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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1162

February 26, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to corrections; authorizing correctional facilities to forward surcharges
1.3 from offender wages to court or other entity collecting the surcharge; amending
1.4 Minnesota Statutes 2008, section 357.021, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

1.7 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
1.8 in this paragraph, the court shall impose and the court administrator shall collect a \$75
1.9 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
1.10 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
1.11 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
1.12 court shall impose, and the court administrator shall collect, an additional \$1 surcharge
1.13 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
1.14 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
1.15 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
1.16 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
1.17 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
1.18 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
2.4 to the commissioner of finance.

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
2.9 or while on conditional release. The chief executive officer shall forward the amount
2.10 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
2.11 surcharge imposed by the court.

2.12 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
2.13 surcharges collected by the chief executive officer of a correctional facility on or after
2.14 that date.