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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 385

02/06/2013 Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy

1.1 A bill for an act  
1.2 relating to courts; amending the criminal surcharge amount and appeal fees;  
1.3 amending Minnesota Statutes 2012, sections 357.021, subdivisions 6, 7; 357.08.

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

1.5 Section 1. Minnesota Statutes 2012, section 357.021, subdivision 6, is amended to read:

1.6 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in  
1.7 this paragraph, the court shall impose and the court administrator shall collect a \$75 \$.....  
1.8 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or  
1.9 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle  
1.10 parking, for which there shall be a \$12 \$..... surcharge. When a defendant is convicted  
1.11 of more than one offense in a case, the surcharge shall be imposed only once in that  
1.12 case. In the Second Judicial District, the court shall impose, and the court administrator  
1.13 shall collect, an additional \$1 surcharge on every person convicted of any felony, gross  
1.14 misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law  
1.15 or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners  
1.16 authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is  
1.17 sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed  
1.18 when a person is convicted of a petty 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  
1.21 correct the record.

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

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

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

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

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

2.17 Sec. 2. Minnesota Statutes 2012, section 357.021, subdivision 7, is amended to read:

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

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

2.26 (2) 39 percent shall be credited to the peace officers training account in the special  
2.27 revenue fund; and

2.28 (3) 60 percent shall be credited to the general fund.

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

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

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

3.8 Sec. 3. Minnesota Statutes 2012, section 357.08, is amended to read:

3.9 **357.08 PAID BY APPELLANT IN APPEAL.**

3.10 There shall be paid to the clerk of the appellate courts by the appellant, or moving  
3.11 party or person requiring the service, in all cases of appeal, certiorari, habeas corpus,  
3.12 mandamus, injunction, prohibition, or other original proceeding, when initially filed with  
3.13 the clerk of the appellate courts, the sum of ~~\$550~~ \$..... to the clerk of the appellate courts.  
3.14 An additional filing fee of \$100 shall be required for a petition for accelerated review by  
3.15 the Supreme Court. A filing fee of ~~\$550~~ \$..... shall be paid to the clerk of the appellate  
3.16 courts upon the filing of a petition for review from a decision of the Court of Appeals. A  
3.17 filing fee of ~~\$550~~ \$..... shall be paid to the clerk of the appellate courts upon the filing  
3.18 of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk  
3.19 of the appellate courts upon the filing by a respondent of a notice of review. The clerk  
3.20 shall transmit the fees to the commissioner of management and budget for deposit in the  
3.21 state treasury and credit to the general fund.

3.22 The clerk shall not file any paper, issue any writ or certificate, or perform any service  
3.23 enumerated herein, until the payment has been made for it. The clerk shall pay the sum  
3.24 into the state treasury as provided for by section 15A.01.

3.25 The charges provided for shall not apply to disbarment proceedings, nor to an  
3.26 action or proceeding by the state taken solely in the public interest, where the state is the  
3.27 appellant or moving party, nor to copies of the opinions of the court furnished by the clerk  
3.28 to the parties before judgment, or furnished to the district judge whose decision is under  
3.29 review, or to such law library associations in counties having a population exceeding  
3.30 50,000, as the court may direct.