



07 - 0049

THE SUPREME COURT OF MINNESOTA
MINNESOTA JUDICIAL CENTER
25 REV. DR. MARTIN LUTHER KING JR. BLVD.
ST. PAUL, MINNESOTA 55155

SUE K. DOSAL
STATE COURT ADMINISTRATOR

(651) 296-2474
FAX (651) 215-6004
E-mail: Sue.Dosal@courts.state.mn.us

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To: Senator Leo Foley, Chair
Judiciary Budget Division
G-24, State Capitol

Representative Michael Paymar, Chair
Public Safety Finance Division
Room 543, State Office Building

Senator Warren Limmer
Room 141, State Office Building

Representative Steve Smith
Room 253, State Office Building

Re: Surcharges and Co-Payments

Pursuant to Laws of Minnesota 2003, 1st Special Session, Chapter 2, Article 1, Section 2, the State Court Administrator is requested to review and report on the financial consequences of policy changes made in the following areas:

- (1) criminal and traffic offender surcharges
- (2) public defender co-payments
- (3) the use of revenue recaptures to collect the public defender co-payments.

The report shall also list the local government units that employ administrative procedures to collect fines for ordinance violations.

The following report is submitted in fulfillment of this legislative requirement.

Surcharge

During FY05, the criminal and traffic surcharge remained at \$60. The FY06 surcharge was increased by \$12 to a total of \$72 for crimes and petty misdemeanors on July 1, 2005. A portion of the total surcharge (\$9.75) is dedicated to the peace officer training fund and \$.25 is dedicated to the game and fish fund. The remainder is credited to the general fund. The following chart indicates the general revenue and the number of persons paying each of the surcharge increments over time.

Surcharge Increments
(All dollars and amounts in thousands)

Year	\$15	No. Paying	\$7	No. Paying	\$28	No. Paying	\$12	No. Paying
2000	\$10,489	699						
2001	\$10,361	691						
2002	\$10,646	710	\$3,406 ^a	487				
2003	\$10,275	685	\$4,686	669				
2004	\$10,335	689	\$4,782	683	\$13,736 ^b	491		
2005	\$ 9,960	664	\$4,623	660	\$17,947	641		
2006	\$ 9,761	651	\$4,533	648	\$17,908	640	\$5,889 ^c	491
2007 ^d	\$ 9,600	640	\$4,458	637	\$17,830	637	\$7,450	621

^a Effective July 1, 2001

^b Effective August 1, 2003

^c Effective July 1, 2005

^d Fiscal year 2007 revenue is estimated based on FY06 collections

From the above chart, it appears that the number of defendants paying the surcharge has decreased slightly over the past several years and with the addition of each increment. The cause of this decrease is unclear.

Public Defender Co-payments

On February 12, 2004, the Supreme Court found the increased public defender co-payment unconstitutional in *State v. Tennin* (Minn. 2003) 674 NW2d 403. The public defender co-payment reverted back to the previous \$28 level and approximately \$391,000 was generated in FY05.

Local Units of Government Collecting Ordinance Violations

The following local units of government, known to court administrators, utilize an administrative process for processing petty misdemeanor, other minor criminal infractions, and/or ordinance violations (as of December 2006):

- | | |
|----------------------------------|----------------------------|
| Ada (Norman County) | Annandale (Wright County) |
| Anoka (Anoka County) | Arlington (Sibley County) |
| Atwater (Kandiyohi County) | Avon (Stearns County) |
| Baxter (Crow Wing County) | Bovey (Itasca County) |
| Brainerd (Crow Wing County) | Browerville (Todd County) |
| Cambridge (Isanti County) | Clarissa (Todd County) |
| Cold Spring (Stearns County) | Coleraine (Itasca County) |
| Coon Rapids (Anoka County) | Deer River (Itasca County) |
| Eagle Bend City (Todd County) | Fairfax (Renville County) |
| Fergus Falls (Otter Tail County) | Gaylord (Sibley County) |
| Gibbon (Sibley County) | Gilbert (St. Louis County) |

Glencoe (McLeod County)
Henderson (Sibley County)
International Falls (Koochiching County)
Kimbel (Stearns County)
Mapleton (Blue Earth County)
Montevideo (Chippewa County)
Mountain Lake (Cottonwood County)
North St. Paul (Ramsey County)
Paynesville (Stearns County)
Perham (Otter Tail County)
Renville (Renville County)
Roseville (Ramsey County)
Rushford (Fillmore County)
Sibley County Sheriff
St. Joseph (Stearns County)
Stillwater (Washington County)
Twin Valley (Norman County)
Wabasha County Sheriff
Waseca City (Waseca County)
Willmar (Kandiyohi County)
Winthrop (Sibley County)

Grand Rapids (Itasca County)
Hill City (Aitkin County)
Kandiyohi County Sheriff
Long Prairie City (Todd County)
Minneapolis Park Police (Hennepin County)
Moundsview (Ramsey County)
Nashwauk (Itasca County)
Olivia (Renville County)
Pequot Lakes (Crow Wing County)
Pine River (Cass County)
Renville County Sheriff
Roseau (Roseau County)
Sacred Heart (Renville County)
Silver Lake (McCloud County)
Staples City (Todd County)
Todd County Sheriff
Verndale (Wadena County)
Wadena (Wadena County)
White Bear Lake (Ramsey County)
Winona City (Winona County)
Worthington (Nobles County)

Local units of government that are implementing an administrative process in 2007 are Hutchinson (McLeod County) and the Itasca County Sheriff.

Respectfully Submitted,



Sue K. Dosal
State Court Administrator

cc: Legislative Reference Library (6 copies)