# ORDER 26. EMERGENCY BAIL AND PLEA PROCEDURE

(a) Custody on Warrant. If a county takes into custody a person subject to a warrant from another county or counties and desires to release the person from custody, electronic notice must be given to the Clerk of Court and State's Attorney's office for each county that has issued a warrant. Within 48 hours of the notice, the Clerk of Court and State's Attorney's office for the county or counties that issued the warrant must:

(1) consent to a bond hearing in the district where the defendant is being held and provide an appearance date for their county, or

(2) pick the person up and transfer custody of the person to their jurisdiction.

Any district judge may set bail or act as otherwise allowed by N.D.R.Crim.P. 46 for a person subject to a warrant issued in any county of North Dakota if the issuing county consents. Failure to pick up a person being held in custody following the notice provided under this order is deemed to be consent. If an individual is released from custody under this order and without a hearing date set in the other county or counties, a second notice must be sent to the Clerk of Court and State's Attorney's office for the other county or counties informing them of the person's release from custody.

(b) Presence for Plea. ~~Any defendant facing a sentence of presumptive probation for an offense may plead guilty to the offense in writing in a manner consistent with the requirements of N.D.R.Crim. P. 43(b).~~ In addition to the circumstances provided in N.D.R.Crim. P. 43(b), a defendant need not be present for entry of a guilty plea or sentencing for any class C felony if the plea is made by written agreement under N.D.R.Crim.P. 11(c)(1)(C).

(c) This order is adopted on an emergency basis, effective immediately. Amended April 8, 2020, effective immediately. Amended April 15, 2020, effective immediately.

(d) The Supreme Court of the State of North Dakota convened this 15th day of April, 2020, with the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Lisa Fair McEvers, and the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order. The Honorable Daniel J. Crothers, Justice, voted against the action.

Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court