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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1541**

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

1.1 A bill for an act
1.2 relating to courts; amending court filing fees and the criminal surcharge amount;
1.3 amending Minnesota Statutes 2008, sections 357.021, subdivisions 2, 6, 7;
1.4 357.022; 357.08.

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

1.6 Section 1. Minnesota Statutes 2008, section 357.021, subdivision 2, is amended to read:

1.7 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court
1.8 administrator shall be as follows:

1.9 (1) In every civil action or proceeding in said court, including any case arising under
1.10 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
1.11 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
1.12 action, a fee of ~~\$240~~ \$....., except in marriage dissolution actions the fee is ~~\$270~~ \$.....

1.13 The defendant or other adverse or intervening party, or any one or more of several
1.14 defendants or other adverse or intervening parties appearing separately from the others,
1.15 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$240~~ \$.....,
1.16 except in marriage dissolution actions the fee is ~~\$270~~ \$.....

1.17 The party requesting a trial by jury shall pay \$75.

1.18 The fees above stated shall be the full trial fee chargeable to said parties irrespective
1.19 of whether trial be to the court alone, to the court and jury, or disposed of without trial,
1.20 and shall include the entry of judgment in the action, but does not include copies or
1.21 certified copies of any papers so filed or proceedings under chapter 103E, except the
1.22 provisions therein as to appeals.

1.23 (2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5
1.24 for an uncertified copy.

2.1 (3) Issuing a subpoena, \$12 for each name.

2.2 (4) Filing a motion or response to a motion in civil, family, excluding child support,
2.3 and guardianship cases, ~~\$55~~ \$.....

2.4 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
2.5 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not
2.6 specifically mentioned, \$40.

2.7 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of
2.8 judgment from another court, \$30.

2.9 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment
2.10 of judgment, \$5.

2.11 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each
2.12 name certified to.

2.13 (9) Filing and indexing trade name; or recording basic science certificate;
2.14 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or
2.15 optometrists, \$5.

2.16 (10) For the filing of each partial, final, or annual account in all trusteeships, \$40.

2.17 (11) For the deposit of a will, \$20.

2.18 (12) For recording notary commission, \$100, of which, notwithstanding subdivision
2.19 1a, paragraph (b), \$80 must be forwarded to the commissioner of finance to be deposited
2.20 in the state treasury and credited to the general fund.

2.21 (13) Filing a motion or response to a motion for modification of child support, a
2.22 fee of \$55.

2.23 (14) All other services required by law for which no fee is provided, such fee
2.24 as compares favorably with those herein provided, or such as may be fixed by rule or
2.25 order of the court.

2.26 (15) In addition to any other filing fees under this chapter, a surcharge in the
2.27 amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for
2.28 each adoption petition filed in district court to fund the fathers' adoption registry under
2.29 section 259.52.

2.30 The fees in clauses (3) and (5) need not be paid by a public authority or the party
2.31 the public authority represents.

2.32 Sec. 2. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

2.33 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in
2.34 this paragraph, the court shall impose and the court administrator shall collect a ~~\$75~~ \$.....
2.35 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor,

3.1 or petty misdemeanor offense, other than a violation of a law or ordinance relating to
 3.2 vehicle parking, for which there shall be a ~~\$4~~ \$..... surcharge. In the Second Judicial
 3.3 District, the court shall impose, and the court administrator shall collect, an additional \$1
 3.4 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
 3.5 petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle
 3.6 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
 3.7 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
 3.8 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
 3.9 petty misdemeanor for which no fine is imposed.

3.10 (b) If the court fails to impose a surcharge as required by this subdivision, the court
 3.11 administrator shall show the imposition of the surcharge, collect the surcharge, and
 3.12 correct the record.

3.13 (c) The court may not waive payment of the surcharge required under this
 3.14 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
 3.15 or the convicted person's immediate family, the sentencing court may authorize payment
 3.16 of the surcharge in installments.

3.17 (d) The court administrator or other entity collecting a surcharge shall forward it
 3.18 to the commissioner of finance.

