.00
25-0421	Infraction ▲	Operating Taxi Without Taxi Driver License		100.00

ARTICLE 25-05 PEDDLERS AND SOLICITORS

25-0502	Infraction ▲	Soliciting Without Permit		200.00
25-0510	Infraction ▲	Unlawful Soliciting		200.00

ARTICLE 25-10 PAWNBROKERS

25-1002	Infraction ▲	Pawnbroker Operating W/O License		100.00
25-1008	Infraction ▲	Pawnbroker Transacting Business W/Minor		500.00
25-1010	Infraction ▲	Daily Report to PD of Pawnbroker		500.00
25-1019(3)	Infraction ▲	Pawn Property of Another		500.00

ARTICLE 25-11 SALVAGE DEALERS

25-1107	Infraction ▲	Failure To Properly Fence Salvage Yard		500.00
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ARTICLE 25-15 ALCOHOLIC BEVERAGES

25-1502	Infraction ▲	Selling alcohol without license		500.00
25-1509A	Class B Misd ▲	Selling Alcoholic Beverage to Minor		500.00
25-1509B	Infraction ▲	Permit Minor on Premises of Licensed Liquor/Beer Est.		500.00
25-1509F	Infraction ▲	Permit Alcohol Consumption After Hours		500.00
25-1509G	Infraction ▲	Unauthorized Persons on Premises After Hours		500.00
25-1509H	Infraction ▲	Liquor License Good at No More Than One Location		300.00
25-1518A	Noncriminal	Sell, Consume or Possess Alcohol in Public	\$100.00	
25-1518B	Noncriminal	Possess or Consume Alcohol in Public Building	\$100.00	
25-1518C	Class B Misd ▲	Minor Misrepresenting Age		500.00
25-1518D	Class B Misd ▲	Delivery of Alcoholic Beverage to Minor		500.00
25-1519	Infraction ▲	Refuse Police Inspection of Licensed Premises		500.00

ARTICLE 25-20 HOUSE MOVERS

25-2004	Infraction ▲	Moving Permit Required		200.00
25-2015	Infraction ▲	Viol of House Moving Requirements		200.00

REVISED ORDINANCES OF THE PARK DISTRICT OF THE CITY OF FARGO

PURSUANT TO SECTION 40-49-12, NDCC

PARK 8.1	Noncriminal	Littering	150.00	
PARK 8.4	Class B Misd	Minor Possess Alcohol In Park		400.00
PARK 8.13	Noncriminal	Skates, Roller Blades, Skate Boards Prohibited	20.00	
PARK 9.2	Noncriminal	Violation Of Park Hours	100.00	
PARK 11A	Noncriminal	Speeding (15 MPH Limit)	See 8-0502	

NOTE: The ▲ symbol indicates the Police Department requires a report.

ORDINANCE NO.	CLASSIFICATION	ORDINANCE DESCRIPTION	MAY FORFEIT	MUST APPEAR
PARK 11B	Noncriminal	Driving Off Roadway In Park	20.00	
PARK 11C	Noncriminal	Driving On Bicycle Path	20.00	
PARK 13.1	Noncriminal	Consuming Intoxicating Liquor	100.00	
PARK 13.2	Noncriminal	Consume Beer Without Permit	100.00	
PARK 13.3	Noncriminal	Bring Glass Bottled Beverage on Park Property	100.00	

BAIL PROCEDURES

NONCRIMINAL OFFENSES:

Release on PR is required.

CLASS B MISDEMEANOR OR INFRACTION:

Cass County Residents – signed PR unless bail schedule specifies NO PR.
Cash or surety (bail bonds) are acceptable. No personal checks.

Outside Cass County – full bond – either cash or surety. No checks.

****Release on personal recognizance regardless of residence.**

08-0309 - DUS

08-0708 – Pedestrian disobeying railway signal

08-1218E – Unlawful School Bus Operator Activate Lights

10-0101 - MIP

10-0102 – Minor entering liquor establishment

10-0601 – Shoplifting

10-0602 – Theft

10-0701 - Loud Party

10-1202 – Unlawful to Possess Marijuana

10-1204 – Unlawful to Possess Marijuana Paraphernalia

******Bond is PR if defendant is also charged with DUI**

08-0310B Refuse to Submit to Chemical Test

BENCH WARRANTS FOR UNPAID FINES ONLY:

Cash only – full amount. No checks or bail bonds. Do not schedule an appearance date unless the individual requests an appearance.

ALL OTHER BENCH WARRANTS AND WARRANTS OF ARREST:

Cash or surety for full amount. No checks. **MUST APPEAR.**

**STATE OF NORTH DAKOTA
NORTHEAST JUDICIAL DISTRICT**

(Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh)

BOND SCHEDULE

All bond amounts shall be posted with cash or surety. No personal checks are accepted. A certified check from a local financial institution may be accepted. Debit or credit card payment can be made at Clerk of Court's office between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Individuals unable to post bond MUST be brought before a Judge forthwith or within 48 hours for a bond review.

Individuals who do post bond MUST sign a promise to appear for next regular court appearance date.

Felonies: Judge will set bond.

Simple Assault/Domestic Assaults - Class A and B Misdemeanors: Judge will set bond.

Class B Misdemeanors: \$500 cash or surety

2nd DUI/APC in 7 years: \$500 cash or surety, see below 24/7 requirement.

Driving under suspension, Class B Misdemeanor \$500.00 P.R. Bond

Class A Misdemeanors: \$500 cash or surety

EXCEPT 3rd DUI/APC in 7 Years: \$1500 cash or surety, see below 24/7 requirement.

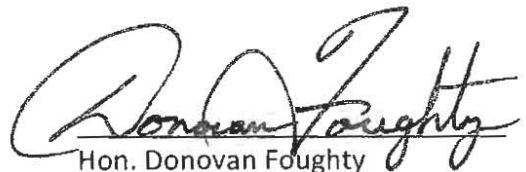
*****24/7 Requirement*****All individuals arrested for **2nd or Subsequent DUI** must agree to participate in **24/7 program** prior to release. If individual does not agree, a bond hearing must be scheduled.

Multiple Misdemeanors: Highest bond required for any one of the offenses will cover all charges in the District Court. THIS ONLY APPLIES TO DISTRICT COURT. If charges are pending in both Municipal Court and District Court, separate bonds are required for each Court.

NSF Check and No Account Check: Bond amounts are found on summons or arrest warrant. Use that amount, not amounts listed above.

- Defendants eligible for Rule 43 Waiver and who elect to proceed with that process shall post the bond and sign the waiver.
- Those who wish to appear must post bond and sign promise to appear for next court date.

Dated this 15th day of February, 2022.



Hon. Donovan Foughty
Presiding Judge
Northeast Judicial District

BENSON AND RAMSEY COUNTIES
BAIL BOND SCHEDULE COMMENCING March 17, 2020

The following bond schedule has been approved by Judge Donovan Foughty and Judge Lonnie Olson. The court provides this bond schedule to assist alleged offenders of State laws the right to be released on bail whenever an immediate appearance before a judge is not feasible.


ALL CLASS B MISDEMEANORS AND CLASS A MISDEMEANORS WILL HAVE A SET BOND OF \$500.00 P.R. EXCEPT FOR THE FOLLOWING CHARGES LISTED BELOW:

<u>TRAFFIC VIOLATIONS:</u>	<u>OFFENSE</u>	<u>NDCC</u>	<u>AMOUNT</u>
1.	Driving Under the Influence & Actual Physical Control		
	(1st offense)-----	B Misd.----- 39-08-01-----	\$400.00 Promise to appear
	(2nd offense)-----	" "-----	\$500.00 Promise to appear
	(3rd offense)-----	A Misd.-----	\$1,000.00 Promise to appear & impound vehicle
	(4 th or more)-----	A Misd or C Felony-----	Bail Hearing Required
	Driving snowmobile, boat or ATV while under the influence		
	-----	B Misd.-----39-24-09(5c)-----	\$400.00 Promise to appear
All persons charged with DUI or APC can only be released when a sober competent adult is willing to take custody of the person so charged whether it be by P.R. or cash bond.			
	Driving Under Suspension		
	(1 st & 2 nd offense)-----	B Misd ----- 39-06-42 -----	\$400.00 Promise to appear
	(3 rd offense)-----	A Misd-----	\$400.00 PR & impound vehicle
	(4 th offense)-----	A Misd-----	Bail Hearing Required
2.	Leaving scene of accident (Death or Injury)	39-08-04-----	Bail Hearing Required
	(Property damage) -----	39-08-05-----	\$400.00 Promise to appear
3.	Aggravated Reckless Driving	A Misd.----- 39-08-03-----	Bail Hearing Required
4.	Fleeing (in a vehicle) an Officer	-----A Misd.----- 39-10-71	Bail Hearing Required
5.	Unlawful use of license plate or tab		
	(Section 2,3,4,5)-----	B Misd.----- 39-04-37-----	\$300.00 Promise to appear
	Violated Drivers Licencc or-	B Misd.----- 39-06-17-----	\$300.00 Promise to appear
	Unlawful use of license - lending/use someone else's refuses to surrender any operator's license, permit or ID card -----	B Misd.----- 39-06-40-----	\$300.00 Promise to appear
6.	Careless, reckless, or negligent operation of snowmobile or ATV		
	B Misd.----- 39-24-09(5b)-----		\$300.00 Promise to appear


***Promise to appear to in-state residents with no criminal convictions within 3 years. If they have criminal convictions within 3 years, they can be released on cash bonds. Out-of-state residences must pay cash bonds as listed.

All felony charges require that a bail hearing to be held as soon as possible after apprehension of accused.

Dated at Devils Lake, North Dakota this 17th day of March, 2020.



LONNIE W. OLSON
DISTRICT JUDGE



DONOVAN FOUGHTY
DISTRICT JUDGE

Below are the most common violations:

CLASS B MISDEMEANORS

Actual Physical Control (1st & 2nd offenses)
Criminal Mischief
Disorderly Conduct
Driving under the influence (1st & 2nd offense)
Driving under suspension
Minor in Possession or Consumption
Possession of Drug Paraphernalia
Possession of Marijuana
Reckless Driving
Simple Assault
Theft of Services
Unlawful use of license plate
Violating drivers license restrictions (work permit)

CLASS A MISDEMEANORS

Actual Physical Control (3rd & above)
Aggravated Reckless Driving
Assault
Delivery of an Alcoholic Beverages to Minors
Driving under the influence (3rd & above)
False Information to a Police Officer
Fleeing
Hindering a Police Officer
Minor in a Liquor Establishment
Unauthorized use of a Motor Vehicle
Reckless Endangerment

BAIL BOND SCHEDULE FOR DISTRICT COURT - MISDEMEANORS
BOTTINEAU, PIERCE, and MCHENRY COUNTIES, NORTH DAKOTA

* Reckless Driving	Misd. B	39-08-03	\$ 500.00 cash only
* Aggravated Reckless Driving	Misd. A	39-08-03	\$1,000.00 cash or surety
* Fleeing or Attempting to Elude a Police Officer	Misd. A	39-10-71	\$1,000.00 - 1 st offense \$1,500.00 - 2 nd offense \$2,000.00 - 3 rd + offense
* Violated Driver's License Restrictions	Misd. B	39-06-17	\$ 500.00 cash only
Unlawful Use of License	Misd. B	39-06-40	\$ 500.00 cash only
Altering Driver's License or Permit	Misd. B	39-06-40.1	\$ 500.00 cash only
* Drove While Drivers License Suspended or Revoked	Misd. B	39-06-42	\$ 500.00 cash only
* Leaving Scene of Accident Involving Death or Personal Injury	Misd. A	39-08-04	\$1,000.00 cash or surety
Leaving Scene of Accident Involving Property Damage	Misd. B	39-08-05	\$ 500.00 cash only
* False Information to Law Enforcement	Misd. A	12.1-08-03	\$1,000.00 cash or surety
* Failure to Give Information or Render Aid	Misd. B	39-08-06	\$ 500.00 cash only
DUI/APC - 1 st offense	Misd. B	39-08-01	\$1,200.00 cash or surety
DUI/APC - 2 nd offense	Misd. B	39-08-01	\$1,200.00 AND 24/7 sobriety program
DUI/APC - 3 rd offense	Misd. A	39-08-01	\$2,000.00 AND 24/7 sobriety program
DUI/APC - 4 th + offense	Felony C	39-08-01	NO BOND and MUST APPEAR
Possession or Purchase of Alcoholic Beverage	Misd. B	05-01-08	\$ 500.00 cash only
* Possession or Purchase of Alcoholic Beverage - 2 nd offense	Misd. B	05-01-08	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. B	19-03.1-23	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. A	19-03.1-23	\$1,000.00 cash or surety
* Possession of Drug Paraphernalia	Misd. B	19-03.4-03	\$ 500.00 cash or surety
	Misd. A	19-03.4-03	\$ 1,000.00 cash or surety
* Ingesting a Controlled Substance	Misd. A	19-03.1-22.3	\$1,000.00 cash or surety
* Delivering of Alcohol to Minor	Misd. A	05-01-09	\$1,000.00 cash or surety
* Misrepresentation of Age to Purchase Alcoholic Beverages	Misd. B	05-01-08.1	\$ 500.00 cash only
* Contributing to Delinquency of Minor	Misd. A	14-10-06	\$1,000.00 cash or surety
* Driving Snowmobile While DUI	Misd. B	39-24-09-5C	\$ 500.00 cash only
* Injury to Highway Signs or Markers	Misd. B	24-12-04	\$ 500.00 cash only
Public Service Commission Violations			\$ 250.00 cash only

GENERALLY:

If a criminal offense is not listed above, then it is a **MUST APPEAR** unless/until a magistrate or district judge sets bond.

Unless otherwise noted as "cash only," the schedule refers to cash or surety bonds. If an officer deems it appropriate and the defendant requests a surety bond, a magistrate or district judge may be contacted for approval. A personal recognizance (P.R.) bond will only be considered if the offense is minor and the defendant is a resident of the area.

