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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1060

02/11/2019 Authored by Lesch, Zerwas, Mariani, Gomez, McDonald and others
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 public safety; authorizing the reduction or waiver of the criminal and
1.3 traffic surcharge in certain instances; requiring courts to consider indigency or
1.4 hardship before imposing certain fines, fees, or surcharges; requiring notice;
1.5 amending Minnesota Statutes 2018, sections 169.99, subdivision 1c, by adding a
1.6 subdivision; 357.021, subdivision 6; 609.101, subdivision 5.

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

1.8 Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1c, is amended to read:

1.9 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide
1.10 conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may
1.11 be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the
1.12 current amount of the required surcharge.

1.13 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
1.14 uniform traffic ticket described in this section must be reflected on the ticket the next time
1.15 it is revised.

1.16 Sec. 2. Minnesota Statutes 2018, section 169.99, is amended by adding a subdivision to
1.17 read:

1.18 Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons
1.19 on the uniform traffic ticket must include the following, or substantially similar, language:
1.20 "All or part of the cost of this summons may be waived on a showing of indigency or undue
1.21 hardship on you or your family. You may schedule a court appearance to request a waiver
1.22 based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed

2.1 by the Court Payment Center telephone number]. For more information, call the CPC or
 2.2 visit www.mncourts.gov/fines."

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
 2.4 uniform traffic ticket described in this section must be reflected on the ticket the next time
 2.5 it is revised.

2.6 Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

2.7 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
 2.8 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
 2.9 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
 2.10 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
 2.11 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
 2.12 than one offense in a case, the surcharge shall be imposed only once in that case. In the
 2.13 Second Judicial District, the court shall impose, and the court administrator shall collect,
 2.14 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
 2.15 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
 2.16 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
 2.17 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
 2.18 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
 2.19 is convicted of a petty misdemeanor for which no fine is imposed.

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

2.23 ~~(e) (b) The court may not reduce the amount or waive payment of the surcharge required~~
 2.24 ~~under this subdivision. Upon~~ on a showing of indigency or undue hardship upon the convicted
 2.25 person or the convicted person's immediate family, ~~the sentencing court may authorize~~
 2.26 ~~payment of the surcharge in installments.~~ Additionally, the court may permit the defendant
 2.27 to perform community work service in lieu of a surcharge.

2.28 ~~(d) (c) The court administrator or other entity collecting a surcharge shall forward it to~~
 2.29 ~~the commissioner of management and budget.~~

2.30 ~~(e) (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge~~
 2.31 ~~before the term of imprisonment begins, the chief executive officer of the correctional~~
 2.32 ~~facility in which the convicted person is incarcerated shall collect the surcharge from any~~
 2.33 ~~earnings the inmate accrues from work performed in the facility or while on conditional~~

3.1 release. The chief executive officer shall forward the amount collected to the court
3.2 administrator or other entity collecting the surcharge imposed by the court.

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

3.7 ~~(g)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section
3.8 169.999.

3.9 Sec. 4. Minnesota Statutes 2018, section 609.101, subdivision 5, is amended to read:

3.10 Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may
3.11 not waive payment of the minimum fine required by this section.

3.12 (b) If the defendant qualifies for the services of a public defender or the court finds on
3.13 the record that the convicted person is indigent or that immediate payment of the fine would
3.14 create undue hardship for the convicted person or that person's immediate family, the court
3.15 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court
3.16 may permit the defendant to perform community work service in lieu of a fine.

3.17 (c) The court also may authorize payment of the fine in installments.

3.18 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
3.19 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
3.20 finding on the record as to indigency or the convicted person's ability to comply with an
3.21 order to pay without undue hardship for the convicted person or that person's immediate
3.22 family. In determining indigency or whether the defendant is able to comply with an order
3.23 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
3.24 person's immediate family, the court shall consider:

3.25 (1) income;

3.26 (2) dependents;

3.27 (3) financial resources, including assets and liabilities;

3.28 (4) basic living expenses;

3.29 (5) receipt of means-tested public assistance program; and

3.30 (6) any special circumstances that may bear on the person's ability to pay.

- 4.1 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
4.2 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
4.3 a hearing before the court.