

A bill for an act

relating to courts; enforcing judicial sanctions, including fines, fees, and surcharges; modifying requirement to supply judges; amending Minnesota Statutes 2008, sections 2.724, subdivisions 2, 3; 86B.705, subdivision 2; 134A.09, subdivision 2a; 134A.10, subdivision 3; 152.025, subdivisions 1, 2; 152.0262, subdivision 1; 169A.20, subdivision 1, by adding subdivisions; 169A.284; 299D.03, subdivision 5; 357.021, subdivision 6; 364.08; 375.14; 480.15, by adding a subdivision; 484.85; 484.90, subdivision 6; 491A.02, subdivision 9; 525.091, subdivision 1; 550.011; 609.10, subdivision 1; 609.101, subdivision 4; 609.125, subdivision 1; 609.131, subdivision 3; 609.135, subdivisions 1, 1a, 2; 631.48; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 484.90, subdivisions 1, 2, 3; 487.08, subdivisions 1, 2, 3, 5; 609.135, subdivision 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 2.724, subdivision 2, is amended to read:

Subd. 2. **Procedure.** To promote and secure more efficient administration of justice, the chief justice of the Supreme Court of the state shall supervise and coordinate the work of the courts of the state. The Supreme Court may provide by rule that the chief justice not be required to write opinions as a member of the Supreme Court. Its rules may further provide for it to hear and consider cases in divisions. It may by rule assign temporarily any retired justice of the Supreme Court or one judge of the Court of Appeals or district court judge at a time to act as a justice of the Supreme Court or any number of justices or retired justices of the Supreme Court to act as judges of the Court of Appeals. Upon the assignment of a Court of Appeals judge or a district court judge to act as a justice of the Supreme Court, a judge previously acting as a justice may complete unfinished duties of that position. Any number of justices may disqualify themselves from hearing and considering a case, in which event the Supreme Court may assign temporarily a retired

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justice of the Supreme Court, a Court of Appeals judge, or a district court judge to hear and consider the case in place of each disqualified justice. ~~A retired justice who is acting as a justice of the Supreme Court or judge of the Court of Appeals under this section shall receive, in addition to retirement pay, out of the general fund of the state, an amount to make the retired justice's total compensation equal to the same salary as a justice or judge of the court on which the justice is acting.~~

Sec. 2. Minnesota Statutes 2008, section 2.724, subdivision 3, is amended to read:

Subd. 3. **Retired justices and judges.** (a) The chief justice of the Supreme Court may assign a retired justice of the Supreme Court to act as a justice of the Supreme Court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of any court to act as a judge of any court except the Supreme Court. The chief justice of the Supreme Court shall determine the pay and expenses to be received by a justice or judge acting pursuant to this paragraph.

(b) A judge who has been elected to office and who has retired as a judge in good standing and is not practicing law may also be appointed to serve as judge of any court except the Supreme Court. A retired judge acting under this paragraph will receive pay and expenses in the amount established by the Supreme Court.

Sec. 3. Minnesota Statutes 2008, section 86B.705, subdivision 2, is amended to read:

Subd. 2. **Fines and bail money.** (a) All fines, installment payments, and forfeited bail money collected from persons convicted of violations of this chapter or rules adopted thereunder, or of a violation of section 169A.20 involving a motorboat, shall be ~~paid to the county treasurer of the county where the violation occurred by the court administrator or other person collecting the money within 15 days after the last day of the month the money was collected~~ deposited in the state treasury.

(b) One-half of the receipts shall be credited to the general revenue fund ~~of the county~~. The other one-half of the receipts shall be transmitted ~~by the county treasurer~~ to the commissioner of natural resources ~~to be deposited in the state treasury~~ and credited to the water recreation account for the purpose of boat and water safety.

Sec. 4. Minnesota Statutes 2008, section 134A.09, subdivision 2a, is amended to read:

Subd. 2a. **Petty misdemeanor cases and criminal convictions; fee assessment.** In Hennepin County and Ramsey County, the district court administrator or a designee may, upon the recommendation of the board of trustees and by standing order of the judges of the district court, include in the costs or disbursements assessed against a defendant

convicted in the district court of the violation of a statute or municipal ordinance, a county law library fee. This fee may be collected in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty. When a defendant is convicted of more than one offense in a case, the county law library fee shall be imposed only once in that case.

Sec. 5. Minnesota Statutes 2008, section 134A.10, subdivision 3, is amended to read:

Subd. 3. Petty misdemeanor cases and criminal convictions; fee assessment.

