

## **CHAPTER 29-27 EXECUTION**

**29-27-01. Execution to officer.** When a judgment imposing a penalty other than a fine only has been pronounced, a certified copy of the entry thereof upon the minutes must be furnished forthwith to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

**29-27-02. Judgment for fine or costs.** If the judgment mentioned in section 29-27-01 imposes a fine or assesses costs and the judgment has been docketed in the judgment docket by order of the court, the judgment is enforceable by execution in the same manner as provided for a judgment for money in a civil action.

**29-27-02.1. Disposition of statutory fees, fines, forfeitures, pecuniary penalties, and bond forfeitures.** Except as otherwise provided by law, all statutory fees, fines, forfeitures, and pecuniary penalties prescribed for a violation of state laws, when collected, must be paid into the treasury of the proper county to be added to the state school fund. When any bail bond or other property or money deposited as bail is forfeited to the state, the proceeds collected therefrom must be paid over to the proper state official and credited to the state general fund.

**29-27-03. Judgment for imprisonment or as response to nonpayment of fine.** If a judgment is for imprisonment, initially or as response to nonpayment of a fine in accordance with section 12.1-32-05, the defendant forthwith must be committed to the custody of the proper officer and be detained by that officer until the judgment is complied with.

**29-27-04. Judgment - By what officer executed.** When the judgment in a criminal action or proceeding under section 12.1-32-05 is imprisonment in the county jail, the judgment must be executed by the sheriff of the county. In all other cases when the sentence is imprisonment, the sheriff of the county shall deliver the defendant to the proper officer in execution of the judgment.

**29-27-05. Judgment of imprisonment in department of corrections and rehabilitation.** If the judgment is for commitment to the legal and physical custody of the department of corrections and rehabilitation, the sheriff of the county, upon receipt of a certified copy thereof, shall take and deliver the defendant to the correctional facility designated by the department. The sheriff also shall deliver to the department a certified copy of the judgment and take from the department a receipt for the defendant and make return thereof to the court.

**29-27-06. Authority of sheriff while conveying defendant.** Repealed by S.L. 1975, ch. 106, § 673.

**29-27-07. Commitment of offenders to department of corrections and rehabilitation - Place of confinement.**

1. If a judge of the district court imposes a term of imprisonment to a state correctional facility upon conviction of a felony or a class A misdemeanor, the judge may not designate a state correctional facility in which the offender is to be confined but shall commit the offender to the legal and physical custody of the department of corrections and rehabilitation.
2. After assuming custody of the convicted person, the department of corrections and rehabilitation may transfer the inmate from one correctional facility to another for the purposes of safety, security, discipline, medical care, or if the department determines it is in the best interest of the public, the inmate, or the department.