As conditions of bond, the defendant is to remain law-abiding and keep the clerk of court informed of any change in address or other personal information. As a condition to any alcohol or drug-related crime, the defendant is not to consume any alcohol or enter any licensed premises which serves alcohol, or consume any controlled substance unless prescribed by a licensed physician.

In all domestic violence cases, there is to be a no-contact provision.

If more than one charge is made concerning the same incident, then ½ of the bond on the additional charge(s) shall be applied.

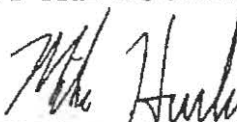
FOR OFFENSES WITH AN ASTERISK (*): The defendant may be released on bond but **MUST** appear in court.

FOR THOSE OFFENSES WITH NO ASTERISK (*): The defendant may be released from custody upon posting the required bail but **MUST APPEAR** in court on the set hearing date unless a **WRITTEN WAIVER OF APPEARANCE AND PLEA OF GUILTY** approved by the State's Attorney is entered.

The foregoing bail schedule is effective from and after **September 8, 2017**, in all cases venued in Bottineau, Pierce, and McHenry Counties.

DATED this 8th day of **September, 2017**.

BY THE COURT:



Michael P. Hurly
District Judge

BAIL BOND SCHEDULE FOR DISTRICT COURT - MISDEMEANORS
RENVILLE , MCHENRY, and ROLETTE COUNTIES, NORTH DAKOTA

* Reckless Driving	Misd. B	39-08-03	\$ 500.00 cash only
* Aggravated Reckless Driving	Misd. A	39-08-03	\$1,000.00 cash or surety
* Fleeing or Attempting to Elude a Police Officer	Misd. A	39-10-71	\$1,000.00 - 1 st offense
* Violated Driver's License Restrictions	Misd. B	39-06-17	\$ 500.00 cash only
Unlawful Use of License	Misd. B	39-06-40	\$ 500.00 cash only
Altering Driver's License or Permit	Misd. B	39-06-40.1	\$ 500.00 cash only
* Drove While Drivers License Suspended or Revoked	Misd. B	39-06-42	\$ 500.00 cash only
* Leaving Scene of Accident Involving Death or Personal Injury	Misd. A	39-08-04	\$1,000.00 cash or surety
Leaving Scene of Accident Involving Property Damage	Misd. B	39-08-05	\$ 500.00 cash only
* False Information to Law Enforcement	Misd. A	12.1-08-03	\$1,000.00 cash or surety
* Failure to Give Information or Render Aid	Misd. B	39-08-06	\$ 500.00 cash only
DUI/APC - 1st , 2nd and 3rd offense	Misd. B	39-08-01	\$500.00 cash or surety
DUI/APC - 4th+ offense	Felony C	39-08-01	<i>NO BOND and MUST APPEAR</i>
Possession or Purchase of Alcoholic Beverage	Misd. B	05-01-08	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. B	19-03.1-23	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. A	19-03.1-23	\$1,000.00 cash or surety
* Possession of Drug Paraphernalia	Misd. A	19-03.4-03	\$1,000.00 cash or surety
* Ingesting a Controlled Substance	Misd. A	19-03.1-22.3	\$1,000.00 cash or surety
* Delivering of Alcohol to Minor	Misd. A	05-01-09	\$1,000.00 cash or surety
* Misrepresentation of Age to Purchase Alcoholic Beverages	Misd. B	05-01-08.1	\$ 500.00 cash only
* Contributing to Delinquency of Minor	Misd. A	14-10-06	\$1,000.00 cash or surety
* Driving Snowmobile While DUI	Misd. B	39-24-09-5C	\$ 500.00 cash only
* Injury to Highway Signs or Markers	Misd. B	24-12-04	\$ 500.00 cash only
Public Service Commission Violations			\$ 250.00 cash only

GENERALLY:

If a criminal offense is not listed above, then it is a **MUST APPEAR** unless/until a magistrate or district judge sets bond.

Unless otherwise noted as "cash only," the schedule refers to cash or surety bonds. If an officer deems it appropriate and the defendant requests a surety bond, a magistrate or district judge may be contacted for approval. A personal recognizance (P.R.) bond will only be considered if the offense is minor and the defendant is a resident of the area.

As conditions of bond, the defendant is to remain law-abiding and keep the clerk of court informed of any change in address or other personal information. As a condition to any alcohol or drug-related crime, the defendant is not to consume any alcohol or enter any licensed premises which serves alcohol, or consume any controlled substance unless prescribed by a licensed physician.

In all domestic violence cases, there is to be a no-contact provision.

If more than one charge is made concerning the same incident, then ½ of the bond on the additional charge(s) shall be applied.

FOR OFFENSES WITH AN ASTERISK (*): The defendant may be released on bond but **MUST** appear in court.

FOR THOSE OFFENSES WITH NO ASTERISK (*): The defendant may be released from custody upon posting the required bail but **MUST APPEAR** in court on the set hearing date unless a **WRITTEN WAIVER OF APPEARANCE AND PLEA OF GUILTY** approved by the State's Attorney is entered.

The foregoing bail schedule is effective from and after **December 28, 2015**, in all cases venued in Renville, McHenry, and Rolette Counties.

DATED this **28th** day of **December, 2015**.

BY THE COURT:



ANTHONY SWAIN BENSON
District Judge

2ND AMENDED BAIL BOND SCHEDULE FOR DISTRICT COURT - MISDEMEANORS

ROLETTE COUNTY, NORTH DAKOTA

* Reckless Driving	Misd. B	39-08-03	\$ 500.00 cash only
* Aggravated Reckless Driving	Misd. A	39-08-03	\$1,000.00 cash or surety
* Fleeing or Attempting to Elude a Police Officer	Misd. A	39-10-71	\$1,000.00 - 1 st offense \$1,500.00 - 2 nd offense \$2,000.00 - 3 rd + offense
* Violated Driver's License Restrictions	Misd. B	39-06-17	\$ 500.00 cash only
Unlawful Use of License	Misd. B	39-06-40	\$ 500.00 cash only
Altering Driver's License or Permit	Misd. B	39-06-40.1	\$ 500.00 cash only
* Drove While Drivers License Suspended or Revoked	Misd. B	39-06-42	\$ 500.00 cash only
* Leaving Scene of Accident Involving Death or Personal Injury	Misd. A	39-08-04	\$1,000.00 cash or surety
Leaving Scene of Accident Involving Property Damage	Misd. B	39-08-05	\$ 500.00 cash only
* False Information to Law Enforcement	Misd. A	12.1-08-03	\$1,000.00 cash or surety
* Failure to Give Information or Render Aid	Misd. B	39-08-06	\$ 500.00 cash only
DUI/APC - 1 st offense	Misd. B	39-08-01	\$1,200.00 cash or surety
DUI/APC - 2 nd offense	Misd. B	39-08-01	\$1,200.00 AND 24/7 sobriety program
DUI/APC - 3 rd offense	Misd. A	39-08-01	\$2,000.00 AND 24/7 sobriety program
DUI/APC - 4 th + offense	Felony C	39-08-01	NO BOND and MUST APPEAR
Possession or Purchase of Alcoholic Beverage	Misd. B	05-01-08	\$ 500.00 cash only
* Possession or Purchase of Alcoholic Beverage - 2 nd offense	Misd. B	05-01-08	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. B	19-03.1-23	\$ 500.00 cash only
* Possession of a Controlled Substance	Misd. A	19-03.1-23	\$1,000.00 cash or surety
* Possession of Drug Paraphernalia	Misd. B	19-03.4-03	\$ 500.00 cash or surety
	Misd. A	19-03.4-03	\$ 1,000.00 cash or surety
* Ingesting a Controlled Substance	Misd. A	19-03.1-22.3	\$1,000.00 cash or surety
* Delivering of Alcohol to Minor	Misd. A	05-01-09	\$1,000.00 cash or surety
* Misrepresentation of Age to Purchase Alcoholic Beverages	Misd. B	05-01-08.1	\$ 500.00 cash only
* Contributing to Delinquency of Minor	Misd. A	14-10-06	\$1,000.00 cash or surety
* Driving Snowmobile While DUI	Misd. B	39-24-09-5C	\$ 500.00 cash only
* Injury to Highway Signs or Markers	Misd. B	24-12-04	\$ 500.00 cash only
Public Service Commission Violations			\$ 250.00 cash only

GENERALLY:

If a criminal offense is not listed above, then it is a **MUST APPEAR** unless/until a magistrate or district judge sets bond.

Unless otherwise noted as "cash only," the schedule refers to cash or surety bonds. If an officer deems it appropriate and the defendant requests a surety bond, a magistrate or district judge may be contacted for approval. A personal recognizance (P.R.) bond will only be considered if the offense is minor and the defendant is a resident of the area.

As conditions of bond, the defendant is to remain law-abiding and keep the clerk of court informed of any change in address or other personal information. As a condition to any alcohol or drug-related crime, the defendant is not to consume any alcohol or enter any licensed premises which serves alcohol, or consume any controlled substance unless prescribed by a licensed physician.

In all domestic violence cases, there is to be a no-contact provision.

If more than one charge is made concerning the same incident, then ½ of the bond on the additional charge(s) shall be applied.

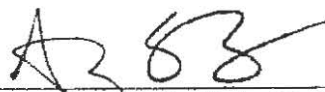
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FOR THOSE OFFENSES WITH NO ASTERISK (*): The defendant may be released from custody upon posting the required bail but **MUST APPEAR** in court on the set hearing date unless a **WRITTEN WAIVER OF APPEARANCE AND PLEA OF GUILTY** approved by the State's Attorney is entered.

The foregoing bail schedule is effective from and after **March 3rd, 2016**, in all cases venued in Rolette County.

DATED this **3rd** day of **March, 2016**.

BY THE COURT:



ANTHONY SWAIN BENSON
District Judge

JUL 30 2009

KAY HEWELL BRAGET
COUNTY CLERK/RECORDER



State of North Dakota
DISTRICT COURT CHAMBERS
OF
The HONORABLE LAURIE A. FONTAINE
Melissa Morden, Electronic Recorder

301 Dakota Street W #3
Cavalier ND 58220-4100
Telephone (701)265-8783

901 Third Street
Langdon ND 58249
Telephone (701)256-2540

PEMBINA COUNTY AND CAVALIER COUNTY
PROCEDURE FOR SETTING BOND

The District Court for Pembina and Cavalier County herein authorizes the Pembina County Sheriff and the Cavalier County Sheriff to set bond on offenses as follows:

MISDEMEANOR OFFENSES – BOND AUTOMATICALLY SET AS FOLLOWS:

- If the defendant resides in Pembina, Cavalier or Walsh Counties:
 - “B” Misdemeanor.....\$ 500.00 Unsecured with appearance date
 - “A” Misdemeanor.....\$1000.00 Unsecured with appearance date
- If the defendant resides **outside** of those Counties:
 - “B” Misdemeanor.....\$ 500.00 Cash or approved surety bond
 - “A” Misdemeanor.....\$1000.00 Cash or approved surety bond

If the arresting officer believes the defendant will appear and the defendant is from the State of North Dakota, the officer may set an unsecured bond with an appearance date.

If the defendant has more than one misdemeanor, the bond should be set on only one charge. For example, if the defendant is charged with two “B” misdemeanors, bond should be set at \$500.00, or if they are charged with a “B” and an “A” misdemeanor, bond should be set at \$1000.00.

EXCLUSIONS:

1. Simple Assault, Domestic Violence requires a personal appearance before a Judge prior to release.
2. Any other arrests for assault charges of any kind, Violation of Protection Orders, or Menacing or Threatening behavior should also have a personal appearance where release conditions can be ordered or considered, such as no contact.

FELONIES:

On all felony charges, a Judge should be contacted to set bond.

SPECIAL CONCERNS:

If an arresting officer or law enforcement have any special or unusual concerns about a particular defendant appearing, or being a danger to the community, the Judge should be contacted to set bond.

Dated this 30 day of July, 2009

LAURIE A. FONTAINE, District Judge

STATE OF NORTH DAKOTA
CHAMBERS of the DISTRICT COURT


NORTHEAST JUDICIAL DISTRICT
WALSH COUNTY COURTHOUSE
GRAFTON, NORTH DAKOTA 58237

Phone: 701-352-1311

Fax: 701-352-9292

M. RICHARD GEIGER
District Judge

TAMMY HENRIKSEN
Court Recorder

TO: Walsh County Corrections Center
FROM: M. Richard Geiger, District Court Judge 
RE: Amendment to Bail Memo of December 10, 2015
DATE: July 21, 2016

Please note the following amendments to my bail memo of December 10, 2015.

BAIL AMOUNTS:

1. Possession of Drug Paraphernalia Involving Controlled Substances other than Marijuana and categorized as A misdemeanor offenses or greater
 - a. Resident*: \$1,500.00 C/S
 - b. Non-resident: \$3,000.00 C/S
2. Possession or Purchase of Alcohol (under 21)
 - a. Resident*: \$2,000.00 unsecured
 - b. Non-resident: \$1,000.00 secured

* as originally defined in 12/10/15 memo

All of the other remaining bond amounts will remain as set out in the memo.