The judge of district court may, upon the recommendation of the board of trustees and by standing order, include in the costs or disbursements assessed against a defendant convicted in the district court of the violation of any statute or municipal ordinance, in all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the defendant may be subject to the payment of the costs or disbursements in addition to a fine or other penalty a county law library fee. When a defendant is convicted of more than one offense in a case, the county law library fee shall be imposed only once in that case. The item of costs or disbursements may not be assessed for any offense committed prior to the establishment of the county law library.

Sec. 6. Minnesota Statutes 2008, section 152.025, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** (a) A person is guilty of controlled substance crime in the fifth degree and if convicted may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV.

(b) A person is guilty of controlled substance crime in the fifth degree and if the conviction is a subsequent controlled substance conviction, a person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV.

Sec. 7. Minnesota Statutes 2008, section 152.025, subdivision 2, is amended to read:

Subd. 2. **Possession and other crimes.** (a) A person is guilty of controlled substance crime in the fifth degree and if convicted may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(b) A person is guilty of controlled substance crime in the fifth degree and if the conviction is a subsequent controlled substance conviction, a person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Sec. 8. Minnesota Statutes 2008, section 152.0262, subdivision 1, is amended to read:

Subdivision 1. **Possession of precursors.** (a) A person is guilty of a crime if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine and if convicted may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

5.1 (b) A person is guilty of a crime if the person possesses any chemical reagents or
5.2 precursors with the intent to manufacture methamphetamine and may be sentenced to
5.3 imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000,
5.4 or both, if the conviction is for a subsequent controlled substance conviction.

5.5 As used in this section and section 152.021, "chemical reagents or precursors"
5.6 includes any of the following substances, or any similar substances that can be used to
5.7 manufacture methamphetamine, or the salts, isomers, and salts of isomers of a listed or
5.8 similar substance:

- 5.9 (1) ephedrine;
- 5.10 (2) pseudoephedrine;
- 5.11 (3) phenyl-2-propanone;
- 5.12 (4) phenylacetone;
- 5.13 (5) anhydrous ammonia;
- 5.14 (6) organic solvents;
- 5.15 (7) hydrochloric acid;
- 5.16 (8) lithium metal;
- 5.17 (9) sodium metal;
- 5.18 (10) ether;
- 5.19 (11) sulfuric acid;
- 5.20 (12) red phosphorus;
- 5.21 (13) iodine;
- 5.22 (14) sodium hydroxide;
- 5.23 (15) benzaldehyde;
- 5.24 (16) benzyl methyl ketone;
- 5.25 (17) benzyl cyanide;
- 5.26 (18) nitroethane;
- 5.27 (19) methylamine;
- 5.28 (20) phenylacetic acid;
- 5.29 (21) hydriodic acid; or
- 5.30 (22) hydriotic acid.

5.31 Sec. 9. Minnesota Statutes 2008, section 169A.20, subdivision 1, is amended to read:

5.32 Subdivision 1. **Driving while impaired crime.** It is a crime for any person to drive,
5.33 operate, or be in physical control of any motor vehicle, as defined in section 169A.03,
5.34 subdivision 15, except for motor boats and off-road recreational vehicles, within this state
5.35 or on any boundary water of this state when:

(1) ~~when~~ the person is under the influence of alcohol;

(2) ~~when~~ the person is under the influence of a controlled substance;

(3) ~~when~~ the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;

(4) ~~when~~ the person is under the influence of a combination of any two or more of the elements named in clauses (1), ~~(2)~~, and to (3);

(5) ~~when~~ the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;

(6) ~~when~~ the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) ~~when~~ the person's body contains any amount of a controlled substance listed in schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

Sec. 10. Minnesota Statutes 2008, section 169A.20, is amended by adding a subdivision to read:

Subd. 1a. **Driving while impaired crime; motorboat.** It is a crime for any person to operate or be in physical control of a motorboat, as defined in section 86B.005, subdivision 9, on any waters or boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;

(6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) the person's body contains any amount of a controlled substance listed in schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

7.1 Sec. 11. Minnesota Statutes 2008, section 169A.20, is amended by adding a
7.2 subdivision to read:

7.3 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It
7.4 is a crime for any person to operate or be in physical control of a snowmobile or all-terrain
7.5 vehicle anywhere in this state or on the ice of any boundary water of this state when:

7.6 (1) the person is under the influence of alcohol;

7.7 (2) the person is under the influence of a controlled substance;

7.8 (3) the person is knowingly under the influence of a hazardous substance that
7.9 affects the nervous system, brain, or muscles of the person so as to substantially impair
7.10 the person's ability to drive or operate the motor vehicle;

7.11 (4) the person is under the influence of a combination of any two or more of the
7.12 elements named in clauses (1) to (3);

7.13 (5) the person's alcohol concentration at the time, or as measured within two hours
7.14 of the time, of driving, operating, or being in physical control of the motor vehicle is
7.15 0.08 or more;

