

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1136

(SENATE AUTHORS: SCHMIT)

DATE	D-PG	OFFICIAL STATUS
03/07/2013	680	Introduction and first reading Referred to Judiciary

A bill for an act
relating to public safety; clarifying the application of the criminal and traffic
surcharge to offenders who enter diversion programs; amending Minnesota
Statutes 2012, section 357.021, subdivision 6.

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

Section 1. Minnesota Statutes 2012, 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, other than a violation of a law or ordinance relating to vehicle
parking, for which there shall be a \$12 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 court-ordered diversion program; or is granted a continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169, after a charge has been referred to court administration, 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.

EFFECTIVE DATE. This section is effective July 1, 2013.