

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Standing Order Granting Court Administration Authority to Allow Time to Pay or Sentence to Service to Satisfy Fines, Fees or Surcharges Upon Request of a Defendant

WHEREAS:

1. Since July 1, 2009, all unpaid fines, fees, and surcharges are referred to collections when the amounts owed are past due. Minn. Stat. §§ 609.10, Subd. 1; 609.104; and 609.125, Subd. 1.
2. A defendant may contest a referral to collections for failure to pay fines, fees, and/or surcharges by requesting a hearing no later than the due date of the fine. Minn. Stat. § 609.104, Subd. 1(b). In the Fourth Judicial District, such hearings are typically held before hearing officers in the violations bureau.
3. The statutory provisions cited above do not limit a court's authority to extend the time by which payment of a fine, fee and/or surcharge is due, nor do they conflict with the Hennepin County District Court Administrator's long-standing policies that allow Sentence to Service (STS) to satisfy fines, fees, and/or surcharges in particular instances.

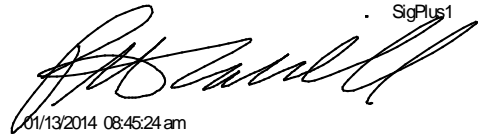
THEREFORE, IT IS HEREBY ORDERED:

1. Unless otherwise ordered by a judge, the Court Administrator may permit a requesting defendant to participate in STS in lieu of paying a fine, fee and/or surcharge, if the amount of the fine, fee and/or surcharge due is \$300 or less per case, regardless of offense level. One day of STS shall satisfy no more than \$128 of the fine, fee and/or surcharge.
2. At the time a fine, fee, and/or surcharge is imposed, and as directed by the judge, the judge's staff shall be responsible for preparing the documents reflecting the amount of time allowed to pay a fine, fee and/or surcharge.
3. Unless otherwise ordered by a judge, the Court Administrator may grant a requesting defendant 180 days from the date of sentencing to satisfy the fines, fees, and/or surcharges, either through payment or performance of STS.
4. If a defendant fails to perform the STS to satisfy fines, fees and/or surcharges within the time allowed by the judge or the Court Administrator, the fine, fee and/or surcharge shall

be considered past due, and sent to collections as specified in court administration procedures.

5. A defendant wishing to contest a referral to collections shall file a motion in district court before the due date of the fine, fee and/or surcharge setting forth the reasons for nonpayment and the relief requested. In gross misdemeanor, misdemeanor and petty misdemeanor cases, the Court Administrator shall schedule a hearing before a hearing officer in the violations bureau. The hearing officer will hear and decide the defendant's motion. In felony cases, the Court Administrator shall schedule a hearing before the sentencing judge.
6. The foregoing authority granted to the Court Administrator does not apply to prosecution costs.
7. This order shall replace the standing order on this topic dated October 12, 2009, and filed by the Honorable Mark Wernick on October 14, 2009.

BY THE COURT:

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01/13/2014 08:45:24 am

Peter A. Cahill
Chief Judge of District Court