7.16 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration
7.17 at the time, or as measured within two hours of the time, of driving, operating, or being in
7.18 physical control of the commercial motor vehicle is 0.04 or more; or

7.19 (7) the person's body contains any amount of a controlled substance listed in
7.20 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

7.21 Sec. 12. Minnesota Statutes 2008, section 169A.20, is amended by adding a
7.22 subdivision to read:

7.23 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**
7.24 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway
7.25 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined
7.26 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary
7.27 water of this state when:

7.28 (1) the person is under the influence of alcohol;

7.29 (2) the person is under the influence of a controlled substance;

7.30 (3) the person is knowingly under the influence of a hazardous substance that
7.31 affects the nervous system, brain, or muscles of the person so as to substantially impair
7.32 the person's ability to drive or operate the motor vehicle;

7.33 (4) the person is under the influence of a combination of any two or more of the
7.34 elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;

(6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) the person's body contains any amount of a controlled substance listed in schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

Sec. 13. Minnesota Statutes 2008, section 169A.284, is amended to read:

**169A.284 CHEMICAL DEPENDENCY ASSESSMENT CHARGE;
SURCHARGE.**

Subdivision 1. **When required.** (a) When a court sentences a person convicted of an offense enumerated in section 169A.70, subdivision 2 (chemical use assessment; requirement; form), it shall order the person to pay the cost of the assessment directly to the entity conducting the assessment or providing the assessment services in an amount determined by the entity conducting or providing the service and shall impose a chemical dependency assessment charge of ~~\$125~~ \$25. The court may waive the \$25 assessment charge, but may not waive the cost for the assessment paid directly to the entity conducting the assessment or providing assessment services. A person shall pay an additional surcharge of \$5 if the person is convicted of a violation of section 169A.20 (driving while impaired) within five years of a prior impaired driving conviction or a prior conviction for an offense arising out of an arrest for a violation of section 169A.20 or Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or controlled substance) or 169.129 (aggravated DWI-related violations; penalty). This section applies when the sentence is executed, stayed, or suspended. The court may not waive payment or authorize payment of the assessment charge and surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment charge and surcharge would create undue hardship for the convicted person or that person's immediate family.

(b) The chemical dependency assessment charge and surcharge required under this section are in addition to the surcharge required by section 357.021, subdivision 6 (surcharges on criminal and traffic offenders).

Subd. 2. **Distribution of money.** ~~The county court administrator shall collect and forward to the commissioner of finance \$25 of the chemical dependency assessment charge and the \$5 surcharge, if any, within 60 days after sentencing or explain to the~~

~~commissioner in writing why the money was not forwarded within this time period. The commissioner shall credit the money to the commissioner of finance to be deposited in the state treasury and credited to the general fund. The county shall collect and keep \$100 of the chemical dependency assessment charge.~~

Sec. 14. Minnesota Statutes 2008, section 299D.03, subdivision 5, is amended to read:

Subd. 5. Traffic fines and forfeited bail money. (a) All fines and forfeited bail money, ~~from traffic and motor vehicle law violations,~~ collected from persons apprehended or arrested by officers of the State Patrol, shall be ~~paid~~ transmitted by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the ~~county treasurer of the county where the violation occurred.~~ commissioner of finance. Except where a different disposition is required in this paragraph, paragraph (b), section 387.213, or is otherwise provided by law, three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the commissioner of finance for deposit deposited in the state treasury and credited to the state general fund. The other five-eighths of these receipts ~~shall be transmitted by that officer to the commissioner of finance and must be deposited in the state treasury and~~ credited as follows: (1) the first \$600,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the state trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be deposited in the state treasury and credited to the state general ~~revenue~~ fund ~~of the county~~, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be ~~transmitted to the commissioner of finance as provided in this subdivision.~~ deposited in the state treasury and credited to the Minnesota grade crossing safety account or the state trunk highway fund as provided in this paragraph. When section 387.213 also is applicable to the fine, section 387.213 shall be applied before this paragraph is applied. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be ~~paid~~ transmitted by

the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the ~~county treasurer of the county where the violation occurred~~ commissioner of finance. Five-eighths of these receipts shall be ~~transmitted by that officer to the commissioner of finance and shall be deposited in the state treasury and credited to the state highway user tax distribution fund.~~ Three-eighths of these receipts shall be deposited in the state treasury and credited to the state general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), ~~this three-eighths share must be transmitted to the commissioner of finance for deposit in the state treasury and credited to the general fund.~~

Sec. 15. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor ~~offense~~ violation of a statute, ordinance, or administrative rule, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

11.1 (e) If the convicted person is sentenced to imprisonment and has not paid the
11.2 surcharge before the term of imprisonment begins, the chief executive officer of the
11.3 correctional facility in which the convicted person is incarcerated shall collect the
11.4 surcharge from any earnings the inmate accrues from work performed in the facility
11.5 or while on conditional release. The chief executive officer shall forward the amount
11.6 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
11.7 surcharge imposed by the court.