3.19 (e) If the convicted person is sentenced to imprisonment and has not paid the
 3.20 surcharge before the term of imprisonment begins, the chief executive officer of the
 3.21 correctional facility in which the convicted person is incarcerated shall collect the
 3.22 surcharge from any earnings the inmate accrues from work performed in the facility
 3.23 or while on conditional release. The chief executive officer shall forward the amount
 3.24 collected to the commissioner of finance.

3.25 Sec. 3. Minnesota Statutes 2008, section 357.021, subdivision 7, is amended to read:

3.26 Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except
 3.27 as provided in paragraphs (b), (c), and (d), the commissioner of finance shall disburse
 3.28 surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

3.29 (1) one percent shall be credited to the game and fish fund to provide peace officer
 3.30 training for employees of the Department of Natural Resources who are licensed under
 3.31 sections 626.84 to 626.863, and who possess peace officer authority for the purpose of
 3.32 enforcing game and fish laws;

3.33 (2) 39 percent shall be credited to the peace officers training account in the special
 3.34 revenue fund; and

3.35 (3) 60 percent shall be credited to the general fund.

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

4.3 (c) In addition to any amounts credited under paragraph (a), the commissioner of
4.4 finance shall credit ~~\$47~~ \$..... of each surcharge received under subdivision 6 and section
4.5 97A.065, subdivision 2, and the ~~\$4~~ \$..... parking surcharge, to the general fund.

4.6 (d) If the Ramsey County Board of Commissioners authorizes imposition of
4.7 the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court
4.8 administrator in the Second Judicial District shall transmit the surcharge to the
4.9 commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County
4.10 surcharge account in the special revenue fund and amounts in the account are appropriated
4.11 to the trial courts for the administration of the petty misdemeanor diversion program
4.12 operated by the Second Judicial District Ramsey County Violations Bureau.

4.13 Sec. 4. Minnesota Statutes 2008, section 357.022, is amended to read:

4.14 **357.022 CONCILIATION COURT FEE.**

4.15 The court administrator in every county shall charge and collect a filing fee of ~~\$50~~
4.16 \$..... from every plaintiff and from every defendant when the first paper for that party is
4.17 filed in any conciliation court action. This section does not apply to conciliation court
4.18 actions filed by the state. The court administrator shall transmit the fees monthly to the
4.19 commissioner of finance for deposit in the state treasury and credit to the general fund.

4.20 Sec. 5. Minnesota Statutes 2008, section 357.08, is amended to read:

4.21 **357.08 PAID BY APPELLANT IN APPEAL.**

4.22 There shall be paid to the clerk of the appellate courts by the appellant, or moving
4.23 party or person requiring the service, in all cases of appeal, certiorari, habeas corpus,
4.24 mandamus, injunction, prohibition, or other original proceeding, when initially filed with
4.25 the clerk of the appellate courts, the sum of ~~\$500~~ \$..... to the clerk of the appellate courts.
4.26 An additional filing fee of \$100 shall be required for a petition for accelerated review by
4.27 the Supreme Court. A filing fee of ~~\$500~~ \$..... shall be paid to the clerk of the appellate
4.28 courts upon the filing of a petition for review from a decision of the Court of Appeals. A
4.29 filing fee of ~~\$500~~ \$..... shall be paid to the clerk of the appellate courts upon the filing
4.30 of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of
4.31 the appellate courts upon the filing by a respondent of a notice of review. The clerk shall
4.32 transmit the fees to the commissioner of finance for deposit in the state treasury and
4.33 credit to the general fund.

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

5.4 The charges provided for shall not apply to disbarment proceedings, nor to an
5.5 action or proceeding by the state taken solely in the public interest, where the state is the
5.6 appellant or moving party, nor to copies of the opinions of the court furnished by the clerk
5.7 to the parties before judgment, or furnished to the district judge whose decision is under
5.8 review, or to such law library associations in counties having a population exceeding
5.9 50,000, as the court may direct.