



## Minnesota Judicial Branch

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<b>Policy Source:</b>	Minnesota Judicial Council
<b>Policy Number:</b>	506.1
<b>Category:</b>	Court Operations
<b>Title:</b>	Statewide Payable Offense Policy
<b>Effective Date:</b>	January 1, 2009, July 16, 2009, May 1, 2010; July 1, 2011; January 1, 2013; January 1, 2014, July 1, 2015
<b>Revision Date(s):</b>	July 16, 2009, April 15, 2010, May 20, 2011, September 20, 2012; November 14, 2013, May 15, 2015
<b>Supersedes:</b>	

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### I. POLICY STATEMENT

It is a policy of the Minnesota Judicial Branch that:

- A. All petty misdemeanor offenses in violation of statute or administrative rule are payable. The fine amount for all of these petty misdemeanor offenses is an amount set annually by the Judicial Council, unless another fine amount is specified for that offense on the state payables list, plus applicable surcharges and law library fee.
- B. Petty misdemeanor offenses enhanced to misdemeanor violations are payable at the fine amount set for the petty misdemeanor, unless otherwise specified on the state payables list, except when enhanced to a misdemeanor under Minn. Stat. § 169.89, subd. 1(1), for a violation committed in a manner or under circumstances so as to endanger or likely to endanger any person or property. Payable offenses charged by citation are presumed to be payable, unless the endangerment box is checked. Offenses charged by complaint or petition are not payable.
- C. Payable misdemeanor offenses that may be enhanced to gross misdemeanor offenses are presumed to be payable if charged by citation, unless law enforcement has clearly identified the offense as a gross misdemeanor. Offenses charged by complaint or petition are not payable.
- D. At the close of each regular legislative session, the Branch shall:
  1. Review legislative changes to determine if any revisions to the state payables list are needed.
  2. Solicit input from the following interested parties:
    - judges;
    - court administrators;

- the Department of Public Safety;
- the Department of Transportation;
- the Department of Natural Resources;
- law enforcement associations;
- prosecutorial organizations;
- defense organizations; and
- any other agencies or organizations as deemed appropriate.

3. Consider all requests for revisions to the state payables list and submit a recommendation to the Judicial Council.

4. Publish the proposed list for a 30 day notice and comment period.

5. Approve and publish revisions to the list to become effective January 1 of the next year unless the legislature, by law, provides otherwise.

E. For adult court payable offenses charged by citation:

1. The amount to be paid is the fine amount set by the Judicial Council for each offense charged, plus the applicable law library fee, the surcharge to be imposed under Minn. Stat. § 357.021, subd. 6, and when applicable, any other surcharge otherwise provided in statute (examples include Minn. Stat. § 169.14, subd. 2(d) (speeding in excess of 20 mph), 3(b) (emergency vehicle), 5a(d) (school zone), 5d(e) (work zone), and wildlife restitution under Minn. Stat. § 97A.341 if the value of the wild animal adopted by rule is specified on the citation). If a citation charges multiple offenses and the person chooses to make payment in lieu of appearing in court, a conviction shall be entered on each offense and the amount to be paid shall include the payable fine amount for each offense charged.

2. If the defendant or anyone paying on the defendant's behalf, pays the entire fine or any portion of the fine, court staff shall enter a guilty plea and conviction on all charges on the citation. Payment or partial payment made by dishonored check does not negate the guilty plea and conviction. A merchant chargeback on an electronic transaction also does not negate the guilty plea and conviction.

3. If the defendant signs an admission of guilt, waiver of rights, and an agreement to pay the fine, court staff shall enter a guilty plea and conviction on all charges on the citation.

4. If there is no corresponding case in the court's case management system, and the payment or signed admission of guilt form is accompanied by a copy of the citation, court staff shall initiate a case using that copy and then enter the guilty plea and conviction.

5. Any unpaid amounts resulting from a conviction entered under paragraphs 2 through 4 shall be referred to collections as provided in Policy 209(b) Collection of

Past-Due Accounts.

F. For juvenile court offenses charged by citation:

1. All offenses on the state payables lists are payable by juveniles in juvenile court. Minn. R. Juv. Del. P. 6.06, subd. 3. Juvenile citations are payable whether designated as a juvenile traffic, juvenile petty, or delinquency matter.
2. The amount to be paid is as described in paragraph E.1, except that if any offense charged is a non-traffic offense with a fine on the payables list of over \$100, the fine is deemed to be \$100 for that offense. Minn. Stat. § 260B.235, subd. 4.