11.8 Sec. 16. Minnesota Statutes 2008, section 364.08, is amended to read:

11.9 **364.08 PRACTICE OF LAW; EXCEPTION.**

11.10 This chapter shall not apply to the practice of law or judicial branch employment;
11.11 but nothing in this section shall be construed to preclude the Supreme Court, in its
11.12 discretion, from adopting the policies set forth in this chapter.

11.13 Sec. 17. Minnesota Statutes 2008, section 375.14, is amended to read:

11.14 **375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.**

11.15 The county board shall provide offices at the county seat for the auditor, treasurer,
11.16 county recorder, sheriff, court administrator of the district court, and an office for the
11.17 county engineer at a site determined by the county board, with suitable furniture and
11.18 safes and vaults for the security and preservation of the books and papers of the offices,
11.19 and provide heating, lighting, and maintenance of the offices. The board shall furnish
11.20 all county officers with all books, stationery, letterheads, envelopes, postage, telephone
11.21 service, office equipment, electronic technology, and supplies necessary to the discharge
11.22 of their respective duties ~~and make like provision for the judges of the district court~~
11.23 ~~as necessary to the discharge of their duties within the county or concerning matters~~
11.24 ~~arising in it.~~ The board is not required to furnish any county officer with professional or
11.25 technical books or instruments except when the board deems them directly necessary to
11.26 the discharge of official duties as part of the permanent equipment of the office.

11.27 Sec. 18. Minnesota Statutes 2008, section 480.15, is amended by adding a subdivision
11.28 to read:

11.29 **Subd. 10c. Uniform collections policies and procedures for courts.** (a)
11.30 Notwithstanding chapter 16D, the state court administrator under the direction of the
11.31 Judicial Council may promulgate uniform collections policies and procedures for the
11.32 courts and may contract with credit bureaus, public and private collection agencies, the
11.33 Department of Revenue, and other public or private entities providing collection services

as necessary for the collection of court debts. The court collection process and procedures are not subject to section 16A.125 or chapter 16D.

(b) Court debt means an amount owed to the state directly or through the judicial branch on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch, or any other source of indebtedness to the judicial branch as well as amounts owed to other public or private entities for which the judicial branch acts in providing collection services, or any other amount owed to the judicial branch.

(c) The courts must pay for the collection services of public or private collection entities as well as the cost of one or more court employees to provide collection interface services between the Department of Revenue, the courts, and one or more collection entities from the money collected. The portion of the money collected which must be paid to the collection entity as collection fees and costs and the portion of the money collected which must be paid to the courts or Department of Revenue for collection services are appropriated from the fund to which the collected money is due.

(d) As determined by the state court administrator, collection costs shall be added to the debts referred to a public or private collection entity for collection.

Collection costs shall include the fees of the collection entity, and may include, if separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any public entity for obtaining information necessary for debt collection, or other collection-related costs. Collection costs shall also include the costs of one or more court employees employed by the state court administrator to provide a collection interface between the collection entity, the Department of Revenue, and the courts.

If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt. Collection costs in excess of collection agency fees and court employee collection interface costs must be deposited in the general fund as nondedicated receipts.

Sec. 19. Minnesota Statutes 2008, section 484.85, is amended to read:

**484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY;
ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

~~(a) In the event the Ramsey County District Court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Ramsey County, all fines, penalties, and forfeitures collected shall be paid over to the county treasurer except where a different disposition is provided by law,~~

~~and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey County which would be entitled to payment of the fines, forfeitures, or penalties in any case, and shall be paid to the administrator of the court for disposal of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees:~~

~~(1) in all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without a trial, \$5;~~

~~(2) in arraignments where the defendant waives a preliminary examination, \$10;~~

~~(3) in all other cases where the defendant stands trial or has a preliminary examination by the court, \$15; and~~

~~(4) the court shall have the authority to waive the collection of fees in any particular case.~~

~~(b) On or before the last day of each month, the county treasurer shall pay over to the treasurer of the city of St. Paul two-thirds of all fines, penalties, and forfeitures collected and to the treasurer of each other municipality or subdivision of government in Ramsey County one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within the treasurer's municipality or subdivision of government in violation of a statute, an ordinance, or a charter provision, rule, or regulation of a city. All other fines and forfeitures and all fees and costs collected by the district court shall be paid to the treasurer of Ramsey County, who shall dispense the same as provided by law.~~

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be forwarded to the commissioner of finance and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the commissioner of finance shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul and one-third deposited in the state treasury and credited to the general fund; and

14.1 (2) for offenses committed within any other municipality or subdivision of
14.2 government within Ramsey County, one-half to the treasurer of the municipality or
14.3 subdivision of government and one-half deposited in the state treasury and credited to the
14.4 general fund.