STATE OF NORTH DAKOTA
CHAMBERS of the DISTRICT COURT

NORTHEAST JUDICIAL DISTRICT
WALSH COUNTY COURTHOUSE
GRAFTON, NORTH DAKOTA 58237


Phone: 701-352-1311

Fax: 701-352-9292

M. RICHARD GEIGER
District Judge

TAMMY HENRIKSEN
Court Recorder

TO: Walsh County Law Enforcement and Corrections Personnel

FROM: M. Richard Geiger, District Judge 

RE: DUI detentions after DUI/APC Arrest/Fleeing Charges
Bail Conditions for All Criminal Charges

DATE: December 10, 2015

This memo is to set out bond conditions and guidelines for all criminal offenses charged in Walsh County. All previous bond memos should be recycled. **BAIL IS CATEGORIZED BY SPECIFIC CRIMINAL OFFENSES. WHEN THERE ARE MULTIPLE OFFENSES, YOU SHOULD USE THE HIGHEST BOND AVAILABLE UNLESS NO BOND IS AUTHORIZED FOR ANY OF THE OFFENSES CHARGED.**

- A. **DUI/APC/Test Refusal Charges:** For these charges, you are to follow these guidelines:
1. **Contacting Family.** - When a person is arrested for DUI/APC and is detained for whatever reason, a family member or other required person should be contacted as soon as possible, if contact information can be obtained.
 2. **Bail.** - Bail conditions shall be required as follows with the defendant being released as soon as these requirements are met;
 - a. A bond in the following sums for North Dakota residents and residents of Kittson, Marshall, and Polk Counties in Minnesota:
 - 1) 1st offense - \$600.00 cash or surety.
 - 2) 1st offense and no more than one other criminal charge - \$800.00 cash or surety.
 - 3) 1st offense and two or more other criminal charges - \$1,000.00 cash or surety.
 - 4) 2nd offense in 7 years - \$1,500.00 cash or surety.
 - 5) 2nd offense in 7 years and one or more other criminal charges - \$2,000.00 cash or surety.
 - 6) 3rd offense in 7 years - no bond authorized, pending appearance before Judge/Magistrate.
 - 7) 4th offense in 15 years - no bond authorized, pending appearance before Judge/Magistrate.
 - b. For individuals not meeting the above residential requirements, add an additional \$1,000.00 bond requirement.

3. **Blanket Orders for Minimum Detention.** - A blanket order issued by any agency or a court directing a minimum period of detention prior to release is unlawful. No law enforcement agency may have such a policy.

4. **Detoxification.** - Detoxification pursuant to N.D.C.C. 5-01-04.1 is a matter left to the discretion and authority of the county sheriff. But no person may be held for detoxification except as authorized by law. For this purpose, the sheriff or other law enforcement officers should consult with the state's attorney to establish an acceptable standard and policy.

B. Other Specific Offenses:

1. The following schedule applies to the listed offenses or category of offenses as set out below:

a. **DUS - Alcohol-Related; DUS, 4th Offense or greater in 5 Years; or Aggravated Reckless Driving.** - \$2,000.00 cash or surety bond.

b. **Violations of 39-08-04 (Accidents Involving Death or Personal Injury).** - No bond authorized, until defendant appears before Judge/Magistrate.

c. **Felony Offenses.** - No bond authorized until defendant appears before Judge/Magistrate, unless bond is specified in the arrest warrant.

d. **Misdemeanor Offenses Involving Personal Crimes, Crimes of Violence, Sexual Offenses, or Crimes Against Children.** - No bond authorized until defendant appears before Judge/Magistrate.

e. **Violating N.D.C.C. Chap. 12.1-08. (Obstructing Justice, Resisting Arrest, etc.** No bond authorized until defendant appears before Judge/Magistrate

f. **Fleeing in Motor Vehicle.** - No bond authorized until defendant appears before Judge/Magistrate.

g. **For All Other Misdemeanor Criminal Violations (Including Disorderly Conduct) and not involving the above offenses in Section A or B,** the following apply:

1. If the arrested person is a resident of Walsh, Pembina, Cavalier, Ramsey, or Grand Forks County - the bond is \$2,000.00 unsecured.

2. If the arrested person is not a resident of one of the above counties but is a resident of North Dakota and has a parent residing in Walsh County - the bond is \$2,000.00 unsecured.

3. All others - \$2,000.00 cash or surety bond.

C. **Exceptions.** Regardless of the above directives in Section A or B, if any of the following conditions listed below exist, **no bond is authorized** until defendant appears before Judge/Magistrate.

1. A bench warrant pending from any county or jurisdiction.

2. A criminal conviction for any felony during the past one year on their record (from any available record).

3. If they are on supervised probation (from any available record).

D. **Other Circumstances.** - If jail personnel or the arresting officer becomes aware of other circumstances that make the above-described bond conditions in their opinion inappropriate (either too high or too low), then the Court is to be contacted and apprised of those additional circumstances so that the other bond terms may be considered. This contact is to be done at

any time between the hours of 7:00 a.m. and 11:00 p.m., weekends included, or at any time if it is an emergency.

E. **Criminal History.** – If a defendant is held pending a bond hearing before a judge, a criminal history of the defendant should be generated and attached to the complaint, citation, or arrest affidavit.

F. **Medical Needs, etc.** - For all persons detained, the Walsh County Corrections Center shall make appropriate arrangements for bona fide psychiatric or medical needs and emergencies.

G. **Single Bond Form for Multiple Charges.** – In applying the directives in this bail memo, if the defendant is charged with multiple offenses, a single bond form is to be used by applying the highest bond directed after considering the different offenses charged, unless any of those offenses prohibit a set bond until the defendant has appeared before a judge/magistrate.

1 STATE OF NORTH DAKOTA
2 COUNTY OF WALSEL, ss.

IN DISTRICT COURT
NORTHEAST JUDICIAL DISTRICT

3
4 ORDER REQUIRING ADDITIONAL BOND FOR BAIL VIOLATIONS

5
6 BASIS FOR ORDER: As conditions for release on bail this court on occasion has
7 required the defendant party to comply with certain conditions for release. These conditions
8 include but are not limited to no violations of criminal law, the use or possession of controlled
9 substances, and alcohol or entering on or off sale liquor establishments. As a means of
10 monitoring compliance with these conditions, this court has also required random drug or
11 alcohol testing of the individual's urine, saliva, blood or breath. When there are violations of
12 these release conditions observed or otherwise detected through drug or alcohol testing by law
13 enforcement officers, it is this court's conclusion that the court's bail order and release of the
14 defendant and the protections afforded by it are in jeopardy requiring a prompt response.

15 AUTHORITY. A trial court has inherent power to revoke bail at any time. See 8A
16 AmJur 2d *Bail and Recognizance* Section 106. In addition, N.D.C.C. 29-08-22 provides for the
17 following:

18 *The court in which a criminal action is pending, or a judge thereof for good cause*
19 *and with or without notice to the defendant, may increase or reduce the amount of*
20 *bail. If the defendant applies for a reduction of the amount of bail, reasonable*
21 *notice of such application must be given to the state's attorney of the county.*

22 In order to maintain the integrity of the bail order and release conditions issued by this court
23 through both monitoring and immediate enforcement the following shall be required, and
24 therefore;

25 **IT IS HEREBY ORDERED:**

- 26 1. Limited to specific release conditions. This order applies only to those bail
27 violations relating to:
28 a. A criminal violation of law.
29 b. Not using or possessing any controlled substances or alcoholic
30 beverages.
31 c. Not entering or otherwise being present in any on or off sale liquor
32 establishments.
33 2. Procedure to follow/bail increase. When an individual who has been
34 released on bail subject to any of the above conditions is either A) arrested for
a criminal violation of law, except for an infraction, B) observed by a law

1 enforcement officer violating any of conditions 1 (b) or 1(c), or C) has refused
2 a drug or alcohol test required by the bail order, or D) has failed a drug or
3 alcohol test required by the bail order; then the defendant's bail is to be
4 immediately increased on the pending charges pursuant to the following
5 schedule and based upon the greatest category offense pending against the
6 defendant under the bail order:

- 7 a. AA Felony - an additional \$15,000.00 cash only.
8 b. A Felony/or B Felony - an additional \$5000.00 cash only.
9 c. C Felony and A Misdemeanors - an additional \$2000.00 cash only.
10 d. B Misdemeanors - an additional \$500 cash or surety.

11 3. Detention if no bond posted. If the defendant is unable to post the additional
12 bail, he or she is to be immediately detained pending the posting of that
13 additional increased bail.

14 4. Exceptions. This order shall not apply to any positive test for
15 marijuana/T.E.C. until 4 weeks have passed from the date of the original bail
16 order and for all other positive drug tests until at least 3 days have passed
17 from the date of the original bail order.

18 5. Immediate notice to the court: The court shall be immediately notified at its
19 office of the bail violation and whether the defendant has been detained or
20 posted additional bond. Upon receipt of notice, the court will immediately
21 notify the state's attorney and the defendant's attorney (if there is one) for a
22 hearing to review the bail and terms and of any detention.

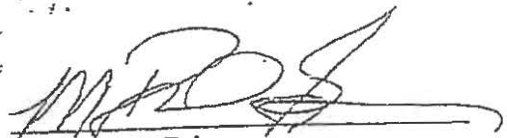
23 6. Documentation of violation. The law enforcement officer and/or jail
24 personnel involved in the detection of the bail violation shall immediately
25 prepare and provide written documentation of the factual circumstances of the
26 violation which is to then be delivered to the court.

27 7. Compliance with this procedure. No defendant should be detained under
28 these circumstances unless there is compliance with this order. This order
29 does not preclude an arrest of any individual, including a defendant who
30 is otherwise subject to arrest with or without a warrant pursuant as the
31 case may be to N.D.C.C. Chap. 29-06 or N.D.C.C. Chap.14-07.1 or other
32 lawful authority or order.
33

34 Dated this 26 day of May, 2006.

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Pc: Walsh County State's Attorney
Walsh County Sheriff
Walsh County Clerk of District Court
Chief of Police, City of Grafton



M. Richard Geiger
District Court Judge

GRAND FORKS AND NELSON COUNTY BOND SCHEDULE

November 11, 2015

OFFENSE or OFFENSE LEVEL

REQUIRED BOND

1. CLASS B MISDEMEANORS.

Usual Bond:

\$500 cash or surety.

Exceptions:

- | | |
|--|--------------------|
| a. Domestic Violence under NDCC Ch. 14-07.1. | See below. |
| b. Driving under the influence or actual physical control. | See below. |
| c. Driving under suspension. | \$500 PR Bond. |
| d. Defendant has a prior failure to appear. | \$1,000 or surety. |

2. CLASS A MISDEMEANORS.

Usual Bond:

\$1,000 cash or surety.

Exceptions:

- | | |
|--|-------------------------|
| a. Domestic Violence under NDCC Ch. 14-07.1. | See below. |
| b. Driving under the influence or actual physical control. | See below. |
| c. Defendant has a prior failure to appear. | \$2,000 cash or surety. |

3. FELONY CHARGES.

Defendant shall be held for an appearance.

4. FAILURE TO APPEAR.

As stated in the warrant. If no bond amount or conditions have been stated in the warrant the Defendant shall be held in custody for an appearance.

5. DOMESTIC VIOLENCE NDCC CHAPTER 14-07.1.

Defendant shall be held in custody for an appearance.

6. NO LIABILITY INSURANCE.

Infraction:	Not held.
2 nd or greater offense within three years:	Not held.

7. DRIVING UNDER THE INFLUENCE OR ACTUAL PHYSICAL CONTROL.

1 st offense:	\$775 cash or surety.
2 nd offense within 7 years:	\$925 cash or surety and 24/7 participation.
2 nd offense within 7 years and BAC .16 or greater:	\$1,725 cash or surety and 24/7 participation.
3 rd offense within 7 years:	\$2,300 cash or surety and 24/7 participation.
4 th or greater offense within 15 years:	Held in custody for an appearance.

SPECIAL CONDITIONS:

No Contact Order. A no contact condition is required on all bonds involving assault, violence or other offensive contact; "Defendant shall not have any direct or indirect contact with the victim until further order of the Court." Note: Defendant must be held for an appearance if the offense is domestic violence within Chapter 14-07.1.

BOND SCHEDULE

Attachment B

*Excludes
Disruptive
Conduct*

<p>1. Any arrest warrant</p>	<p>Amount and form of bail indicated on warrant or on computer. If no bail indicated, use #3, 4, 5 and 6 below to determine bail or appearance. If bail is posted, a court appearance must be set.</p>
<p>2. Any bench warrant</p>	<p>CASH ONLY for amount on warrant. MUST APPEAR if no bail shown on warrant. If bail is posted, a court appearance must be set. If bench warrant is for failure to pay only, the defendant can post cash bail in the amount owed and will not have to appear. The bail will be applied to the monies owed and the file will be closed.</p>
<p>3. Any felony (including felony DUI)</p>	<p>MUST APPEAR</p>
<p>4. Any misdemeanor involving violence, injury, or violation of court order (i.e. simple assault, domestic violence, violation of protection order, failure to register as a sex offender, etc.) OR any misdemeanor which obstructs law enforcement (false information, hindering law enforcement, resisting arrest, preventing or obstruction of law enforcement, eluding a police officer, etc.) OR possession of a concealed weapon OR possession of child pornography.</p>	<p>MUST APPEAR</p>
<p>5. Any misdemeanor DUI/APC. Any misdemeanor that includes DUI/APC, but does not involve any charge listed in #4 above. This is total bail regardless of number of misdemeanors. (Example: DUI, DUS, no insurance - take only \$4,000 bail). ND residents may post \$800 cash and balance PR. Court appearance must be set if released on bail.</p>	<p>\$4,000 CASH OR BAIL BOND</p>
<p>6. Any misdemeanor (except those listed in #4 and #5 above). This amount is total bail regardless of the number of misdemeanors. (Example: No insurance, DUS, reckless - take only \$2,000 total bail.) ND residents, and any MIP regardless of residence, may post \$400 cash bond and balance PR. Court appearance must be set if released on bail</p>	<p>\$2,000 CASH OR BAIL BOND</p>
<p>7. Bail bondsman returns person to custody of sheriff AFTER posting bond.</p>	<p>MUST APPEAR</p>

STATE OF NORTH DAKOTA
SOUTHEAST JUDICIAL DISTRICT

SIXTH REVISED BOND SCHEDULE

CLASS B MISDEMEANORS	\$500.00
Except 2 nd DUI/APC in 7 years	\$750.00
CLASS A MISDEMEANORS	\$500.00
Except 3 rd DUI/APC in 7 years	\$1,500.00

Multiple Misdemeanors – Highest bond required for any one of the offenses will cover all charges in District Court. This schedule only applies to District Court. If there are charges pending in both Municipal Court and District Court, separate bonds are required for each Court.

