

COSTS, RESTITUTION AND FINES COLLECTION PROGRAM
13TH JUDICIAL CIRCUIT COURT

PURPOSE:

The purpose of the fines and costs collection program of the 13th Judicial Circuit Court is to reduce installment payments and increase overall collections of costs, restitution and fines ordered by the court under court services supervision.

PRINCIPLES OF UNDERSTANDING

- ✂✂ A fine is a punishment and not a “BILL” and a fine is not a punishment until it is paid.
- ✂✂ The payment is the defendant’s responsibility.
- ✂✂ It is expected that the defendant must sacrifice to pay.
- ✂✂ The defendant must give payment the highest priority.
- ✂✂ The defendant must expect consequences if payment is not made.
- ✂✂ The defendant needs to understand the consequences.
- ✂✂ The payment is a court order, a sentence which may not be convenient.
- ✂✂ A court is not where people prefer to spend money.
- ✂✂ Many people come to court with money.

PROPOSED PRACTICE:

- ✂✂ All costs and fines will be due at pleading/sentencing.
- ✂✂ Defendants will be required to make application to court services if requesting an extension of time for payment and will be ordered to appear for hearing to review the status of unpaid costs/restitution/fines.
- ✂✂ Court services will make a recommendation to the court regarding appropriate payment terms (forthwith, payment schedule or community service work in lieu of cash payment for fines) and give notice of hearing date if not paid in full.
- ✂✂ Judge will review court services recommendation and order terms and conditions of payment plan.
- ✂✂ Payment terms will be restricted (A target of 50% of the assessment within forty-eight hours, 80% within thirty days, the balance in full within sixty days has been established).
- ✂✂ A \$25 fee will be assessed for individuals paying on a time payment basis if the total amount due is not paid in full within 30 days. (See attached excerpts from HB600)
- ✂✂ Emphasis will be placed on receiving cash payments whenever possible with a reduction in the use of non-monetary forms of credit (i.e., credit for time served, csw to be reserved for truly indigent defendants only)

COSTS, RESTITUTION AND FINES COLLECTION PROGRAM
EXCERPTS FROM HB600

HB600 which has been truly agreed and is awaiting the Governor's signature, provides as follows regarding collection fees and methods:

488.5025. 1. In addition to any other assessment authorized by law, a court may assess a fee of twenty-five dollars on each person who pays a court ordered judgment, penalty, fine, sanction, or court costs on a time payment basis, including, restitution and juvenile monetary assessments. A time payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine, sanction, or court cost. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Ten dollars of the time payment fee collected pursuant to this section shall be payable to the clerk of the court of the county from which such fee was collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the court en banc of any such county to be utilized by the court to improve, maintain, and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or to improve the administration of justice. Eight dollars of the time payment fee shall be deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the time payment fee shall be paid to the director of revenue, to be deposited to the general revenue fund.

488.5028. 1. If a person fails to pay court costs, fines, fees, or other sums ordered by a court, to be paid to the state or political subdivision, a court may report any such delinquencies in excess of twenty-five dollars to the office of state courts administrator and request that the state courts administrator seek a setoff of an income tax refund. The state courts administrator shall set guidelines necessary to effectuate the purpose of the offset program.

2. The office of state courts administrator shall provide the department of revenue with the information necessary to identify each debtor whose refund is sought to be setoff and the amount of the debt or debts owed by each such debtor who is entitled to a tax refund in excess of twenty-five dollars.

3. The department of revenue shall notify the office of state courts administrator that a refund has been setoff on behalf of a court and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department of revenue shall send the excess amount to the debtor within a reasonable time after such excess is determined.

5. Upon receipt of funds transferred from the department of revenue to the office of state courts administrator pursuant to a refund setoff, the state courts administrator shall deposit such funds in the state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds shall be credited to the escrow account and used to offset administrative expenses. If a debtor files with a court an application for review, the state courts administrator shall hold such

sums in question until directed by such court to release the funds. If no application for review is filed, the state courts administrator shall, within forty-five days of receipt of funds from the department, send to the clerk of the court in which the debt arose such sums as are collected by the department of revenue for credit to the debtor's account.

488.5030. To collect on past due court ordered penalties, fines, restitution, sanctions, court costs, including, restitution and juvenile monetary assessments, or judgments to the state of Missouri or one of its political subdivisions, any division of the circuit court may contract with public agencies or private entities. Any fees or costs associated with such collection efforts shall be added to the amount due, but such fees and costs shall not exceed twenty percent of the amount collected.