

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 406

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
01/29/2015	168	Introduction and first reading Referred to Finance
04/20/2015		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to judiciary; reducing certain court-related fees; amending Minnesota

1.3 Statutes 2014, section 357.021, subdivisions 2, 6.

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

1.5 Section 1. Minnesota Statutes 2014, section 357.021, subdivision 2, is amended to read:

1.6 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court

1.7 administrator shall be as follows:

1.8 (1) In every civil action or proceeding in said court, including any case arising under

1.9 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,

1.10 petitioner, or other moving party shall pay, when the first paper is filed for that party in said

1.11 action, a fee of ~~\$340~~ \$295, except in marriage dissolution actions the fee is ~~\$340~~ \$325.

1.12 The defendant or other adverse or intervening party, or any one or more of several

1.13 defendants or other adverse or intervening parties appearing separately from the others,

1.14 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$340~~ \$295,

1.15 except in marriage dissolution actions the fee is ~~\$340~~ \$325.

1.16 The party requesting a trial by jury shall pay ~~\$100~~ \$95.

1.17 The fees above stated shall be the full trial fee chargeable to said parties irrespective

1.18 of whether trial be to the court alone, to the court and jury, or disposed of without trial,

1.19 and shall include the entry of judgment in the action, but does not include copies or

1.20 certified copies of any papers so filed or proceedings under chapter 103E, except the

1.21 provisions therein as to appeals.

1.22 (2) Certified copy of any instrument from a civil or criminal proceeding, ~~\$14~~ \$13.25,

1.23 and ~~\$8~~ \$7.50 for an uncertified copy.

1.24 (3) Issuing a subpoena, ~~\$16~~ \$15.25 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, ~~\$100~~ \$95.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, ~~\$55~~ \$52.

(6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, ~~\$40~~ \$38.

(7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, ~~\$5~~ \$4.75.

(8) Certificate as to existence or nonexistence of judgments docketed, ~~\$5~~ \$4.75 for each name certified to.

(9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, ~~\$5~~ \$4.75.

(10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$55~~ \$52.

(11) For the deposit of a will, ~~\$27~~ \$25.75.

(12) For recording notary commission, ~~\$20~~ \$19.

(13) Filing a motion or response to a motion for modification of child support, a fee of ~~\$100~~ \$95.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(15) In addition to any other filing fees under this chapter, a surcharge in the amount of ~~\$75~~ \$71 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

Sec. 2. Minnesota Statutes 2014, 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~~ \$71 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a ~~\$12~~ \$11.50 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 management and budget.

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

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

(g) The surcharge does not apply to administrative citations issued pursuant to section 169.999.