14.5 All other fines, penalties, and forfeitures collected by the district court shall be
14.6 forwarded to the commissioner of finance, who shall distribute them as provided by law.

14.7 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph
14.8 (a) when:

14.9 (1) a city contracts with the county attorney for prosecutorial services under section
14.10 484.87, subdivision 3; or

14.11 (2) the attorney general provides assistance to the city attorney under section 484.87,
14.12 subdivision 5.

14.13 (c) The court administrator shall provide the commissioner of finance with the name
14.14 of the municipality or other subdivision of government where the offense was committed
14.15 and the total amount of fines or penalties collected for each city, town, or other subdivision
14.16 of government, for the county, or for the state.

14.17 Sec. 20. Minnesota Statutes 2008, section 484.90, subdivision 6, is amended to read:

14.18 Subd. 6. **Allocation.** ~~The court administrator shall provide the county treasurer with~~
14.19 ~~the name of the municipality or other subdivision of government where the offense was~~
14.20 ~~committed which employed or provided by contract the arresting or apprehending officer~~
14.21 ~~and the name of the municipality or other subdivision of government which employed the~~
14.22 ~~prosecuting attorney or otherwise provided for prosecution of the offense for each fine or~~
14.23 ~~penalty and the total amount of fines or penalties collected for each municipality or other~~
14.24 ~~subdivision of government. On or before the last day of each month, the county treasurer~~
14.25 ~~shall pay over to the treasurer of each municipality or subdivision of government within~~
14.26 ~~the county all fines or penalties for parking violations for which complaints and warrants~~
14.27 ~~have not been issued and one-third of all fines or penalties collected during the previous~~
14.28 ~~month for offenses committed within the municipality or subdivision of government~~
14.29 ~~from persons arrested or issued citations by officers employed by the municipality or~~
14.30 ~~subdivision or provided by the municipality or subdivision by contract. An additional~~
14.31 ~~one-third of all fines or penalties shall be paid to the municipality or subdivision of~~
14.32 ~~government providing prosecution of offenses of the type for which the fine or penalty~~
14.33 ~~is collected occurring within the municipality or subdivision, imposed for violations of~~
14.34 ~~state statute or of an ordinance, charter provision, rule, or regulation of a city whether or~~
14.35 ~~not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03,~~

15.1 ~~subdivision 5, or as otherwise provided by law, all other fines and forfeitures and all fees~~
15.2 ~~and statutory court costs collected by the court administrator shall be paid to the county~~
15.3 ~~treasurer of the county in which the funds were collected who shall dispense them as~~
15.4 ~~provided by law. In a county in a judicial district under section 480.181, subdivision 1,~~
15.5 ~~paragraph (b), all other fines, forfeitures, fees, and statutory court costs must be paid to~~
15.6 ~~the commissioner of finance for deposit in the state treasury and credited to the general~~
15.7 ~~fund.~~ (a) In all cases prosecuted in district court by an attorney for a municipality or
15.8 other subdivision of government within the county for violations of state statute, or of
15.9 an ordinance; or charter provision, rule, or regulation of a city; all fines, penalties, and
15.10 forfeitures collected shall be forwarded to the commissioner of finance and distributed
15.11 according to this paragraph. Except where a different disposition is provided by section
15.12 299D.03, subdivision 5, 484.841, 484.85, or other law, on or before the last day of each
15.13 month, the commissioner of finance shall pay over all fines, penalties, and forfeitures
15.14 collected by the court administrator during the previous month as follows:

15.15 (1) 100 percent of all fines or penalties for parking violations for which complaints
15.16 and warrants have not been issued to the treasurer of the city or town in which the offense
15.17 was committed; and

15.18 (2) two-thirds of all other fines to the treasurer of the city or town in which the
15.19 offense was committed and one-third deposited in the state treasury and credited to the
15.20 general fund.

15.21 All other fines, penalties, and forfeitures collected by the court administrator shall be
15.22 forwarded to the commissioner of finance, who shall distribute them as provided by law.

15.23 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph
15.24 (a) when:

15.25 (1) a city contracts with the county attorney for prosecutorial services under section
15.26 484.87, subdivision 3;

15.27 (2) a city has a population of 600 or less and has given the duty to prosecute cases to
15.28 the county attorney under section 487.87; or

15.29 (3) the attorney general provides assistance to the county attorney as permitted
15.30 by law.

