

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Standing Order re Imposition of the Surcharge Required by Minn. Stat. § 357.021, Subd. 6

Whereas, Minn. Stat. § 357.021, Subd. 6(a), requires the court to impose a surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor or petty misdemeanor offense;

Whereas, Minn. Stat. § 357.021, Subd. 6(f) requires the court to impose a surcharge on a person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 of Minnesota Statutes;

Whereas, Minn. Stat. § 357.021, Subd. 6(c) provides that the court may not waive payment of the surcharge required by Minn. Stat. § 357.021, Subd. 6, although upon a showing of indigency or undue hardship, the court may authorize payment of the surcharge in installments;

Whereas, Minn. Stat. § 357.021, Subd. 6(b) provides that if the court fails to impose a surcharge as required by Minn. Stat. § 357.021, Subd. 6, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record;

Whereas, Minn. Stat. § 484.68, Subd. 3(6) requires the District Court Administrator to perform any duties assigned by law; and

Whereas, Minn. Stat. § 484.69, Subd. 3 provides that the chief judge shall exercise general administrative authority over the courts within the judicial district;

Now Therefore,

IT IS ORDERED

1. In any case in which the court waives or fails to impose the surcharge required by Minn. Stat. § 357.021, Subd. 6, the District Court Administrator shall impose and collect the surcharge and correct the record.
2. In cases where the District Court Administrator has imposed the surcharge pursuant to Paragraph 1 of this order, District Court administrative staff may allow the defendant 180 days to complete payment of the surcharge whether in a single payment or installments. Unless otherwise ordered by the court, the defendant shall not be granted extensions to the 180 day period.
3. For purposes of this order, “surcharge” shall include the law library fee that is normally imposed.

BY THE COURT:

DATED: December 1, 2013

Peter A. Cahill
Chief Judge of District Court