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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 488

01/28/2019 Authored by Quam and Drazkowski
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to court surcharges; removing surcharge on vehicle parking violations;
1.3 amending Minnesota Statutes 2018, section 357.021, subdivisions 6, 7.

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

1.5 Section 1. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

1.6 Subd. 6. Surcharges on criminal and traffic offenders. (a) Except as provided in this
1.7 paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge
1.8 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
1.9 misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking,
1.10 for which there shall be a \$12 surcharge. When a defendant is convicted of more than one
1.11 offense in a case, the surcharge shall be imposed only once in that case. In the Second
1.12 Judicial District, the court shall impose, and the court administrator shall collect, an additional
1.13 \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor,
1.14 or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle
1.15 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
1.16 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
1.17 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty
1.18 misdemeanor for which no fine is imposed.

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

1.22 (c) The court may not waive payment of the surcharge required under this subdivision.
1.23 Upon a showing of indigency or undue hardship upon the convicted person or the convicted

2.1 person's immediate family, the sentencing court may authorize payment of the surcharge
2.2 in installments.

2.3 (d) The court administrator or other entity collecting a surcharge shall forward it to the
2.4 commissioner of management and budget.

2.5 (e) If the convicted person is sentenced to imprisonment and has not paid the surcharge
2.6 before the term of imprisonment begins, the chief executive officer of the correctional
2.7 facility in which the convicted person is incarcerated shall collect the surcharge from any
2.8 earnings the inmate accrues from work performed in the facility or while on conditional
2.9 release. The chief executive officer shall forward the amount collected to the court
2.10 administrator or other entity collecting the surcharge imposed by the court.

2.11 (f) A person who enters a diversion program, continuance without prosecution,
2.12 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay
2.13 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall
2.14 be imposed only once per case.

2.15 (g) The surcharge does not apply to administrative citations issued pursuant to section
2.16 169.999 or to violations of laws and ordinances related to vehicle parking.

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to violations
2.18 committed on or after that date.

2.19 Sec. 2. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

2.20 Subd. 7. **Disbursement of surcharges by commissioner of management and**
2.21 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
2.22 management and budget shall disburse surcharges received under subdivision 6 and section
2.23 97A.065, subdivision 2, as follows:

2.24 (1) one percent shall be credited to the peace officer training account in the game and
2.25 fish fund to provide peace officer training for employees of the Department of Natural
2.26 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
2.27 authority for the purpose of enforcing game and fish laws;

2.28 (2) 39 percent shall be credited to the peace officers training account in the special
2.29 revenue fund; and

2.30 (3) 60 percent shall be credited to the general fund.

2.31 (b) The commissioner of management and budget shall credit \$3 of each surcharge
2.32 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

3.1 (c) In addition to any amounts credited under paragraph (a), the commissioner of
3.2 management and budget shall credit \$47 of each surcharge received under subdivision 6
3.3 and section 97A.065, subdivision 2, ~~and the \$12 parking surcharge,~~ to the general fund.

3.4 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
3.5 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
3.6 Second Judicial District shall transmit the surcharge to the commissioner of management
3.7 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
3.8 in the special revenue fund and amounts in the account are appropriated to the trial courts
3.9 for the administration of the petty misdemeanor diversion program operated by the Second
3.10 Judicial District Ramsey County Violations Bureau.

3.11 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to violations
3.12 committed on or after that date.