15.31 (c) The court administrator shall provide the commissioner of finance with the name
15.32 of the city, town, or other subdivision of government where the offense was committed
15.33 and the total amount of fines or penalties collected for each city, town, or other subdivision
15.34 of government, for the county, or for the state.

15.35 Sec. 21. Minnesota Statutes 2008, section 491A.02, subdivision 9, is amended to read:

Subd. 9. **Judgment debtor disclosure.** Notwithstanding any contrary provision in rule 518 of the Conciliation Court Rules, unless the parties have otherwise agreed, if a conciliation court judgment or a judgment of district court on removal from conciliation court has been docketed in district court, the judgment creditor's attorney as an officer of the court may or the district court in the county in which the judgment originated shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and locations of all the debtor's assets, liabilities, and personal earning. The information must be provided on a form prescribed by the Supreme Court, and the information shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order must contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this section may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

Sec. 22. Minnesota Statutes 2008, section 525.091, subdivision 1, is amended to read:

Subdivision 1. **Original documents.** The court administrator of any county upon order of the judge exercising probate jurisdiction may destroy all the original documents in any probate proceeding of record in the office ~~five years~~ after the file in such proceeding has been closed provided the original or a Minnesota state archives commission approved photographic, photostatic, microphotographic, microfilmed, or similarly reproduced copy of the original of the following enumerated documents in the proceeding are on file in the office.

Enumerated original documents:

(a) In estates, the jurisdictional petition and proof of publication of the notice of hearing thereof; will and certificate of probate; letters; inventory and appraisal; orders directing and confirming sale, mortgage, lease, or for conveyance of real estate; order setting apart statutory selection; receipts for federal estate taxes and state estate taxes; orders of distribution and general protection; decrees of distribution; federal estate tax closing letter, consent to discharge by commissioner of revenue and order discharging representative; and any amendment of the listed documents.

When an estate is deemed closed as provided in clause (d) of this subdivision, the enumerated documents shall include all claims of creditors.

(b) In guardianships or conservatorships, the jurisdictional petition and order for hearing thereof with proof of service; letters; orders directing and confirming sale,

17.1 mortgage, lease or for conveyance of real estate; order for restoration to capacity and order
17.2 discharging guardian; and any amendment of the listed documents.

17.3 (c) In mental, inebriety, and indigent matters, the jurisdictional petition; report of
17.4 examination; warrant of commitment; notice of discharge from institution, or notice of
17.5 death and order for restoration to capacity; and any amendment of the listed documents.

17.6 (d) Except for the enumerated documents described in this subdivision, the court
17.7 administrator may destroy all other original documents in any probate proceeding without
17.8 retaining any reproduction of the document. For the purpose of this subdivision, a
17.9 proceeding is deemed closed if no document has been filed in the proceeding for a period
17.10 of 15 years, except in the cases of wills filed for safekeeping and those containing wills of
17.11 decedents not adjudicated upon.

17.12 Sec. 23. Minnesota Statutes 2008, section 550.011, is amended to read:

17.13 **550.011 JUDGMENT DEBTOR DISCLOSURE.**

17.14 Unless the parties have otherwise agreed, if a judgment has been docketed in
17.15 district court for at least 30 days, and the judgment is not satisfied, the judgment creditor's
17.16 attorney as an officer of the court may or the district court in the county in which the
17.17 judgment originated shall, upon request of the judgment creditor, order the judgment
17.18 debtor to mail by certified mail to the judgment creditor information as to the nature,
17.19 amount, identity, and locations of all the debtor's assets, liabilities, and personal earnings.
17.20 The information must be provided on a form prescribed by the Supreme Court, and
17.21 the information shall be sufficiently detailed to enable the judgment creditor to obtain
17.22 satisfaction of the judgment by way of execution on nonexempt assets and earnings of the
17.23 judgment debtor. The order must contain a notice that failure to complete the form and
17.24 mail it to the judgment creditor within ten days after service of the order may result in a
17.25 citation for civil contempt of court. Cash bail posted as a result of being cited for civil
17.26 contempt of court order under this section may be ordered payable to the creditor to
17.27 satisfy the judgment, either partially or fully.

17.28 Sec. 24. Minnesota Statutes 2008, section 609.10, subdivision 1, is amended to read:

17.29 Subdivision 1. **Sentences available.** (a) Upon conviction of a felony and compliance
17.30 with the other provisions of this chapter the court, if it imposes sentence, may sentence
17.31 the defendant to the extent authorized by law as follows:

17.32 (1) to life imprisonment; or

17.33 (2) to imprisonment for a fixed term of years set by the court; or

17.34 (3) to both imprisonment for a fixed term of years and payment of a fine; or

(4) to payment of a fine without imprisonment ~~or to imprisonment for a fixed term of years if the fine is not paid~~ or as an intermediate sanction on a stayed sentence; or

(5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(6) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court.