Please note: the law library fee and the surcharge under Minn. Stat. § 357.021, subd. 6, do not apply in juvenile court cases.

3. If the juvenile presents a completed Plea and Waiver Form and full payment, court staff shall enter a guilty plea and a juvenile petty offender or juvenile traffic offender adjudication, as applicable, for all charges on the citation, even if the citation was designated as a delinquency matter.<sup>1</sup> Payment made by dishonored check does not negate the guilty plea and adjudication. A merchant chargeback on an electronic transaction also does not negate the guilty plea and adjudication.
4. If the juvenile presents a completed Plea and Waiver Form, and pays only a portion of the fine or requests a payment plan, the court shall return the payment and require the juvenile to appear in court.
5. If there is no corresponding case in the court's case management system, and a juvenile charged by citation presents payment and a copy of the citation, court staff shall not initiate a case and should instead refer the juvenile to the prosecutor.

G. Ordinances<sup>2</sup>

1. Except as otherwise provided in this section:
  - a. All petty misdemeanor ordinance violations are payable at a fine amount determined under paragraph 4 of this section.
  - b. All ordinances in which there is both a petty misdemeanor and misdemeanor penalty for the same offense, both the petty misdemeanor and misdemeanor

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<sup>1</sup> See Minn. Stat. §§ 260B.225, subd. 2, and 260B.235, subd. 1 (noting a child may not be adjudicated delinquent unless a hearing is held and certain findings are made).

<sup>2</sup> Minn. R. Crim. P. 23.03, subd. 2(2): "Each district court may establish, under a process approved by the Judicial Council, a fine for any ordinance that may be paid in lieu of a court appearance by the defendant." The annual review process in section D of this Policy does not apply to ordinances.

ordinance violation are payable at a fine amount determined under paragraph 4 of this section.

- c. All violations of ordinances that adopt or incorporate a statute, administrative rule or a chapter of the Minnesota Statutes or Minnesota Rules are payable if the statute or rule adopted or incorporated is payable. If the statute or rule adopted or incorporated is not payable, then the ordinance violation is not payable. If payable, the fine amount is that set for violation of the statute or rule.
  - d. After consultation with the prosecuting authority, other misdemeanor ordinance violations may be made payable without court appearance only if the district court in which an ordinance applies designates it as a payable offense and sets a payable fine amount. When a misdemeanor ordinance applies in multiple counties, it is payable only if so designated by the district courts in all of the counties in which it applies; the fine amount set for the ordinance must be the same in all of the counties in which the ordinance applies.
2. Court appearance is required if:
    - a. The endangerment box is checked on the citation; or
    - b. The offense is charged by complaint or petition; or
    - c. The ordinance charged adopts or incorporates a statute, administrative rule or a chapter of the Minnesota Statutes or Minnesota Rules, and the specific offense cited requires a court appearance when charged under the Minnesota Statutes or Minnesota Rules.
  3. When a subdivision of government enacts an ordinance that adopts or incorporates a statute, administrative rule or a chapter of the Minnesota Statutes or Minnesota Rules, it is presumed that it adopts only those offenses with penalties within its authority to prescribe. For these ordinances, law enforcement must indicate a petty misdemeanor or misdemeanor level of offense on the citation.
  4. Unless a district court sets a different fine amount for a petty misdemeanor offense, the fine amount shall be determined as follows:
    - a. If an ordinance sets a specific fine for an offense, the payable fine is the amount set by ordinance, even if a comparable offense on the statewide payables list has a different fine amount.
    - b. If a specific fine is not set by ordinance and there is a comparable offense on a statewide payable list, the payable fine is the amount of the comparable offense.
    - c. If a specific fine is not set by ordinance and there is not a comparable offense on a statewide payable list, the fine amount is the default fine amount set for petty misdemeanor violations of statutes and administration rules.

## **II. IMPLEMENTATION AUTHORITY**

Implementation of this policy shall be the responsibility of the State Court Administrator, acting as the Judicial Council's agent.

## **III. EXECUTIVE LIMITATIONS**

None.