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September 25, 2017

Linda Lybeck
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City Auditor
PO Box 1048
Devils Lake, ND 58301-1048

In re: **Assessment of Crime Victim and Witness Fee Ordinance**

Dear Linda:

I am enclosing the ordinance which I have drafted regarding Assessment of Crime Victim and Witness Fee. Please place this on the agenda for a first reading at the City Commission meeting of October 2.

I have sent this ordinance to Judge Halbach for his review.

If you have any questions, please contact me.

Thank you.

Respectfully,

J. Thomas Traynor, Jr.

JTT, JR/pdd

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ORDINANCE NO. 949

AN ORDINANCE TO AUTHORIZE THE MUNICIPAL JUDGE TO ASSESS CRIME VICTIM AND WITNESS FEE, WHICH UPON ADOPTION, SHALL BE CODIFIED AS CHAPTER 1.16.040 OF THE DEVILS LAKE MUNICIPAL CODE.

BE IT ORDAINED, by the City Commission of the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter of the City of Devils Lake, that Ordinance No. 949 codified as Chapter 1.16.040 of the Municipal Code, shall Provide as follows:

Chapter 1.16.040

ASSESSMENT OF CRIME VICTIM AND WITNESS FEE

The municipal judge may assess a fee of not more than Twenty-five Dollars (\$25) 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 by law for the offense includes imprisonment. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The municipal judge may 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 the municipal court under this section shall be deposited in the general fund for allocation by the City Commission to:

- a. A private, nonprofit domestic violence 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; or
- c. The Statewide Automated Victim Information and Notification system (SAVIN) administered by the North Dakota Attorney General.

Passed First Reading: _____

Passed Second Reading: _____

Final Passage and Adoption: _____

CITY OF DEVILS LAKE

By: _____
Richard Johnson, President
Devils Lake City Commission

ATTEST:

Linda Lybeck
City Auditor