

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes the following changes to statutory provisions relating to the courts: clarifies and amends provisions on disbursement of fines and fees, restructures controlled substance and DWI laws to allow tracking of specific penalties, deletes obsolete language relating to the state takeover of court costs, clarifies that law library fees and criminal surcharges may only be applied once during a case, clarifies court collection processes and uniform fine schedule provisions, and makes various changes in an effort to maximize efficiency of judicial administration.

Section

- 1** **Procedure.** Removes outdated language pertaining to the pay rate for retired justices assigned to hear cases.
- 2** **Retired justices and judges.** Clarifies that the chief justice of the Supreme Court shall determine the pay and expenses to be received by a retired justice or judge acting as a judge on any court.
- 3** **Fines and bail money.** Provides that all fines, installment payments, and forfeited bail money collected from persons for violations of water safety and water craft laws shall be disbursed as follows: one-half to the state general fund and one-half to the DNR water recreation account.
- 4-5** **Law library fees.** Provides that the law library fee shall be applied only once per case. (section 4: Hennepin and Ramsey counties, section 5: all other counties)
- 6-8** **Controlled substance penalties.** Restructures the crimes of sale/possession of controlled substance in the fifth degree and possession of meth precursors to allow tracking of first and subsequent offense penalties. There are no changes to the current penalties. (See also section 34 – repealing sections 152.025, subd. 3 and 152.0262, subd. 2.)

- 9-12** **DWI; different vehicles; penalties.** Restructures DWI law to allow tracking of offenses based on the type of vehicle involved (motor vehicle, motorboat, snowmobile, all-terrain vehicles, and off-road vehicles). There are no changes to the current elements or penalties.
- 13** **Chemical dependency assessment.** Clarifies how the assessment charge and surcharge are to be distributed when the assessment is not conducted by the county. Directs the court administrator to collect and forward the \$25 charge and \$5 surcharge, if any, to the commissioner of finance for deposit in the state general fund. Directs the court to order the offender to pay the assessment costs directly to the service provider. Authorizes the court to waive the \$25 assessment charge but not the direct assessment costs.
- 14** **Traffic fines and forfeited bail money; State Patrol.** Deletes obsolete references to the state takeover of court costs. Deletes a reference to “traffic and motor vehicle violations” so that the statute’s distribution provisions apply to any citation issued by the State Patrol.
- 15** **Surcharges on criminal and traffic offenders.** Clarifies that the criminal and traffic surcharge shall only be imposed once per case, even if the defendant is convicted of more than one offense in a case. (Currently, counties are doing this differently across the state.)
- 16** **Practice of law; exception.** Exempts the Judicial Branch from the requirements of chapter 364, relating to prior criminal convictions and public employment.
- 17** **Offices and supplies; county officers.** Deletes language that predates the state takeover.
- 18** **Uniform collection policies and procedures.** Provides statutory authority for the Judicial branch to establish uniform collection policies and procedures. Defines court debt and collection costs. Requires the court to pay for collection services and allows the court to add collection costs to the debts.
- 19** **Disposition of fines, fees, and other money: Ramsey County.** Updates language relating to the disposition of fines and fees for Ramsey County. Eliminates fees taxed to a governmental subdivision outside of Ramsey County for prosecution of out-of-county offenses. Retains the current distribution (offenses in St. Paul: two-thirds to St. Paul, one-third to state general fund; offenses in other cities: one-half to the governmental subdivision, one-half to state general fund).
- 20** **Allocation.** Updates language relating to the disposition of fines and fees for counties other than Hennepin and Ramsey. Maintains the current distribution of two-thirds to the governmental subdivision and one-third to the state general fund
- 21** **Judgment debtor disclosure.** Permits a judgment creditor’s attorney to order disclosure of assets for judgment enforcement in conciliation court matters, rather than applying to the court.
- 22** **Original documents.** Eliminates the statutory requirement that original documents in probate proceedings be retained for five years. (Note: many courts are using document imaging to store documents.)
- 23** **Judgment debtor disclosure.** Permits a judgment creditor’s attorney to order disclosure of assets for judgment enforcement in district court matters, rather than applying to the court.

- 24 Sentences available.** Deletes the court’s authority to order imprisonment for nonpayment of fines. Provides that a fine or restitution order is due on the date it is imposed unless the court authorizes a payment plan.
- 25 Minimum fines.** Removes language regarding the Judicial Council’s authority to promulgate a uniform fine schedule (“payables”), which is moved to a new section of law (see section 29). Eliminates the state’s 20 percent share of minimum fines for felony and gross misdemeanor offenses.
- 26 Fine and surcharge collection.** Establishes authority for a court to refer unpaid fines to a collection process. Provides that a defendant may contest the collection referral based on inability to pay. Requires the defendant to be notified in writing of the right to contest the collection referral. Provides that a defendant’s obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive for a period set by the Judicial Council.
- 27 Sentences available.** Deletes the court’s authority to order imprisonment for nonpayment of fines. Provides that a fine or restitution order is due on the date it is imposed unless the court authorizes a payment plan.
- 28 Use of conviction for enhancement.** Provides that a conviction for a misdemeanor violation that was treated as a petty misdemeanor by inclusion on the uniform fine schedule may not be used to enhance a subsequent violation as a gross misdemeanor.
- 29 Uniform fine schedule.**
- Subd. 1.** Creates a new section of law regarding the Judicial Council’s authority to promulgate a uniform fine schedule (“payables”) for petty misdemeanors and misdemeanors (excluding targeted misdemeanors). Provides that the schedule shall set a fine that may be paid for each offense in lieu of a court appearance. Provides that the Judicial Council must submit the schedule and any modifications to the legislature not later than January 1st to become effective on July 1st, unless the legislature by law provides otherwise.
- Subd. 2.** Provides that misdemeanors shall be treated as petty misdemeanors for disposition purposes unless there is a formal complaint or a traffic violation was committed under circumstances that may endanger any person or property. Clarifies that this subdivision does not limit a peace officer’s arrest authority. Sunsets the subdivision on July 1, 2011.
- Subd. 3.** Requires written notice to a defendant that payment of a fine constitutes a plea of guilty, waiver of the right to trial, and waiver of the right to counsel.
- 30 Terms and conditions.** Provides that fines, day-fines, or restitution ordered as an intermediate sanction is due on the date it is imposed unless the court authorizes a payment plan.
- 31 Failure to pay restitution.** Removes the option for probation to request a hearing if a fine has not been paid before the offender’s probation term expires.
- 32 Stay of sentence maximum periods.** Removes the court’s authority to extend probation if a

fine is unpaid.

33 **Sentence; cost of prosecution.** Provides that prosecution costs shall be paid to the municipality or governmental subdivision which employed the prosecutor or otherwise provided for prosecution of the case. (Currently, the statute references payment to the county treasurer and makes no provision for city prosecutions.)

34 **Repealer.** Repeals the following sections:

Sections 152.025, subd. 3 and 152.0262, subd. 2 – conforming changes to sections 6-8 (restructuring statutory penalties for controlled substance crimes).

Section 484.90, subds. 1-3, 5 – repealing language relating to former judicial officers.

Section 609.135, subd. 8 – repealing six-year period relating to a defendant’s obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees. (See section 26 – time period to be set by Judicial Council.)