(b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

Sec. 25. Minnesota Statutes 2008, section 609.101, subdivision 4, is amended to read:

Subd. 4. **Minimum fines; other crimes.** Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the Judicial Council in consultation with affected state and local agencies. ~~This schedule shall be promulgated not later than September 1 of each year and shall become effective on January 1 of the next year unless the legislature, by law, provides otherwise according to section 609.1315.~~

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

~~The court shall collect the fines mandated in this subdivision and, except for fines for traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the commissioner of finance for deposit in the general fund.~~

Sec. 26. **[609.104] FINE AND SURCHARGE COLLECTION.**

Subdivision 1. **Failure to pay restitution or fine.** (a) Any portion of a fine, surcharge, court cost, restitution, or fee that the defendant fails to pay by the due date may be referred for collection under section 480.15, subdivision 10c. If the defendant has agreed to a payment plan but fails to pay an installment when due, the entire amount

remaining becomes due and payable and may be referred for collection under section 480.15, subdivision 10c.

(b) The defendant may contest the referral for collection based on inability to pay by requesting a hearing no later than the due date. The defendant shall be notified in writing at sentencing that under section 480.15, subdivision 10c, the court may refer the case for collection for nonpayment, and collection costs may be added to the amount due. The defendant shall also be notified in writing of the right to contest a referral for collection. The state court administrator shall develop the notice language.

Subd. 2. **Fine and surcharge collection.** (a) A defendant's obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive after the due date for a period set by the Judicial Council.

(b) Any change in the collection period established by the Judicial Council shall be effective on court-ordered fines, surcharges, court costs, restitution, and fees imposed on or after the effective date of this section.

(c) The period relating to a defendant's obligation to pay restitution under paragraph (a) does not limit the victim's right to collect restitution through other means such as a civil judgment.

(d) Nothing in this subdivision extends the period of a defendant's stay of sentence imposition or execution.

Sec. 27. Minnesota Statutes 2008, section 609.125, subdivision 1, is amended to read:

Subdivision 1. **Sentences available.** (a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(1) to imprisonment for a definite term; or

(2) to payment of a fine, ~~or to imprisonment for a specified term if the fine is not paid without imprisonment or as an intermediate sanction on a stayed sentence;~~ or

(3) to both imprisonment for a definite term and payment of a fine; or

(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(5) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court; or

(6) to perform work service in a restorative justice program in addition to any other sentence imposed by the court.

20.1 (b) If the court imposes a fine or orders restitution under paragraph (a), payment is
20.2 due on the date imposed unless the court otherwise establishes a due date or a payment
20.3 plan.

20.4 Sec. 28. Minnesota Statutes 2008, section 609.131, subdivision 3, is amended to read:

20.5 Subd. 3. **Use of conviction for enhancement.** Notwithstanding any other law, a
20.6 conviction for a violation that was originally charged as a misdemeanor and was treated
20.7 as a petty misdemeanor under subdivision 1 or the Rules of Criminal Procedure, or
20.8 was treated as a petty misdemeanor by inclusion on the uniform fine schedule, may not
20.9 be used as the basis for charging a subsequent violation as a gross misdemeanor rather
20.10 than a misdemeanor.

20.11 Sec. 29. **[609.1315] UNIFORM FINE SCHEDULE.**

20.12 Subdivision 1. **Establishment and effective date.** The Judicial Council shall
20.13 establish a uniform fine schedule in consultation with affected state and local agencies.
20.14 The uniform fine schedule may include petty misdemeanor and misdemeanor offenses, but
20.15 shall not include targeted misdemeanors as defined in section 299C.10. The uniform fine
20.16 schedule shall set a fine that may be paid for each offense in lieu of a court appearance.
20.17 The uniform fine schedule and any modifications shall be submitted to the legislature for
20.18 approval by January 1 of each year and shall become effective on July 1 of that year unless
20.19 the legislature, by law, provides otherwise.

20.20 Subd. 2. **Effect on misdemeanor offenses.** Any misdemeanors included on the
20.21 uniform fine schedule shall be treated as petty misdemeanors for disposition purposes,
20.22 unless on the third or subsequent offense the charge is brought by a formal complaint or,
20.23 for offenses committed under chapter 169, the violation was committed in a manner or
20.24 under circumstances so as to endanger or be likely to endanger any person or property.
20.25 Nothing in this subdivision limits the authority of a peace officer to make an arrest for
20.26 offenses included on the uniform fine schedule. Nothing in this section limits the operation
20.27 of section 169.89, subdivision 1. This subdivision expires on July 1, 2011.

