

**TITLE 27
JUDICIAL BRANCH OF GOVERNMENT**

**CHAPTER 27-01
GENERAL PROVISIONS**

27-01-01. Courts composing judicial system of state - Those constituting courts of record.

The following are the courts of justice of this state:

1. The supreme court;
2. The district courts; and
3. Such other courts as are or may be created by law for cities.

Of these the supreme court and the district courts are courts of record.

27-01-01.1. Budgeting and financing of the supreme court and district courts.

The state court administrator shall submit a comprehensive budget for the supreme court and the district courts to the legislative assembly. An informational copy of the budget must be delivered to the director of the budget pursuant to section 54-44.1-13. The budget for the district courts must include all salary and expenses for the district courts, including the juvenile courts, and their employees. Each county shall provide the district court in that county with adequate chamber, court, and law library quarters, and lights and fuel and appropriate facilities for clerk of court services that are state-funded pursuant to section 27-05.2-02. Any equipment, furnishings, and law libraries in the control and custody of the district court on January 1, 1980, and any such property acquired from that date until July 1, 1981, must continue to be in the district court's custody and control until the state court administrator determines such items are no longer needed by the court.

27-01-02. Sittings of courts public - When public may be excluded.

The sittings of every court of this state must be public, and every citizen may freely attend the same, except that on the trial of cases of a scandalous or obscene nature the presiding judge or justice may exclude therefrom all persons not necessarily present as parties or witnesses.

27-01-03. Courts not open on Sundays and holidays - Jurisdiction of magistrates on such days.

Superseded by N.D.R.Crim.P., Rule 56.

27-01-04. Authority of judges of the district and county courts in bankruptcy proceedings.

Repealed by S.L. 1991, ch. 326, § 203.

27-01-05. Expenses on change of venue.

Repealed by S.L. 1991, ch. 326, § 203.

27-01-06. Payment of expenses on change of venue.

Repealed by S.L. 1995, ch. 54, § 44.

27-01-07. Civil action fees - Waiver.

Any filing fees connected with any civil action to be heard in any of the courts of the judicial system as listed in section 27-01-01 may be waived with or without a hearing, at the court's discretion, by the filing of an in forma pauperis petition accompanied by a sworn affidavit of the petitioner relating the pertinent information regarding indigency.

27-01-08. Service of process by mail by federal marshals.

Repealed by

27-01-09. Reciprocal recognition of certain state and tribal court judgments, decrees, and orders - Conditions.

The district courts shall recognize and cause to be enforced any judgment, decree, or order of the tribal court of the Three Affiliated Tribes of the Fort Berthold Reservation in any case involving the dissolution of marriage, the distribution of property upon divorce, child custody, adoption, an adult abuse protection order, or an adjudication of the delinquency, dependency, or neglect of Indian children if the tribal court had jurisdiction over the subject matter of the judgment, decree, or order. The tribal court judgment, decree, or order must be rendered by a judge who is a graduate of an accredited law school and holds a current valid license to practice law in at least one state. A state court may inquire as to the facts of the case or tribal law only to the extent necessary to determine whether the tribal court had jurisdiction over the subject matter of the judgment, decree, or order and personal jurisdiction over the parties to the action. Recognition and enforcement of tribal court judgments, decrees, and orders under this section is conditioned upon recognition and enforcement of state court judgments, decrees, and orders by the tribal court of the Three Affiliated Tribes and tribal law enforcement agencies under the same limitations provided by this section for recognition and enforcement of tribal court judgments, decrees, and orders by state courts.

27-01-10. Fee assessments for funding crime victim and witness programs.

1. The governing body of a county shall, by resolution, authorize the district judges serving that county to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.
2. The governing body of a city shall, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city shall determine the amount of the fee to be assessed in all cases or it may authorize the district or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The district or municipal judge shall assess the fee when sentence is imposed or when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a district or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the governing body of the county or city to one or more of the following programs as determined by the governing body or by agreement of the attorney general, the North Dakota league of cities, and the North Dakota association of counties:
 - a. A private, nonprofit domestic violence or sexual assault program.
 - b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime.
 - c. The statewide automated victim information and notification system, as provided for under chapter 12.1-34.