FELONIES	Must Appear
SIMPLE ASSAULT (Domestic)	Must Appear

The above bond amounts shall be posted with cash. No personal checks are accepted. A certified check from a local financial institution or a surety may be accepted. Debit or credit card payments can be made at the Clerk of Court's office between 8:00am and 5:00pm Monday through Friday.

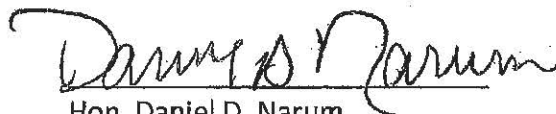
The bond amounts for NSF CHECK and NO ACCOUNT CHECK charges are found on the summons or arrest warrant. Use that amount and not the amount listed above. Defendants who are eligible for a Rule 43 Waiver and elect to proceed with that process shall post the bond and sign the waiver. Those who wish to appear must post bond and sign a promise to appear for the next court date.

All individuals arrested for a second or subsequent DUI must agree to participate in the 24/7 program prior to release. If the individual does not agree a bond hearing must be scheduled.

All individuals who do post bond shall sign a promise to appear for the next regular court appearance date. Those who are unable to post bond must be brought before a Judge forthwith or within 48 hours for a bond review.

Dated this 22nd day of March, 2016.

BY THE COURT:



Hon. Daniel D. Narum
Presiding District Court Judge

Effective March 22nd, 2016

ADMINISTRATIVE BOND ORDER

SOUTHEAST JUDICIAL DISTRICT

March 19, 2020

Daniel Narum, Presiding Judge of the Southeast Judicial District, ORDERS and authorizes the following persons to arrange, receive and approve bond after an arrested person has been processed for an offense: Clerks of the District Court and Deputy Clerks, Sheriffs and their Deputies or Detention Staff within their respective jurisdictions, Highway Patrol Officers, State Probation Officers, Chiefs of Police and the other officers of the Police Departments within the Southeast Judicial District.

COURT APPEARANCE REQUIRED

All persons charged with an offense involving domestic violence and all persons charged with Simple Assault, Assault, Menacing, Sexual Assault, Harassment, Violations of Protection Orders, Violation of Restraining Orders, Terrorizing or Stalking must personally appear before the Court for a bail hearing.

ARREST WITHOUT A WARRANT

A. Persons charged with misdemeanors or infractions and arrested without a warrant, other than as set forth in the preceding paragraph, may BE RELEASED WITH A COURT DATE ON CITATION OR PROMISE TO APPEAR WHICH MUST INCLUDE THE CONFERENCE NUMBER AND PASSCODE FOR A TELEPHONIC APPEARANCE. Persons arrested for Driving Under Suspension or Revocation and/or Misdemeanor or Infraction marijuana charges SHALL BE RELEASED ON THEIR OWN RECOGNIZANCE WITH A COURT DATE ON A CITATION PROMISE TO APPEAR WHICH MUST INCLUDE THE CONFERENCE NUMBER AND PASSCODE FOR A TELEPHONIC APPEARANCE.

B. Persons charged with C FELONY CONTROLLED SUBSTANCE, PARAPHERNALIA CHARGES, or NON-VIOLENT CHARGES and arrested without a warrant may BE GIVEN A COURT DATE AND PROMISE TO APPEAR AND CONFERENCE NUMBER AND PASSCODE IF THE PERSON IS NOT IN DANGER OF HARMING THEMSELVES OR OTHERS.

C. No arrested person may be released from custody until that person has signed a citation or Promise to Appear in the District Court either of which MUST contain a conference number and passcode for their appearance.

D. No person arrested for a second or subsequent DUI may be released from custody until that person has agreed to participate in the 24/7 Sobriety Program in addition to the requirements of paragraph C above.

E. All bonds received shall be transmitted to the Clerk of District Court in or along with bond envelopes which include an acknowledgement by the bond remitter that the bond may be applied to fines, fees, costs, or restitution.

ARREST WITH A WARRANT

If a person is arrested on a warrant on which an amount of bail acceptable to the issuing judge is included, those officials above-named may arrange, receive, and approve bond. If the warrant does not

set an amount for release of the arrested person, the person shall be brought before the nearest available judge without unnecessary delay.

INABILITY TO MEET BOND REQUIREMENTS

If an arrested person does not meet the conditions set for release or is unable to post the appropriate bond, s/he shall be brought before the nearest available judge without unnecessary delay.

GAME AND FISH VIOLATIONS

Game wardens are authorized to arrange, receive, and approve bonds for game and fish violations as set forth in the attached Game & Fish Violations Schedule of Bond, in those cases where an arrest is not required in the opinion of the game warden.

MOTOR CARRIER SAFETY AND

HAZARDOUS MATERIALS VIOLATIONS

Officers employed by the North Dakota Highway Patrol are authorized to arrange, receive, and approve bonds for persons cited for motor carrier safety, hazardous materials, or public service commission violations as set forth in the Bond Schedule for Violations of Federal Motor Carrier Safety and Hazardous Material Violations in those cases where an arrest is not required in the opinion of the citing officer.

EFFECTIVE DATE

This Administrative Order supersedes any prior orders establishing bond schedules or procedures in the Southeast Judicial District and is effective immediately. This Order shall remain in effect until further Order of this Court.

Dated this 19th day of March, 2020.

BY THE COURT:

Daniel D. Narum

Presiding Judge

Southeast Judicial District

State of North Dakota

ADMINISTRATIVE BOND ORDER
SOUTH CENTRAL JUDICIAL DISTRICT
June 30, 2015

Gail Hagerty, Presiding Judge of the South Central Judicial District, ORDERS and authorizes the following persons to arrange, receive, and approve bond after an arrested person has been processed for an offense: Clerks of the District Court and Deputy Clerks, Sheriffs and their Deputies or Detention Staff within their respective jurisdictions, Highway Patrol Officers, State Probation Officers, Chiefs of Police and the other officers of the Police Departments within the South Central Judicial District.

COURT APPEARANCE REQUIRED

All persons charged with an offense involving domestic violence and all persons charged with Simple Assault, Assault, Menacing, Sexual Assault, Harassment, Violations of Protection Orders, Violation of Restraining Orders, or Stalking must personally appear before the Court for a bail hearing.

ARREST WITHOUT A WARRANT

- A. All persons charged with misdemeanors or infractions and arrested without a warrant, other than as set forth in the preceding paragraph, may post bond in accordance with the following schedule:
- | | |
|--|-------------------|
| 1. Driving under the influence/APC/Refusal | \$350.00 |
| 2. Infractions | Promise to Appear |
| 3. Other class A misdemeanors | \$500.00 |
| 4. Other class B misdemeanors | \$250.00 |
- B. No arrested person may be released from custody until that person has signed a Promise to Appear in the District Court.
- C. No person arrested for a second or subsequent DUI may be released from custody until that person has agreed to participate in the 24/7 Sobriety Program.
- D. All bonds shall be posted in cash or by surety bond. An original receipt shall be given to the bond remitter; a copy of each receipt shall be kept by the issuing agency; a second copy shall be forwarded to Clerk of District Court for the county in which the alleged offense occurred.
- E. Bond amounts for persons arrested for multiple charges will not be compounded. The bond amount for the most serious charge will cover all charges arising from the same incident.
- F. Officers may release persons arrested without a warrant with a promise to appear if:
1. They are employed and have a North Dakota address.
 2. They have not failed to appear for a court hearing for at least 5 years.
 3. They do not have active warrants from other jurisdictions.
 4. They have not had a warrant issued for the last 4 years.
- G. All bonds received shall be transmitted to the Clerk of District Court in or along with bond envelopes which include an acknowledgement by the bond remitter that the bond may be applied to fines, fees, costs, or restitution.

ARREST WITH A WARRANT

If a person is arrested on a warrant on which an amount of bail acceptable to the issuing judge is included, those officials above-named may arrange, receive, and approve bond subject to the same conditions set forth in paragraphs B, C, D, and E above. If the warrant does not set conditions for release of the arrested person, the person shall be brought before the nearest available judge without unnecessary delay.

INABILITY TO MEET BOND REQUIREMENTS

If an arrested person does not meet the conditions set for release or is unable to post the appropriate bond, s/he shall be brought before the nearest available judge without unnecessary delay.

GAME AND FISH VIOLATIONS

Game wardens are authorized to arrange, receive, and approve bonds for game and fish violations as set forth in the attached Game & Fish Violations Schedule of Bond, in those cases where an appearance is not required in the opinion of the game warden.

MOTOR CARRIER SAFETY AND
HAZARDOUS MATERIALS VIOLATIONS

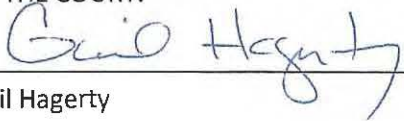
Officers employed by the North Dakota Highway Patrol are authorized to arrange, receive, and approve bonds for persons cited for motor carrier safety, hazardous materials, or public service commission violations as set forth in the Bond Schedule for Violations of Federal Motor Carrier Safety and Hazardous Material Violations in those cases where an appearance is not required in the opinion of the citing officer.

EFFECTIVE DATE

This Administrative Order supersedes any prior orders establishing bond schedules or procedures in the South Central Judicial District and is effective immediately. This Order shall remain in effect until further Order of this Court.

Dated this 30 day of June, 2015.

BY THE COURT:



Gail Hagerty
Presiding Judge
South Central Judicial District
State of North Dakota

IN DISTRICT COURT
SOUTHWEST JUDICIAL DISTRICT
STATE OF NORTH DAKOTA

ADMINISTRATIVE ORDER 2011-3

The Presiding Judge does hereby order and assign to the Clerks of the District Court and their deputies, in their respective counties, the following duties:

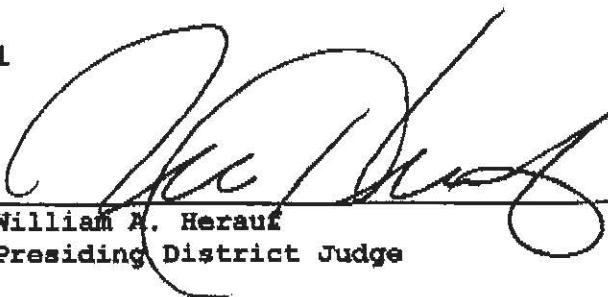
1. Pursuant to N.D.C.C. §27-05-31 and Administrative Rule 20, they are appointed as a magistrate to approve complaints and to issue summons pursuant to N.D.C.C. Chapter 29-05 and N.D.R.Crim.P. 3 and 4.

2. Pursuant to N.D.C.C. §30.1-02-06, they are designated to perform the duties of the court required by N.D.C.C. §30.1-24-05 and enter an order establishing the filing of the authenticated copies of a domiciliary foreign personal representative's appointment and any official bond the person has given. The issuance of this Administrative Order is not a limitation of any authority granted to the Clerk by N.D.C.C. §30.1-02-06 to sign all appropriate documents in uncontested probate matters and for such authority section 30.1-02-06 governs.

This Administrative Order supersedes any prior orders delegating any duties by the Court to the Clerks of District Court in the Southwest Judicial District and is effective August 1st, 2011.

This Order shall remain in effect until the further order of this Court.

Dated: July 12, 2011



William A. Herauf
Presiding District Judge

COUNTIES OF ADAMS, BILLINGS,
BOWMAN, DUNN, GOLDEN VALLEY,
HETTINGER, SLOPE, and STARK

SOUTHWEST JUDICIAL DISTRICT

ORDER APPOINTING MAGISTRATE

The Presiding Judge of the Southwest Judicial District appoints Robert A. Keogh as magistrate in and for the Southwest Judicial District whenever the District Judges for the Southwest Judicial District are unavailable to fulfill the duties of magistrate.

The presiding judge delegates the following duties and authority to the magistrate:

1. To issue search warrants pursuant to N.D.C.C. §29-29-01 and N.D.R.Crim.P. 41.

2. To issue administrative search warrants pursuant to N.D.C.C. §29-29.1-01.

3. To approve complaints and to issue summons or warrants pursuant to N.D.C.C. Chapter 29-05, N.D.R.Crim.P. 3 and 4.

4. To hold initial appearances pursuant to N.D.R.Crim.P. 5 and to set bail pursuant to N.D.C.C. Chapter 29-08 and N.D.R.Crim.P. 46.

5. To conduct preliminary mental health commitment proceedings pursuant to N.D.C.C. §25-03.1-09, notwithstanding and consistent with N.D.C.C. §25-03.1-02(2) and (8).

6. The appointment is made pursuant to N.D.C.C. §27-05-31 and Administrative Rule 20 and is not a salaried position. This order shall remain in effect until terminated or modified by the Presiding Judge, and any previously issued orders appointing magistrate are hereby terminated.

Dated: July 12, 2011.



William A. Herauf
Presiding District Judge

SOUTHWEST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 2011-1

The presiding judge of the Southwest Judicial District DOES HEREBY ORDER AND AUTHORIZE the Southwest Judicial District Clerks of the District Court; Southwest Judicial District County Sheriffs; North Dakota Highway Patrol; North Dakota Game Wardens; and Administrators of the Southwest Multi-County Correctional Center, and Adams County Jail for offenses occurring within their respective jurisdictions within the Southwest Judicial District, to arrange, receive, and approve bond after the arrested person has been processed on the offense according to their established procedures and in accordance with this Administrative Order.