20.28 Subd. 3. **Notice.** A defendant must be advised in writing that payment of the fine for
20.29 an offense on the uniform fine schedule constitutes a plea of guilty, waiver of the right to
20.30 trial, and waiver of the right to counsel.

20.31 **EFFECTIVE DATE.** Subdivision 2 is effective July 1, 2009, and applies to acts
20.32 committed on or after that date.

20.33 Sec. 30. Minnesota Statutes 2008, section 609.135, subdivision 1, is amended to read:

Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment is required by law, or when a mandatory minimum sentence is required by section 609.11, any court may stay imposition or execution of sentence and:

(1) may order intermediate sanctions without placing the defendant on probation; or

(2) may place the defendant on probation with or without supervision and on the terms the court prescribes, including intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. Unless the court directs otherwise, state parole and probation agents and probation officers may impose community work service or probation violation sanctions, consistent with section 243.05, subdivision 1; sections 244.196 to 244.199; or 401.02, subdivision 5.

No intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term "intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, work service in a restorative justice program, work in lieu of or to work off fines and, with the victim's consent, work in lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169A.20.

(d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

Sec. 31. Minnesota Statutes 2008, section 609.135, subdivision 1a, is amended to read:

Subd. 1a. **Failure to pay restitution or fine.** If the court orders payment of restitution ~~or a fine~~ as a condition of probation and if the defendant fails to pay the restitution ~~or a fine~~ in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer

22.1 shall ask for the hearing if the restitution ~~or fine~~ ordered has not been paid prior to 60
22.2 days before the term of probation expires. The court shall schedule and hold this hearing
22.3 and take appropriate action, including action under subdivision 2, paragraph (g), before
22.4 the defendant's term of probation expires.

22.5 Nothing in this subdivision limits the court's ability to refer the case to collections
22.6 under section 609.104 when a defendant fails to pay court-ordered restitution.

22.7 Sec. 32. Minnesota Statutes 2008, section 609.135, subdivision 2, is amended to read:

22.8 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony
22.9 other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not
22.10 more than four years or the maximum period for which the sentence of imprisonment
22.11 might have been imposed, whichever is longer.

22.12 (b) If the conviction is for a gross misdemeanor violation of section 169A.20
22.13 or 609.21, subdivision 1a, paragraph (d), or for a felony described in section 609.21,
22.14 subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years. The
22.15 court shall provide for unsupervised probation for the last year of the stay unless the court
22.16 finds that the defendant needs supervised probation for all or part of the last year.

22.17 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the
22.18 stay shall be for not more than two years.

22.19 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746,
22.20 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or
22.21 609.224, subdivision 1, in which the victim of the crime was a family or household
22.22 member as defined in section 518B.01, the stay shall be for not more than two years. The
22.23 court shall provide for unsupervised probation for the second year of the stay unless the
22.24 court finds that the defendant needs supervised probation for all or part of the second year.

22.25 (e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay
22.26 shall be for not more than one year.

22.27 (f) The defendant shall be discharged six months after the term of the stay expires,
22.28 unless the stay has been revoked or extended under paragraph (g), or the defendant has
22.29 already been discharged.

22.30 (g) Notwithstanding the maximum periods specified for stays of sentences under
22.31 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year
22.32 if it finds, at a hearing conducted under subdivision 1a, that:

22.33 (1) the defendant has not paid court-ordered restitution ~~or a fine~~ in accordance
22.34 with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution ~~or fine~~ the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution ~~or a fine~~ may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution ~~or fine~~ that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

Sec. 33. Minnesota Statutes 2008, section 631.48, is amended to read:

631.48 SENTENCE; COSTS OF PROSECUTION.

In a criminal action, upon conviction of the defendant, the court may order as part of the sentence that defendant shall pay the whole or any part of the disbursements of the prosecution, including disbursements made to extradite a defendant. The court may order this payment in addition to any other penalty authorized by law which it may impose. The payment of the disbursements of prosecution may be enforced in the same manner as the sentence, or by execution against property. When collected, the disbursements ~~must be paid into the treasury of the county of conviction, but~~ of ordered prosecution costs shall be paid to the municipality or subdivision of government which employed the prosecuting attorney or otherwise provided for prosecution of the case. This payment may not interfere with the payment of officers', witnesses', or jurors' fees.

Sec. 34. **REPEALER.**

Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 484.90, subdivisions 1, 2, and 3; 487.08, subdivisions 1, 2, 3, and 5; and 609.135, subdivision 8, are repealed.