

N.D.A.G. Letter to Gibbens (Nov. 3, 1987)

November 3, 1987

Ms. Lisa Beckstrom Gibbens
Towner County State's Attorney
P.O. Box 601
Cando, ND 58324

Dear Ms. Gibbens:

Thank you for your letter dated October 29, 1987, in which you inquire as to whether or not N.D.C.C. § 40-18-15.1 permits a county to receive 35% of fees or fines assessed after hearing in the county court of a municipal court case. You indicate that the case of which you are concerned arose prior to July 8, 1987, the effective date of the provisions of N.D.C.C. § 40-18-15.1, but was tried to a jury after that date.

I have enclosed a copy of North Dakota Attorney General's opinion 87-10 directed to Brian Neugebauer, West Fargo City Attorney. In that opinion, I concluded that provisions of Senate Bill 2040, which include N.D.C.C. § 40-18-15.1, had application only to those criminal offenses occurring on July 8, 1987, and thereafter. Those statutory provisions would not apply to municipal court cases based upon offenses occurring prior to that date.

Sincerely,

Nicholas J. Spaeth

cv
Enclosure