UNIFORM TRAFFIC COMPLAINT AND SUMMONS

- A. Whenever the arresting officer utilizes a uniform traffic complaint and summons for offenses authorized by N.D.C.C. §29-05-31, the arresting officer may release the defendant on the defendant's promise to appear unless the arresting officer determines that such release will not reasonably assure the appearance of the person, or such release will pose a danger to any person or the community.
- B. If the arresting officer determines that such release will not reasonably assure the appearance of the person, or such release will pose a danger to any person or the community, persons charged on a uniform traffic complaint and summons may post bond in accordance with the following schedule:
- | | |
|-------------------------|----------|
| 1. Class A Misdemeanor: | \$400.00 |
| 2. Class B Misdemeanor: | \$300.00 |
| 3. Infractions: | \$200.00 |
- C. If the arresting officer requires the posting of bond bail, the officer must advise the accused that:
1. The accused is entitled to have conditions of release set by a magistrate;
 2. The conditions of release will be set by the magistrate upon the consideration of the factors set forth in N.D.R.Crim. 46 which includes the accused's past record; of appearance, community and family ties, employment and the offense charged;
 3. The accused will be presented to the magistrate without unnecessary delay after these advices are given;
 4. The accused may waive his right to such a release hearing by posting the bond bail in the amount set by this schedule. However, the arresting officer, upon good

cause, may require the accused to appear before a magistrate without unnecessary delay for the setting of pretrial release conditions.

CONDITIONS OF RELEASE

- A. In order to be released, all persons must sign an undertaking and promise to appear in District Court on the next regularly scheduled hearing date for that county. And the bail bond undertaking envelope used by this district must be completed with all the requested information completed.
- B. All bond received shall be transferred to the appropriate Clerk by the close of the first business day following receipt of the bond.
- C. In the discretion of the Clerk, bonds may be posted in cash, certified check, money order, or personal check, and a receipt shall be issued by the agency or Clerk accepting such bond.
- D. Receipts issued for bond shall be issued in at least three (3) copies:
 - 1. Original to person posting the bond,
 - 2. Copy to issuing agency, and
 - 3. Copy to Clerk of Court.
- E. Persons herein authorized to receive bond may authorize their deputies to act in their stead.

ARREST WITHOUT WARRANT AND PERSONS NOT RELEASED

If an arrested person is unable to post the appropriate bond or does not meet the conditions for utilizing a uniform traffic complaint and summons, the following procedure is to be followed:

- 1. The arresting officer will notify the State's Attorney of the county which the alleged offense occurred.
- 2. The State's Attorney will determine whether the person should be released with or without a promise to appear. If the State's Attorney determines the person should be released, the arrested person shall be released without any further Court order.
- 3. If the State's Attorney decides a complaint and warrant needs to be issued or the arrested person needs to be brought before the nearest available magistrate, the State's Attorney will contact the magistrate and make the

necessary arrangements to comply with N.D.R.Crim.P. 5.

ARREST WITH A WARRANT

If a person is arrested on a warrant and the warrant has endorsed upon it the amount of bail recommended or acceptable, the above-enumerated individuals are authorized to arrange, receive, and approve bond in compliance with those conditions after they have processed the arrested person on the offense according to their established procedures. In receiving such bond, they shall also comply with the conditions of release set forth in this Administrative Order.

If the warrant does not set conditions of release or the arrested person is unable to meet the conditions, the officer or other person making the arrest shall comply with N.D.R.Crim.P. Rule 5 and take the arrested person without unnecessary delay before the nearest available magistrate.

GAME AND FISH VIOLATIONS

Game wardens or law enforcement personnel are authorized to release those cited in accordance with the North Dakota Game & Fish Bond Schedule.

MOTOR CARRIER SAFETY, HAZARDOUS MATERIALS,
AND
PUBLIC SERVICE COMMISSION VIOLATIONS

The North Dakota Highway Patrol are authorized to release those cited in accordance with the Motor Carrier Safety, Hazardous Materials, and Public Service Commission Violation Reference Guide.

EFFECTIVE DATE OF ORDER

This Administrative Order supersedes any prior orders setting a bond schedule and procedure in the Southwest Judicial District and is effective August 1, 2011

This Order shall remain in effect until the further Order of this Court.

Dated: July 12, 2011.



William A. Herauf
Presiding District Judge

BOND SCHEDULE

The following Bond Schedule is implemented as of March 29, 2017 in Williams, Divide and McKenzie counties:

- Infractions Promise to appear
- Class B Misdemeanors \$ 750.00 (cash or corporate surety)*
- Class A Misdemeanors \$ 1,500.00 (cash or corporate surety)*
- * All Misdemeanors: See note below for a temporary order do to jail overcrowding
- All Felonies: Hold without bond pending an appearance before a judge

* Note: Anyone charged with a misdemeanor (Except those cases listed below that are to be held without bond) who is unable to bond out after being held 1 hour will be released as follows.

1. Personal Recognizance for the amount on the bond schedule.
2. DUI 1st, APC 1st and cases where the Defendant was under the influence of alcohol, Either A or B.
 - A. The Defendant must test .06 BAC or lower prior to release; OR
 - B. The Defendant may be released to a sober person who agrees to accept responsibility for the Defendant.
3. DUI 2nd, APC 2nd and above: A or B from above plus: The Defendant must participate in the 24/7 program.
 - Williams County has 24/7 testing at 7:00 AM and PM
 - McKenzie County tests anytime between 8-9 AM or PM.
 - Divide County has no 24/7 program so #3 does not apply.

If the defendant participates in the 24/7 Program by means of a remote alcohol monitoring bracelet and violates the Program rules, the Sheriff may elect to disable the individual's bracelet in order to avoid incurring the costs of its continued use. If a defendant subject to the 24/7 Sobriety Program Drug Patch violates the Program rules by failure to pay the associated fees, the Sheriff may refuse to apply a new Drug Patch in order to avoid incurring the costs of its continued use.

IT IS FURTHER ORDERED that, unless otherwise ordered by a judge or judicial referee, all Defendants charged with the following offenses be held without bond pending an appearance before a judge:

<ul style="list-style-type: none"> • Assault (of any nature) • Bail Jumping • Contact by Bodily Fluids • Corruption of a Minor • Distribution of Intimate Images • Harassment • Inciting a Riot 	<ul style="list-style-type: none"> • Indecent Exposure • Menacing • Stalking • Surreptitious Intrusion • Unlawful Imprisonment • Violation of a Domestic Violence Protection Order • Violation of a Disorderly Conduct Restraining Order
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If circumstances indicate a deviation from the bond schedule, the officer can always contact the appropriate prosecutor who will find a judge to consider a modification.


 Robin A. Schmidt
 Presiding Judge

REVISED UNIFORM BOND SCHEDULE - ORDER

[1] **IT IS ORDERED:** The following Uniform Bond Schedule shall be implemented immediately in the North Central Judicial District:

- Infractions promise to appear
- Class B Misdemeanors promise to appear
- DUI, except felony \$ 750 (cash, post 10%)
- Class A Misdemeanors \$ 1,500.00 (cash, post 10%)
- Class C Felonies \$ 5,000.00 (cash or corporate surety)
- Class B Felonies \$ 10,000.00 (cash or corporate surety)
- Class A Felonies hold without bond pending an appearance before a judge
- Class AA Felonies hold without bond pending an appearance before a judge

[2] This schedule may be modified by any judge or judicial referee of the North Central Judicial District on a case-by-case basis, as deemed appropriate.

[3] **IT IS FURTHER ORDERED:** Unless otherwise ordered by a judge or judicial referee, all Defendants charged with the following offenses must be held without bond pending an appearance before a judge:

- Assault (of any nature)
- Bail Jumping or Escape
- Corruption of a Minor
- Harassment
- Terrorizing
- Felonious Restraint
- Menacing
- Stalking
- Surreptitious Intrusion
- Violation of a Domestic Violence Protection Order
- Violation of a Disorderly Conduct Restraining Order
- All Sex Offenses
- All Offenses Against Children, including Child Pornography, and Luring By Computer
- Felony Driving Under the Influence of Alcohol or Drugs
- Felon in Possession of a Dangerous Weapon

[4] The following persons are authorized to accept bond and issue receipts: the Clerk of District Court and all Deputy Clerks; the Sheriff and all Deputy Sheriffs; the Chief of Police and all Police

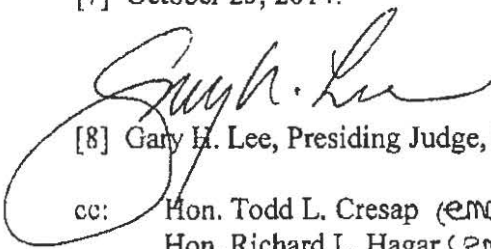
Officers in each of the municipalities in these counties, and all Probation Officers employed by the North Dakota Department of Corrections and Rehabilitation. All of these individuals are appointed Ex-officio Clerks of District Court for the purpose of accepting and receipting for bond, and are responsible for having the bond remitter review and sign a bond envelope prior to a Defendant's release on bond. Once bond has been accepted and receipted for, it must be deposited with the Clerk of District Court's office on the next business day of the court.

[5] No person shall be released on bond, or on his or her own personal recognizance without first:

- Providing a current local residence address and telephone number
- Signing a Waiver of Extradition
- Providing a DNA sample in all felony matters
- Signing a Promise to Appear in Court at an Assigned Time and Date

[6] The above items will be filed with the Clerk of Court and shall become a part of the record.

[7] October 25, 2014.



[8] Gary H. Lee, Presiding Judge, North Central Judicial District

cc: Hon. Todd L. Cresap (email)
Hon. Richard L. Hagar (email)
Hon. Stacy J. Louser (email)
Hon. Douglas L. Mattson (email)
Judicial Referee Connie S. Portscheller (email)

Burke County State's Attorney Amber J. Fiesel (email)
Mountrail County State's Attorney Wade G. Enget (email)
Ward County State's Attorney Rozanna C. Larson (email)

Burke County Clerk of District Court Bonnie Bohnsack (email)
Mountrail County Clerk of District Court Traci Hysjulien (email)
Ward County Clerk of District Court Susan Hoffer (email)

BISMARCK MUNICIPAL COURT
 BURLEIGH COUNTY COURT HOUSE
 514 E THAYER AVE
 BISMARCK ND 58501

701-355-1350

**BOND SCHEDULE FOR CRIMINAL TRAFFIC
 AND NON-TRAFFIC OFFENSES**

<u>ORDINANCE #</u>	<u>OFFENSE DESCRIPTION</u>	<u>BOND AMT.</u>	<u>MAND. COURT</u>
3-01-02	Restriction of the keeping and raising animals & fowl		YES
3-01-04	Cruelty to Animals	\$400	YES
3-01-04	Criminal attempt/cruelty to animals	\$400	YES
3-01-07	Lien on Impounded Animal		YES
3-01-10	Animals at large		YES
3-03-01	No dog license	\$400	YES
3-03-01	No cat license	\$400	YES
3-03-05	Dog at large	\$400	YES
3-03-06	Public Nuisance	\$	YES
3-03-07	Motion to seize prohibited dog	\$	YES
3-03-94	Payment of Fees Motion	\$	YES
4-02-01	No building permit	\$	YES
4-06-04	Building moving permit, uniform codes, dangerous building	\$	YES
4-11-04	Uniform fire code	\$	YES
4-07-06(4)	Sale, Possession, Discharge of fireworks	\$400	YES
4-11-08	Open burning Permit required		YES
4-12-07	Noncompliance of mobile home park standards	\$	YES
5-01-11	Posting of licenses	\$	YES
5-01-15	Inspections	\$	YES
5-01-16	Licensed liquor premises business hours	\$400	YES
5-01-18	Sell/Serve alcohol to a Minor	\$400	YES
5-01-22	Delivery of alcohol prohibited	\$400	YES
5-01-27	Entertainment on licensed premises	\$400	YES
5-01-28	Sale of beer in kegs	\$400	YES

5-01-30	Alcohol Sale to minors, Civil Penalty	\$400	YES
5-02-02	Posting of handbills	\$400	YES
5-02-04	Delivery of handbills prohibited	\$400	YES
5-03-02(1)	Amusements for which license is req		YES
5-03-07	Policing of Dances, Music festivals or public concerts		YES
5-07-02	Door to door sales prohibited	\$400	YES
5-07-03	Door to door sales – permit required	\$400	YES
5-11-04	Permit sale of tobacco-licensed dealer- to person under 18		YES
5-12-03	Smoking restrictions		YES
6-02-01	Criminal Attempt	\$400	YES
6-02-02	Aiding consummation of crime-theft of property	\$400	YES
6-02-04	Contempt of Court	\$	YES
6-02-05	Impersonating public official	\$400	YES
6-02-08	False report to law enforcement officer	\$400	YES
6-02-09	Fleeing from officer on foot	\$400	YES
6-03-01	Simple Assault		YES
6-03-02	Sexual Assault		YES
6-03-03	Harassment	\$400	YES
6-04-01	Criminal Mischief	\$400	YES
6-04-02	Tampering with a public service	\$	YES
6-04-04	Criminal trespass	\$400	YES
6-04-06	Theft of property(felony if over \$500)	\$400	YES
6-04-07	Theft of property, lost, mislaid deliver by mistake	\$400	YES
6-04-08	Theft of Services	\$400	YES
6-05-01	Disorderly conduct	\$400	YES
6-05-02	Indecent conduct	\$400	YES
6-05-03	Engaging in riot	\$400	YES
6-05-05	Throwing missiles	\$400	YES
6-05-06	Indecent exposure (intent to annoy)	\$400	YES
6-05-07	Window peeping	\$400	YES
6-05-08	Prostitution	\$400	YES
6-05-09	Possession of marijuana	\$400	YES
6-05-10	Inhalation of vapors	\$400	YES
6-05-11	School Attendance	\$400	YES
6-06-02	Gambling	\$400	YES
6-06-07	Person required to obtain a work permit	\$	YES
6-07-01	Sale of tobacco to minors	\$400	YES
6-07-02	Curfew -- 0 to 15 then 2230 to 0500, 16 & 17 then 0100 to 0500	\$	YES
6-07-04	Minor in possession	\$400	YES

