§173. Costs and fees; criminal

The following provisions shall apply to the District Court:

1. Definitions and limitations. This section applies only to costs and fees arising from the criminal and civil violation proceedings in the District Court. When any criminal or civil violation case is appealed from such court to the Superior Court, the latter may tax and impose costs from its proceeding, which may not include any fees or costs arising from the proceedings or arrest in the lower court.

This section may not be interpreted to prohibit a court from filing a case upon payment of costs without a conviction or adjudication; except that upon motion at any time by either party, the court shall bring a filed case forward and proceed to a disposition of the pending complaint.

This section may not be interpreted to deprive a law enforcement officer of compensation for that officer's services and expenses, but this section may shift the responsibility for providing such compensation.

The term "law enforcement officer" means any person who by virtue of that person's public employment is vested by law with a duty to enforce any criminal law of this State by making arrests, whether that duty extends to all crimes or is limited to specific crimes, or with a duty to enforce any law of this State establishing a civil violation.
[RR 2021, c. 1, Pt. B, §6 (COR).]

2. Defendant not to be sentenced to pay costs of court as such. The District Court may not, in any criminal proceeding, sentence any defendant to pay costs of court as such, but may take the costs into consideration and include in any fine imposed a sum adequate to cover all or any part of them without reference to such costs and without taxing them, provided the maximum fine for the particular offense is not exceeded.
[PL 1975, c. 731, §8 (AMD).]

2-A. Costs in traffic infraction or civil violation cases. The Chief Judge shall establish costs to be paid by a defendant to reopen a traffic infraction or civil violation case after the case has been disposed of by default resulting from the defendant's failure to file a timely answer or the defendant's failure to appear in court.

In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for the defendant's failure to answer or the defendant's failure to appear in court.
[PL 1991, c. 733, §2 (AMD).]

3. Reports and records of costs and fees.
[PL 1979, c. 127, §15 (RP).]

4. Distribution of fees and fines.
[PL 1997, c. 750, Pt. A, §1 (RP).]

4-A. Law enforcement officer services, reimbursement and compensation. The court shall reimburse or compensate municipalities and counties for law enforcement officer services as follows.

A. The court shall reimburse the municipality or county that employs the law enforcement officer a flat fee of $50 for each day or part of a day that a law enforcement officer is physically present for a scheduled trial in District Court, whether or not the officer is called upon to give testimony.
[PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

B. The court shall pay a municipality or county a flat fee of $50 for each day or part of a day that a municipal or county law enforcement officer, designated by the municipality or county as its court officer, is physically present in a District Court in order to adequately handle that municipality's or county's case load.

The court officer required to be present at an arraignment may be an officer other than the arresting officer if the municipality or county has designated the officer to handle the arraignment case load of that municipality or county. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments. [PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

C. The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties if requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the Chief Judge and may not serve as a court officer for any law enforcement agency. Compensation for reasonable and necessary expenses, as agreed to by the parties, must be paid by the District Court.

In a municipality where a police officer has been furnished to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the District Court shall compensate the municipality. A person appointed to serve as bailiff may not serve as court officer for a municipal police department as provided in this subsection. [PL 1997, c. 750, Pt. A, §2 (NEW).]

[PL 1999, c. 731, Pt. CCCC, §1 (AMD).]

4-B. Law Enforcement Agency Reimbursement Fund. The Law Enforcement Agency Reimbursement Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts.

A. The Administrative Office of the Courts shall use the fund to reimburse municipalities and counties pursuant to subsection 4-A. [PL 1997, c. 750, Pt. A, §2 (NEW).]

B. Six percent of fines and forfeitures collected for traffic infractions must be deposited in the fund as provided in Title 29-A, section 2602, subsection 4, paragraphs A and B. [PL 1997, c. 750, Pt. A, §2 (NEW).]

C. The balance remaining in the fund at the end of the fiscal year must be transferred to the General Fund. [PL 1997, c. 750, Pt. A, §2 (NEW).]

D. If there is a deficit in the fund at the end of the fiscal year, the Treasurer of State shall transfer a sufficient amount from the General Fund to balance the fund. [PL 1997, c. 750, Pt. A, §2 (NEW).]

[PL 1997, c. 750, Pt. A, §2 (NEW).]

5. Disbursement to appointed counsel. In any proceeding where the court has appointed counsel, that appointed counsel shall be reimbursed by the court for reasonable disbursements made in behalf of the client, including but not limited to witness fees, sheriff's fees and travel, upon approval of these disbursements by the court.

[PL 1977, c. 114, §9 (RPR).]

SECTION HISTORY

PL 1965, c. 356, §5 (AMD). PL 1967, c. 244 (AMD). PL 1967, c. 397 (AMD). PL 1967, c. 408, §1 (AMD). PL 1967, c. 449, §4 (AMD). PL 1967, c. 521, §§1,2 (AMD). PL 1967, c. 544, §4 (AMD). PL 1971, c. 97, §2 (AMD). PL 1971, c. 252, §§1,2 (AMD). PL 1971, c. 261, §1 (AMD). PL 1971, c. 593, §22 (AMD). PL 1971, c. 618, §12 (AMD). PL 1971, c. 622, §5 (AMD). PL 1975, c. 95 (AMD). PL 1975, c. 292 (AMD). PL 1975, c. 341 (AMD). PL 1975, c. 369, §§1,2 (AMD). PL 1975, c. 430, §§8-15 (AMD). PL 1975, c. 623, §§3-E (AMD). PL 1975, c. 731, §§5-12 (AMD). PL 1975, c. 777, §2 (AMD). PL 1977, c. 114, §§3-9 (AMD). PL 1979, c. 127, §§15,16 (AMD). PL 1983, c. 742 (AMD). PL 1989, c. 89 (AMD). PL 1989, c. 722, §3 (AMD). PL 1991, c. 549, §5 (AMD). PL 1991, c. 549, §17 (AFF). PL 1991, c. 733, §2 (AMD). PL 1991, c. 780, §X2 (AMD). PL 1993, c. 675, §B9 (AMD). PL 1997, c. 750, §§A1,2 (AMD). PL 1999, c. 731, §CCCC1 (AMD). RR 2021, c. 1, Pt. B, §6 (COR).

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