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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **161**

January 16, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

February 5, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to public safety; increasing booking fees; amending Minnesota Statutes  
1.3 2006, section 641.12, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2006, section 641.12, subdivision 1, is amended to read:

1.6 Subdivision 1. **Fee.** (a) A county board may require that each person who is booked  
1.7 for confinement at a county or regional jail, ~~and not released upon completion of the~~  
1.8 ~~booking process~~, pay a fee of up to ~~\$10~~ \$25 to the sheriff's department of the county in  
1.9 which the jail is located. The fee is payable immediately from any money then possessed  
1.10 by the person being booked, or any money deposited with the sheriff's department on  
1.11 the person's behalf. If the person has no funds at the time of booking or during the  
1.12 period of any incarceration, the sheriff shall notify the district court in the county where  
1.13 the charges related to the booking are pending, and shall request the assessment of the  
1.14 fee. Notwithstanding section 609.10 or 609.125, upon notification from the sheriff, the  
1.15 district court must order the fee paid to the sheriff's department as part of any sentence  
1.16 or disposition imposed, unless the offender qualifies financially for a public defender  
1.17 under section 611.17. If the person is not charged, is acquitted, or if the charges are  
1.18 dismissed, the sheriff shall return the fee to the person at the last known address listed  
1.19 in the booking records.

1.20 (b) The chief executive officer of the local correctional agency or sheriff may waive  
1.21 payment of the fee under this subdivision if the officer or sheriff determines that the person  
1.22 does not have the ability to pay the fee, payment of the fee would create undue hardship  
1.23 for the person or the person's immediate family, the prospects for payment are poor, or  
1.24 there are extenuating circumstances justifying waiver of the fee.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2007.