6-07-05	Minor in liquor establishment	\$400	YES
6-07-06	Misrepresentation of age	\$400	YES
6-07-07	Open container in public	\$100	YES
6-08-02	Possession of firearm	\$400	YES
6-08-03	Discharge of firearms in city limits	\$400	YES
6-08-05	Loaded firearm in vehicle	\$400	YES
6-08-06	BB and pellet guns	\$400	YES
8-07-03	Littering	\$400	YES
8-10-03	Unlawful Noise (playing stereo)	\$100	YES
8-10-05	Guests on premises (large number of people at residence)	\$100	YES
8-10-07	Order of Disperse – Refusal Prohibited	\$	YES
8-10-08	Tenant or Owner-Cooperation required	\$400	YES
8-11-02	Tattooing/Body piercing of minors	\$400	YES
8-11-03	Permit required – Body Art	\$	YES
10-05-04	Placing materials on public property	\$	YES
12-10-01	Driving under the influence	\$400	YES
12-10-01	Driving under the influence 2 nd offense	\$500	YES
12-10-01	Actual physical control	\$400	YES
12-10-02	Reckless driving	\$400	YES
12-10-03	Duty upon striking attended vehicle	\$400	YES
12-10-04	Duty upon striking unattended vehicle	\$400	YES
12-10-05	Duty upon striking fixtures	\$400	YES
12-10-06	Driving under suspension	\$400	YES
12-10-06	Driving under revocation	\$400	YES
12-10-07	Restricted license	\$400	YES
12-10-09	Obedience to police officer/firearm	\$400	YES
12-10-10	Fail to obey parking citation	\$	YES
12-10-12	No liability insurance	\$400	YES
12-10-13	Unlawful registration	\$400	YES
12-13-22	Interference with parking control markings	\$	YES
12-13-26	Mobility impaired parking	\$	YES
12-14-01	Unsafe Motor Vehicle	\$	YES
13-02-05	Tree trimmer license required	\$	YES
14-02-03	The keeping of a junkyard	\$	YES
14-04-03	Maintain a junkyard in a residentially-zoned area	\$	YES
14-04-05	Noncompliance of lot coverage –	\$	YES

	placement of mobile zone		
14-05-05.1 (2)	Accumulation of certain items prohibited	\$	YES
14-05-06	Maintaining a public Nuisance	\$	YES
15-25-20	Operation of vehicles	\$100	YES
15-25-20(1)	Operation of vehicles in the park	\$100	YES
15-25-21(11)	Dog at large in park	\$100	YES
15-25-21(28)	Loitering in parks prohibited	\$100	YES
15-25-21(32)	Glass container in park prohibited	\$100	YES
15-25-111	Prohibited without park permit	\$100	YES
15-25-21	Park violation	\$100	YES

**MANDAN MUNICIPAL COURT
BOND SCHEDULE**

CRIMINAL/TRAFFIC WITH MANDATORY COURT APPEARANCE

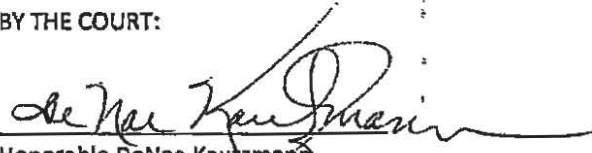
\$800.00	DUI/APC/Refusal (2 nd offense – must participate in the 24/7 program)
\$500.00	Leaving the Scene of an Accident *Fail to Obey Police/Firearm *Door to Door Sales *DUI (snowmobile, off highway vehicle)
\$300.00	DUS/DUR (including out of state) Person under 21 in Liquor Establishment Unlawful Misrepresentation of Age Criminal Mischief Disorderly Conduct Simple Assault <u>Unsecure load</u> Careless, Reckless, Negligent Operation (snowmobile, off highway vehicle) Violation of Restricted License Reckless Driving Fictitious Registration/Tab/Plate Criminal Trespass Theft of Service Indecent Conduct Theft of Property/Retail Theft/Shoplifting
\$200.00	MIP/MIC Open Container – Sale or Use Possession of Marijuana (¼ oz-500 grams)
PTA	Possession of MJ – less than ½ oz. Drug Paraphernalia

Bond amounts for persons arrested for multiple charges will not be compounded. The bond amount for the most serious charge will cover all charges arising from the same incident.

The requirement for posting bond is primarily for the purpose of assuring the defendant's appearance in Court at the scheduled time and place. The arresting Police Officer may use his/her best judgment and discretion in the following instances only: elderly persons, medical problems or afflictions, minor children in the car with the defendant.

Dated 17th day of September, 2019

BY THE COURT:


Honorable DeNae Kautzmann
Mandan Municipal Court

Revised 9/17/19

DICKINSON MUNICIPAL COURT BOND SCHEDULE - 2020

Effective this date, the Clerk of the Dickinson Municipal Court, the Dickinson Police Department, and the Administrator of the South West Multi County Correction Center are authorized to receive and approve bond in accordance with the following schedule:

Part I. General Bond Schedule (amounts shown to be posted in cash or by surety).

VIOLATION	BOND FOR THOSE WITH STARK COUNTY PERMANENT ADDRESS	BOND FOR ALL OTHERS
DUI/APC	\$500.00 (SUBJECT TO PART 2)	\$700.00 (SUBJECT TO PART 2)
RECKLESS DRIVING	PROMISE TO APPEAR	\$300.00
LEAVING THE SCENE OF AN ACCIDENT	PROMISE TO APPEAR	\$300.00
POSSESSION OF DRUGS	PROMISE TO APPEAR	\$300.00
DISORDERLY CONDUCT (OTHER)	PROMISE TO APPEAR	\$200.00
DUS	PROMISE TO APPEAR	\$300.00
MINOR IN POSSESSION/ CONSUMPTION/ON PREMISES/MIS REPRESENTATION OF AGE	PROMISE TO APPEAR	\$200.00
PETTY LARCENY/RETAIL THEFT	PROMISE TO APPEAR	\$200.00
ALL OTHER MISDEMEANOR	PROMISE TO APPEAR	\$300.00
ALL OTHER INFRACTIONS	PROMISE TO APPEAR	\$200.00

IF, AFTER AN ARREST UTILIZING A UNIFORM TRAFFIC COMPLAINT AND SUMMONS, AN ARRESTING OFFICER DETERMINES THAT RELEASE AS PROVIDED ABOVE WILL NOT REASONABLY ASSURE THE APPEARANCE OF THE PERSON, OR SUCH RELEASE WILL POSE A DANGER TO ANY PERSON OR THE COMMUNITY, PERSONS SO CHARGED MAY POST BOND IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

- | | |
|------------------------|----------|
| 1. CLASS B MISDEMEANOR | \$300.00 |
| 2. INFRACTION | \$200.00 |

PART II. DUI/APC CONDITIONS FOR RELEASE.

1. During the first four hours after arrest the Defendant may be released from custody, after posting bond, only if he/she can be released to a person who is over the age of 18, not legally intoxicated, and who agrees in writing to be responsible for the Defendant.
2. Subsequent to the first four hours after arrest the Defendant may be release upon the posting of the scheduled bond.

PART IV. GENERAL CONDITIONS.

1. Bond received by the Police Department or the Correction Center shall be transmitted to the Clerk of Municipal Court on a daily basis.
2. All Bonds shall be posted in cash, negotiable securities, or approved surety bond. A receipt shall be issued by whoever accepts the bond to include the following information about the accused:
 - a. Full Name
 - b. Date of Birth
 - c. Current residence address
 - d. Name and address of person posting bond.
3. **All bonds posted shall become the property of the Defendant and may be forfeited or applied to fines or cost in the Court's discretion, and the person posting the bond should be so advised.**
4. Students attending Dickinson State University who have a dorm address or other local address (verified by DSU ID or other documents) shall be treated as local for purposes of this schedule **during the months of August-March only**; otherwise, a bond must be posted.
5. A court appearance should be set for the following Thursday at 10:00 AM for those cases where no other date has been already set and the person is released on bond or a promise to appear.

PART V. NOTIFICATIONS TO COURT.

1. When persons cannot post bond and need to be seen by interactive video by the Judge:
 - a. Notify court as soon as possible after 8:00 am weekdays.
2. The court is to be notified of any holiday or weekend arrest and incarcerations where the accused cannot post the scheduled bond within a reasonable time after it is determined that the accused cannot post bond. Calls to the Court on Saturdays or Sundays should be made to the Judge's home, business number or cell phone.

All prior bond schedules of the Court are replaced by this schedule.

Dated this 19th day of March, 2020



Robert A. Keogh, Municipal Court Judge

TEMPORARY BOND ORDER

March 20th, 2020

Attached is a revised Dickinson Municipal Bond Schedule to be followed other than as hereinafter temporarily modified.

Regardless of the temporary schedule, in any case where the arresting officer determines that release with out bond will pose a danger to the person or the community, the officer may require that the Defendant post bond.

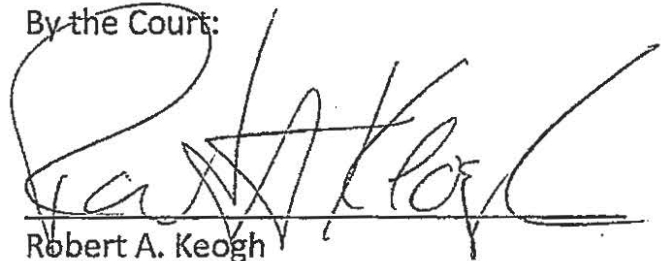
No bond shall be required on a case where the Defendant has a verifiable Dickinson address except for DUI/APC/REFUSALS.

No bond shall be required on any case other than DUI/APC/REFUSALS for Defendants who have a verifiable address in SW District area. (Stark, Adams, Dunn, Hettinger, Slope, Billings, Golden Valley)

Any Defendant not having an address within one of the above counties must post bond per attached schedule.

Dated: March 20th, 2020

By the Court:

A handwritten signature in black ink, appearing to read 'Robert A. Keogh', written over a horizontal line.

Robert A. Keogh
Dickinson Municipal Court

Cc: emailed to:

City Prosecutor
Dusty Dassinger
Joe Cianni

House Bill 1453
Senate Judiciary Committee
Testimony Presented by Sara Behrens
March 8, 2023

Good afternoon Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in a neutral position on House Bill 1453 at the request of Representative Schneider to provide some background on the Court's efforts to address pre-appearance release.

In 2018, then Chief Justice Gerald VandeWalle created a workgroup to examine pretrial reform in the courts. The workgroup was comprised of district court judges, defense attorneys, state's attorneys, court administration, and representation from the DOCR. The workgroup held its first meeting in December of 2018. Originally, the workgroup looked at the issue of pre-trial release as a whole. The members discussed recent court decisions from other jurisdictions disapproving of cash bail and noted that some states are moving away from cash bail entirely. During the 2019 Legislative Session, a pretrial pilot project was approved to work on pre-trial assessments and services. Due to the pilot project, the workgroup decided to focus on the pre-appearance (between the time an individual is taken into custody until appearance in front of a judge) release of defendants instead of the broader topic of pre-trial release. It's my understanding that this bill covers only that window of time between custody and appearance in front of a judge for an individualized bond order at the initial appearance.

Rule 46 of the North Dakota Rules of Criminal Procedure governs release between the initial appearance and trial. The presumption is release on the individual's own recognizance or on an unsecured bond unless factors are present which would lead the court, in its discretion, to require

payment of a bond. Rule 46 is not applicable to the time period between being taken into custody and the initial appearance.

This bill would deal with a relatively small subset of individuals, mostly those arrested on a weekend where they may have to sit in jail for 48 hours. The bond schedule provides those instances where the individual can be released without posting a bond or with posting a certain bond. The individual is seen by the court within 48 hours and the court takes into consideration the specific circumstances to set an appropriate bail amount.

There are various bond schedules being used throughout the state, copies of which I have provided to Rep. Schneider. These schedules are put into place by judicial districts to cover the counties within that district. They are not uniform. The members of the workgroup reviewed these bond schedules and were in agreement that uniformity would be a positive step.

The workgroup met periodically during 2019 and 2020. In 2021, House Bill 1123 was introduced relating to bail. House Bill 1123 was very specific as to which crimes would be released without posting bail and which would need to be held. It did not solve the issue of non-uniformity in the bond schedules. House Bill 1123 was ultimately defeated.

The workgroup continued to meet and consider the issue of pre-appearance release in 2021 and 2022. The workgroup has not yet reached a consensus on how to handle pre-appearance release and will determine next steps depending on the outcome of this bill.

APPENDIX A
ADMINISTRATIVE BOND ORDER DATED JANUARY 17, 2023

<u>Offense</u>	<u>PR</u>	<u>Bond</u>	<u>Charge</u>	<u>City</u>	<u>Print</u>	<u>Code</u>
ACQUIRE CONTROLLED SUBSTANCE BY DECEPTION	NO	NA	FC		Y	3599
ALTERED DRIVING LICENSE	YES	500	MB	401	N	
ASSAULT - SIMPLE ASSAULT	NO	500	MB	376	Y	1313
ASSAULT	NO	1,000	MA		Y	1313
ASSAULT - AGGRAVATED ASSAULT	NO	NA	FC		Y	1399
ASSAULT - DOMESTIC ABUSE	NO	NA	MB/MA/FC		Y	1399
ASSAULT ON A PEACE OFFICER	NO	NA	FC		Y	1313
BAIL JUMPING	NO	NA			Y	5015
BURGLARY	NO	NA	FC/FB		Y	2299
CHILD ENDANGERMENT (Controlled Sub. Exposure)	NO	NA	FC		Y	7099
CHILD NEGLECT / ABUSE	NO	NA	FC		Y	3806
CARRYING CONCEALED WEAPON (CCW)	YES	1,000	MA		Y	5202
CONTACT BY BODILY FLUIDS	NO	NA	FC		Y	7099
CRIMINAL MISCHIEF	YES	500/1,000	MB/MA		Y	2999
CRIMINAL TRESPASS	YES	500/1,000	MB/MA		Y	5707
CRIMINAL TRESPASS - FELONY	NO	NA	FC		Y	5707
DISOBEDIENCE OF A JUDICIAL ORDER	NO	NA	TBS		Y	5007
DISORDERLY CONDUCT (D/C)	YES	500	MB	326	Y	5311
DISSEMINATING OBSCENE MATERIAL	NO	NA	FC		Y	3705
DUI - 1st offense						
DUI - 2nd & subsequent offenses						
DUS/DUR	YES	500/1,000	MB/MA	251	N	5499
ESCAPE	NO	NA	FC		Y	4901
FAILURE TO APPEAR (FTA)	NO	NA	TBS	201	Y	5015
FAILURE TO REGISTER (SEX OFFENDER)	NO	NA	MA/FC		Y	3699
FAILURE TO REPORT AN ACCIDENT	YES	500	MB		N	5499
FALSE INFORMATION	YES	1,000	MB		Y	4803
FALSE STATEMENT / EVIDENCE OF AGE	YES			376	N	
FELONIOUS RESTRAINING	NO	NA	FC		Y	1008
FLEEING (DRIVING 1ST OFFENSE)	NO	1,000	MA		Y	5499
FLEEING (DRIVING - SUBSEQUENT)	NO	NA	FC		Y	5499
FLEEING - NON DRIVER /REFUSAL TO HALT (1ST/2ND)	NO	500	MB		Y	4899
FLEEING - NON DRIVER/REFUSAL TO HALT (Subsequent)	NO	1,000	MA		Y	4899
FORGERY	YES	1,000	MA/FC		Y	2599
GROSS SEXUAL IMPOSITION (GSI)	NO	NA	TBS		Y	1199
HARASSMENT	NO		MB/MA		Y	5309
HINDERING LAW ENFORCEMENT	NO	1,000	MA		Y	5802
INDECENT EXPOSURE	NO	1,000	MA	326	Y	3605
INGESTION OF CONT. SUBST - MARIJUANA	YES	500	MB	326	Y	3599
INGESTION OF CONT. SUBST - MARIJUANA (=< 21 YRS AGE)	YES			326	Y	3562
INGESTION OF CONT. SUBST - OTHER	YES	1,000	MA	326	Y	3599
INHALATION OF VAPORS	YES	500	MB		Y	3599
INTERFERING W/ 911 CALL	NO	NA	FC		Y	7399
LEAVING SCENE OF ACCIDENT	YES	500	MB	301	Y	5499
LEAVING SCENE OF ACCIDENT - INVOLV INJURY/DEATH	NO	1,000	MA/FC		Y	5499
LOADED FIREARM IN VEHICLE	YES	500	MB		Y	5299
MENACING	NO	1,000	MA		Y	7099
MINOR IN POSSESSION/CONSUMPTION (MIP/MIC)	YES	500	MB	376	N	4199
MINOR ON PREMISE	YES	500	MB	376	N	4199
MINOR PURCHASING/ATTEMPTING TO PURCHASE	YES			376	N	4199
MINOR ZERO TOLERANCE (MIC IN Police Central)	YES	500	MB	376	N	4199
NO ACCOUNT - CHECK	YES	1,000	MA		Y	2606
NOISY PARTY/FAILURE TO DISPENSE	YES	500	MB	326	N	

APPENDIX A
ADMINISTRATIVE BOND ORDER DATED JANUARY 17, 2023

<u>Offense</u>	<u>PR</u>	<u>Bond</u>	<u>Charge</u>	<u>City</u>	<u>Print</u>	<u>Code</u>
NSF - (FULL SET OF PRINTS)	YES		TBS - MA/FC		Y	2606
NSF - (PRINT ON 3X5 CARD)	YES		TBS -MB		Y (3X5)	2606
OBSTRUCTION/INTERFERRING W/ A PEACE OFFICER	NO	NA	FC	326	Y	4802
POSSESSION OF ALTERED PROPERTY	NO		TBS			
POSSESSION OF CONT. SUBST. - MARIJUANA	YES	500	MB		Y	3562
POSSESSION OF 1/2-1OZ MARIJUAN PROHIBITED	YES			326	Y	3562
POSSESSION CONT. SUBST - OPERATING MV	YES	1,000	MA		Y	3562
POSSESSION CONT. SUBST - METH	NO	1,000 / NA	MA / FC		Y	3599
POSSESSION CONT. SUBST - SCHED. I,II, III, IV, V	NO	1,000 / NA	MA / FC		Y	3599
POSSESSION DRUG PARA - MARIJUANA	YES	500	MB		Y	3550
POSSESSION DRUG PARA - OTHER THAN MARIJUANA	NO	1,000 / NA	MA / FC		Y	3550
POSSESSION INTENT TO DELIVER - MARIJUANA	NO	NA	FB		Y	3560
POSSESSION INTENT TO DELIVER - METH	NO	NA	FA		Y	3599
POSSESSION OBSCENE MATERIAL OF MINORS	NO	NA	FC		Y	3704
POSSESSION STOLEN PROPERTY	YES		MA / MB		Y	2804
POSSESSION STOLEN PROPERTY - FELONY	NO		FC		Y	2804
POSSESSION OF STOLEN VEHICLE	NO	NA	FC		Y	2408
POSSESSION OR MANUFACTURE FALSE ID	YES			376	N	
PREVENT/RESIST ARREST	NO		MA	326	Y	4801
PROBATION VIOLATION/REVOICATION	NO		TBS		Y	5012
PURCHASING ALCOHOLIC BEVERAGE FOR A MINOR	YES			376	N	
RECKLESS DRIVING	YES	500	MB	351	N	
RECKLESS ENDANGERMENT	NO	1,000 / NA	MA / FC		Y	7099
ROBBERY	NO		TBS		Y	1299
SEXUAL ASSAULT / ATTEMPTED	NO		TBS		Y	1199
SOLICITATION OF A MNOR	NO		TBS		Y	1199
SURREPTITIOUS INTRUSION	NO	NA	MA		Y	3611
TAMPERING WITH INFORMANT/WITNESS	NO		FC		Y	4805
TERRORIZING	NO		FC		Y	7099
THEFT BY DECEPTION	YES		TBS		Y	2607
THEFT BY MOTOR VEHICLE	NO	1,000 / NA	MA / FC		Y	2404
THEFT PROPERTY/SERVICES/SHOPLIFTING (> THAN \$250)	YES	1,000 / NA	MA / FC	526	Y	2399
THEFT PROPERTY/SERVICES/SHOPLIFTING (< THAN \$250)	YES	500	MB	376	Y	2399
TRESPASS ON PRIVATE PROPERTY	YES			226	Y	5707
UNAUTHORIZED USE OF A MOTOR VEHICLE	NO	NA	FC		Y	2411
UNAUTHORIZED USE OF PERSONAL ID INFO	NO	NA	FC			2604
UNLAWFUL ENTRY TO MOTOR VEHICLE	NO	NA	FC		Y	2305
UNLAWFUL USE OF LICENSE PLATES	YES	500	MB		N	
VIOLATION OF DRIVING RESTRICTIONS	YES	500	MB		N	
VIOLATION NO CONTACT/RESTRAINING ORDER	NO	NA	MA		Y	5007

County:

MB = usually \$500(L), if prior FTA - \$1,000

MA = usually \$1,000(L), if prior FTA - \$2,000(L)

Felony = usually NO BOND

Domestic Violence = NO BOND

Possession of controlled substanc or para (other than marijuana) = A misd for first offense, C Felony for 2nd & subsequent

City:

All charges are B misdemeanor

**STATE OF NORTH DAKOTA
SOUTHEAST JUDICIAL DISTRICT**

SEVENTH REVISED BOND SCHEDULE

CLASS B MISDEMEANORS	\$500.00
Except 2 nd DUI/APC in 7 years	\$750.00
CLASS A MISDEMEANORS	\$500.00
Except 3 rd DUI/APC in 7 years	\$1,500.00

Multiple Misdemeanors – Highest bond required for any one of the offenses will cover all charges in District Court. This schedule only applies to District Court. If there are charges pending in both Municipal Court and District Court, separate bonds are required for each Court.

FELONIES AND DOMESTIC SIMPLE ASSAULT AND ASSAULT Must Appear

The above bond amounts shall be posted with cash. No personal checks are accepted. A certified check from a local financial institution or a surety may be accepted. Debit or credit card payments can be made at the Clerk of Court's office between 8:00am and 5:00pm Monday through Friday.

The bond amounts for NSF CHECK and NO ACCOUNT CHECK charges are found on the summons or arrest warrant. Use that amount and not the amount listed above. Defendants who are eligible for a Rule 43 Waiver and elect to proceed with that process shall post the bond and sign the waiver. Those who wish to appear must post bond and sign a promise to appear for the next court date.

All individuals arrested for a second or subsequent DUI must agree to participate in the 24/7 program prior to release. If the individual does not agree a bond hearing must be scheduled.

All individuals who do post bond shall sign a promise to appear for the next regular court appearance date. Those who are unable to post bond **must** be brought before a Judge forthwith or within 48 hours for a bond review.

Dated this _____ day of November, 2017.

BY THE COURT:

Hon. Daniel D. Narum
Presiding District Court Judge

Bond Schedule

<p>1. Any arrest warrant</p> <p>2. Any bench warrant</p> <p>3. Any felony (including felony DUI)</p> <p>4. Any misdemeanor involving violence, injury, or violation of court order (i.e. simple assault, domestic violence, violation of protection order, failure to register as a sex offender, ect.) OR any misdemeanor which obstructs law enforcement (false information, hindering law enforcement, resisting arrest, preventing or obstruction of law enforcement, eluding a police officer, ect.) OR possession of a concealed weapon OR possession of child pornography.</p> <p>5. Any misdemeanor DUI/APC. Any misdemeanor that includes DUI/APC, but does not involve any charge listed in #4 above. This is total bail regardless of number of misdemeanors. (Example: DUI, DUS, no insurance – take only \$4,000 bail). ND residents may post \$800 cash and balance PR. Court appearance must be set if released on bail.</p> <p>6. Any misdemeanor (except those listed in #4 and #5 above). This amount is total bail regardless of the number of misdemeanors. (Example: No insurance, DUS, reckless – take only \$2,000 total bail.) ND residents, and any MIP regardless of residence, may post \$400 cash bond and balance PR. Court appearance must be set if released on bail.</p> <p>7. Bail Bondsman returns person to custody of sheriff AFTER posting bail.</p>	<p>Amount and form of bail indicated on warrant or on the computer. If no bail indicated, us #3,4,5 and 6 below to determine bail or appearance. If bail is posted, a court appearance must be set.</p> <p>CASH ONLY for the amount on warrant, MUST APPEAR if no bail shown on warrant. If bail is posted, a court appearance must be set. IF bench warrant is for failure to pay only, the defendant can post cash bail in the amount owed and will not have to appear. The bail will be applied to the monies owed and the file will be closed.</p> <p>MUST APPEAR</p> <p>MUST APPEAR</p> <p>\$4,000 CASH OR BAIL BOND</p> <p>\$2,000 CASH OR BAIL BOND</p> <p>MUST APPEAR</p>
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BOND SCHEDULE

The following Bond Schedule is implemented as of March 28, 2018, in Williams, Divide and McKenzie counties:

- Infractions Promise to appear
- Class B Misdemeanors \$ 750.00 (cash or corporate surety)*
- Class A Misdemeanors \$ 1,500.00 (cash or corporate surety)*
- * All Misdemeanors: See note below
- All Felonies: Hold without bond pending an appearance before a judge

* Note: Anyone charged with a misdemeanor (Except those cases listed below that are to be held without bond) who is unable to bond out after being held 1 hour will be released as follows. Personal Recognizance for the amount on the bond schedule.

IT IS FURTHER ORDERED that, unless otherwise ordered by a judge or judicial referee, all Defendants charged with the following offenses be held without bond pending an appearance before a judge:

<ul style="list-style-type: none"> • Assault (of any nature) • Bail Jumping • Contact by Bodily Fluids • Corruption of a Minor • Distribution of Intimate Images • Harassment • Inciting a Riot 	<ul style="list-style-type: none"> • Indecent Exposure • Menacing • Stalking • Surreptitious Intrusion • Unlawful Imprisonment • Violation of a Domestic Violence Protection Order • Violation of a Disorderly Conduct Restraining Order
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If circumstances indicate a deviation from the bond schedule, the officer can always contact the appropriate prosecutor who will find a judge to consider a modification.



Robin A. Schmidt
Presiding Judge

Copies to:

<p>Prosecutors: Williams County State's Attorney Divide County State's Attorney McKenzie County State's Attorney</p> <p>Clerks: Williams County Clerk of District Court Divide County Clerk of District Court McKenzie County Clerk of District Court</p>	<p>Law Enforcement: Williams County Sheriff Divide County Sheriff McKenzie County Sheriff Highway Patrol Williston Police Department Watford City Police Department Tioga Police Department Game and Fish (for cases not on Game and fish schedule)</p>
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ADMINISTRATIVE BOND ORDER
NORTHEAST CENTRAL JUDICIAL DISTRICT

January 17, 2023

Donald Hager, Presiding Judge of the Northeast Central Judicial District, ORDERS and authorizes the following persons to arrange, receive and approve bond after an arrested person has been processed for an offense: Clerks of the District Court and Deputy Clerks, Sheriffs and their Deputies or Detention Staff within their respective jurisdictions, Highway Patrol Officers, State Probation Officers, Chiefs of Police and the other officers of the Police Departments within the Northeast Central Judicial District.

COURT APPEARANCE REQUIRED

All persons charged with an offense involving domestic violence and all persons charged with Simple Assault, Assault, Menacing, Sexual Assault, Harassment, Violations of Protection Orders, Violation of Restraining Orders, Terrorizing, Stalking, Felony Possession of a Controlled Substance or Felony Possession of Drug Paraphernalia, Fleeing or Attempting to Elude Law Enforcement, Resisting or Preventing Arrest, or any offense involving violence or the threat thereof or individuals that would pose a danger to the public or property if immediately released, or any other offenses as otherwise outlined in Appendix A, which is attached and incorporated by reference herein, must personally appear before the Court for a bail hearing.

ARREST WITHOUT A WARRANT

- A. Persons charged with misdemeanors or infractions and arrested without a warrant, other than as set forth in the preceding paragraph or referenced in Appendix A, may BE RELEASED WITH A COURT DATE ON CITATION OR PROMISE TO APPEAR.
- B. No arrested person may be released from custody until that person has signed a citation or Promise to Appear in the District Court.
- C. No person arrested for a second or subsequent DUI may be released from custody until that person has agreed to participate in the 24/7 Sobriety Program in addition to the requirements of paragraph C above.
- D. All bonds received shall be transmitted to the Clerk of District Court in or along with bond envelopes which include an acknowledgement by the bond remitter that the bond may be applied to fines, fees, costs, or restitution.

ARREST WITH A WARRANT

If a person is arrested on a warrant on which an amount of bail acceptable to the issuing judge is included, those officials above-named may arrange, receive, and approve bond. If the warrant does not set an amount for release of the arrested person, the person shall be brought before the nearest available judge without unnecessary delay.

INABILITY TO MEET BOND REQUIREMENTS

If an arrested person does not meet the conditions set for release or is unable to post the appropriate bond, s/he shall be brought before the nearest available judge without unnecessary delay.

GAME AND FISH VIOLATIONS

Game wardens are authorized to arrange, receive, and approve bonds for game and fish violations as set forth in the attached Game & Fish Violations Schedule of Bond, in those cases where an arrest is not required in the opinion of the game warden.

MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS VIOLATIONS

Officers employed by the North Dakota Highway Patrol are authorized to arrange, receive, and approve bonds for persons cited for motor carrier safety, hazardous materials, or public service commission violations as set forth in the Bond Schedule for Violations of Federal Motor Carrier Safety and Hazardous Material Violations in those cases where an arrest is not required in the opinion of the citing officer.

EFFECTIVE DATE

This Administrative Order supersedes any prior orders establishing bond schedules or procedures in the Northeast Central Judicial District and is effective immediately. This Order shall remain in effect until further Order of this Court.

Dated this ___ day of _____, ____.

BY THE COURT:

Donald Hager
Presiding Judge
Northeast Central Judicial District
State of North Dakota

**STATE OF NORTH DAKOTA
NORTHEAST JUDICIAL DISTRICT**

(Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh)

BOND SCHEDULE

All bond amounts shall be posted with cash or surety. No personal checks are accepted. A certified check from a local financial institution may be accepted. Debit or credit card payment can be made at Clerk of Court's office between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Individuals unable to post bond MUST be brought before a Judge forthwith or within 48 hours for a bond review.

Individuals who do post bond MUST sign a promise to appear for next regular court appearance date.

Felonies: Judge will set bond.

Simple Assault/Domestic Assaults - Class A and B Misdemeanors: Judge will set bond.

Class B Misdemeanors: \$500 cash or surety

2nd DUI/APC in 7 years: \$500 cash or surety, see below 24/7 requirement.

Driving under suspension, Class B Misdemeanor \$500.00 P.R. Bond

Class A Misdemeanors: \$500 cash or surety

EXCEPT 3rd DUI/APC in 7 Years: \$1500 cash or surety, see below 24/7 requirement.

*****24/7 Requirement***** All individuals arrested for **2nd or Subsequent DUI** must agree to participate in **24/7 program** prior to release. If individual does not agree, a bond hearing must be scheduled.

Multiple Misdemeanors: Highest bond required for any one of the offenses will cover all charges in the District Court. THIS ONLY APPLIES TO DISTRICT COURT. If charges are pending in both Municipal Court and District Court, separate bonds are required for each Court.

NSF Check and No Account Check: Bond amounts are found on summons or arrest warrant. Use that amount, not amounts listed above.

- Defendants eligible for Rule 43 Waiver and who elect to proceed with that process shall post the bond and sign the waiver.
- Those who wish to appear must post bond and sign promise to appear for next court date.

Dated this 15th day of February, 2022.



Hon. Donovan Foughty
Presiding Judge
Northeast Judicial District

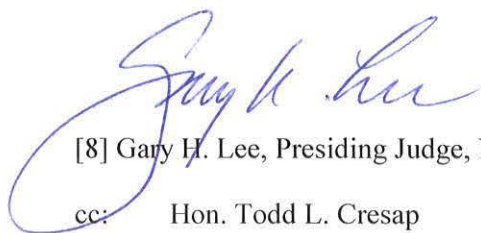
by the North Dakota Department of Corrections and Rehabilitation. All of these individuals are appointed Ex-officio Clerks of District Court for the purpose of accepting and receipting for bond, and are responsible for having the bond remitter review and sign a bond envelope prior to a Defendant's release on bond. Once bond has been accepted and receipted for, it must be deposited with the Clerk of District Court's office on the next business day of the court.

[5] No person shall be released on bond, or on his or her own personal recognizance without first:

- Providing a current local residence address and telephone number if available
- Signing a Waiver of Extradition in all felony matters
- Providing a DNA sample in all felony matters
- Signing a Promise to Appear in Court at an Assigned Time and Date

[6] The above items will be filed with the Clerk of Court and shall become a part of the record.

[7] September 7, 2018.



[8] Gary H. Lee, Presiding Judge, North Central Judicial District

cc: Hon. Todd L. Cresap
Hon. Richard L. Hagar
Hon. Stacy J. Louser
Hon. Douglas L. Mattson
Judicial Referee Connie S. Portschteller

Burke County State's Attorney Amber J. Fiesel
Mountrail County State's Attorney Wade G. Enget
Ward County State's Attorney Rozanna C. Larson

Burke County Clerk of District Court Bonnie Bohnsack
Mountrail County Clerk of District Court Traci Hysjulien
Ward County Clerk of District Court Susan Hoffer



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Mary Schneider

District 21
1011 Eighth Street South
Fargo, ND 58103-2725

C: 701-306-0860
mschneider@nd.gov

COMMITTEES:

Human Services
Government and Veterans Affairs

Bill Presentation and Testimony in Support of HB 1453

By Representative Mary Schneider

Senate Judiciary Committee, Diane Larson, Chair

Wednesday, March 8, 2023

Chairman Larson and Members of the Judiciary Committee:

This bill would create a uniform bail schedule initiative with a goal of achieving substantial uniformity of bail amounts that apply when individuals have been taken into custody but have not yet appeared before a judge in the various district courts throughout the state.

Since we are presumed innocent until proven guilty in our criminal justice system, bail is the process that allows an arrested person to be released rather than held in jail by providing security, usually money, to assure that he or she will appear in court.

The concept of bail actually predates the founding of our country with roots in the English Bill of Rights Act bail clause. In 1776, after the Declaration of Independence, those states that hadn't already done so, enacted their own versions of a bail law. In 1789, Congress passed the Judiciary Act that specified which types of crimes wereailable, and set limits on a judge's discretion in setting bail. In 1791, bail was ratified as part of the Eighth Amendment's prohibition in its first clause where it says simply "Excessive bail shall not be required."

The problem this bill is specifically trying to address is the differences in the amount of bail for the same offense in various parts of the state. There currently is

no requirement of consistency, uniformity, constancy, or regularity from one jurisdiction to another.

In Williams, Divide and McKenzie Counties, a class B misdemeanor will cost you \$750 in cash or corporate surety. In Southeast Judicial District it's \$500, \$300 in Southwest Judicial District, \$250 or possibly personal recognizance sometimes, elsewhere.

So what? Well, because. Principles and perceptions of fairness throughout our justice system are grounded in equal treatment and equality under the law. We expect articulated reasons in law for circumstances justifying unequal treatment. When you hear a protest of "That's not fair!" from a two-year-old, twenty-two-year-old, or 62-year-old, it's usually because of unequal treatment. Uniformity is helpful in eliminating that problem, lending credibility to actions, and establishing systemic trust. It's one of the reasons we adopt model laws and create written schedules of prices, policies, and regulations.

Not all states have uniform bail schedules, but many do, with various forms and features. Some span the whole state, some certain courts, or counties. Among them are Wyoming, Oregon, Alabama, Colorado, Wisconsin, Iowa, California, Indiana, Florida, and Kentucky.

With this bill our Supreme Court will work cooperatively with the district courts and likely others in standardizing pre-appearance bail. Some of the factors they may want to consider are listed, and they may have others to add. And kudos to the court—they have already begun this journey, demonstrating a willingness and commitment to this effort. They've had a couple of committees examine the issue and have a 2021 Court Rule 46 on "Release from Custody," so the timeline may not cause concern.

When finished with the project, this bill would require a report to the legislative management regarding implementation of the uniform bail schedule before September 1, 2024.

A representative of our Supreme Court follows me with more information and the history of its work in this area, but I'll answer any questions that I can.

HB 1453
68th Legislative Assembly
Senate Judiciary Committee
March 8, 2023
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for delivery of public defense services in North Dakota. The Commission stands in support of HB 1453.

HB 1453 is a bill to require the Supreme Court to establish a uniform schedule for all district courts in North Dakota to follow. To better understand the bill, it is appropriate to walk through how it all works. When an individual is arrested, most of the time an arrest occurs without a warrant for a crime committed in the officer's presence or for a felony level offense. When that individual is arrested and the courts are not in session, the various districts across North Dakota have established presumptive bail schedules. These bail schedules allow someone with the means to post a cash amount, or in some cases a surety bond, to be released from custody pending further proceedings. If you are not able to post the amount on the schedule, you are held to see the Judge. The schedules also have several offenses requiring an individual be held to see the judge. Once the judge sees the individual, the Judge can set any amount of bond within constitutional limitations.

This current framework leads to those with means being released for identical offenses to those without means. To address some of this problem, North Dakota has created a Pre-Trial Service program which has been doing great work. However, Pre-Trial services is not in all districts and locations. Thus, more work needs to be done.

HB 1453 requires the new uniform schedule to be within current constraints of constitutional limits and requirements. Thus, there should be considerations to address a clients' ability to pay worked within the schedule. Without considering the constitutional limits, HB 1453 would have no merit and only serve to exacerbate an already dangerous and archaic system of cash bail. This bill does not eliminate cash bail, but rather would have the constitutionally relevant questions asked when setting bail.

HB 1453 would also serve to treat all North Dakotan's the same when arrested. Currently for a Driving under the Influence charge in North Dakota, your pre appearance bail requirement might be anywhere from \$75 to \$750 cash or surety bond, depending upon where you are arrested. I would submit someone who is arrested in Fairmount should be treated the same as someone who is arrested in Williston.

Lastly, a uniform schedule such as the one contemplated in this bill is not unheard of. Doing quick research last night, it appears Iowa, Wyoming and Alabama all either have statewide schedules or statewide guidelines. North Dakota has been dealing with bail reform for years. This bill is a good step in the right direction.

Madam Chair Larson, members of the Senate Judiciary Committee, for the reasons stated herein, the Commission on Legal Counsel urges a DO PASS recommendation.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI



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Franklinville, NJ 08322
info@ambailcoalition.org
www.AmBailCoalition.org

March 8, 2023

North Dakota Senate Committee on Judiciary
Peace Garden Room
State Capitol
600 East Boulevard Ave
Bismarck, ND 58505-0360

RE: ND House Bill 1453

Dear Chairman Larson and Members of the North Dakota Senate Judiciary Committee:

I am writing to make suggestions on how to improve HB 1453. We of course agree with the idea of making the bail schedule more uniform. There are, however, a few issues that you may not have considered that we have come across while working on this issue in other states.

We do not believe the Supreme Court should be tasked with setting the uniform statewide bail schedule.

This derives from two specific concerns.

First, there has been extensive litigation over bail schedule procedures related to the appeals therefrom that has made it to State Supreme Courts (Nevada and California), and there is another pending case in Los Angeles Superior Court (*Urquidi*) in California as to the constitutionality of bail schedules that is very likely to end up in the California Supreme Court. The movement against bail schedules is indeed a national, well-funded litigation effort that could easily target North Dakota. Because we anticipate a reasonable possibility of the North Dakota Supreme Court having to decide cases on the constitutional contours of the use schedules, in particular or in general, we think it inappropriate for the court of last resort in the state to make discretionary district court level custodial decisions.

Second, we think the citizens have a right to have the local judges who preside over the criminal matters in their jurisdiction to directly set the bail schedule. We would direct you to a legislative concept in California last year, which unfortunately did not become law, which would have required the Judicial Council (the governing body of the state courts) to appoint a representative group of local judges to act as a commission in setting the statewide bail schedule, with the Council acting as staff of this commission.¹ We might call this the North Dakota Statewide Bail Commission. The Supreme Court, thus, under such an arrangement would be appropriately walled-off from an ethical perspective, and local judges would be tasked with setting the bail as an independent commission. Thus, we think there

¹ See: <https://openstates.org/ca/bills/20212022/AB38/> (“The Judicial Council shall appoint a group of judges, deemed line 9 by the council sufficient to adequately represent counties varying line 10 in size from throughout the state, to develop and approve the line 11 statewide bail schedule.”).



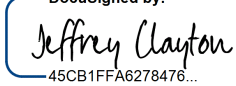
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are important legal and constitutional concerns that warrant against the Supreme Court setting the bail schedule.

We would also recommend that the commission be tasked with an annual review of the schedule. It would also be wise to have some deviation reports, i.e., how often did judges adjust the bails up or down from the schedule. We would also suggest that the bail schedule be subject to a notice and comment period. We think groups such as prosecutors, defense counsel, victims' rights advocates, and even local judges should have the opportunity to comment to the commission (or Supreme Court) as to the appropriateness of the schedule and give the commission (or Supreme Court) the ability to then make adjustments to the schedule.

Thank you for your attention and thank you for your service to the People of North Dakota. If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

DocuSigned by:

45CB1FFA6278476...
Jeff Clayton, M.S., J.D.
Executive Director
American Bail Coalition
jeff@ambailcoalition.org