

Municipal Fines and Fees Reporting Act

Model Legislation

August 10, 2020

1. Purpose. Under municipal law, local law enforcement agencies can impose criminal and civil fines and fees. This authority can be misused to generate municipal revenue. It is the responsibility of state legislators to monitor municipal authority to levy fines and fees to ensure that they do not become excessive or unrelated to public safety. Enactment of this bill provides legislators with information necessary for basic oversight of municipalities that collect fines and fees under state and local laws.
2. “Municipality” means any county or local governing body that has the authority to impose or collect fines and fees or the authority to expend revenue raised thorough fines and fees.
3. “Case type” means the following:
 - (a) Driving Under the Influence (DUI)—Felony;
 - (b) DUI—Misdemeanor;
 - (c) Other Traffic Felony (Non-DUI);
 - (d) Other Traffic (Non-DUI/Non-felony);
 - (e) Other Felony (Non-Traffic/Non-DUI)
 - (f) Other Misdemeanor (Non-Traffic/Non-DUI);
 - (g) Civil—Building, zoning, nuisance and other municipal code violations; or
 - (h) Civil-other.
4. “Municipal Financial Report” means a report which includes revenues, expenditures, assets, liabilities, and net assets of all funds and agencies of the municipality for a fiscal year, and other such information as may be reasonably requested by the Commissioner.
5. This chapter is applicable to municipalities authorized to collect fines and fees by the following sections in the state code:
 - (a) Statute Section _____;
 - (b) Statute Section _____;
 - (c) Statute Section _____; and

- (d) Any other section in the state code or the state constitution that authorizes a municipality to impose a fine or fee upon citizens.
- 6. The Commissioner shall establish and maintain a statewide database and searchable public website that include the following information, as provided by each municipality, court and entity that assesses or collects fines and fees.
 - (a) Annual Municipal Financial Reports for each municipality.
 - (b) The following data for each (1) court and (2) entity that assesses or collects fines and fees for each fiscal year, organized by case type:
 - I. Number of cases filed;
 - II. Number of cases terminated;
 - III. Number of cases brought to trial;
 - IV. Number of cases in which a plea bargain was reached;
 - V. Number of cases in which a court fine or fee was imposed;
 - VI. Number of cases in which a fine or fee was imposed and a hearing concerning offender's ability to pay was conducted;
 - VII. Number of cases in which the defendant was sentenced to probation;
 - VIII. Total value of court fines and fees assessed; and
 - IX. Total value of court fines and fees collected.
- 7. At the close of each fiscal year, the Commissioner will provide municipalities an online portal to submit Municipal Financial Reports as required under paragraph 6(a).
- 8. Each municipality shall upload its report to the online portal no later than 60 days after the close of each fiscal year.
- 9. At the close of each fiscal year, the Commissioner will provide each (1) court and (2) entity that assesses or collects fines and fees an online portal to input the court data required under paragraph 6(b). Each court and such entity shall upload the requisite data into the online portal no later than 60 days after the close of each fiscal year.
- 10. The Commissioner, no later than _____ days after the close of each fiscal year, shall submit to the Speaker of the House of Representatives, President of the Senate, Attorney General and Governor a written report summarizing activity in the state, for the preceding fiscal year,

the value of all fines and fees collected by municipalities and court data concerning fines and fees. The aggregate report shall be made available on the Commissioner's website.

11. The Commissioner may include in its aggregate report recommendations to improve statutes, rules and policies to better ensure the imposition, collection and expenditure of fines and fees are reported and done in a manner that is fair to citizens—particularly those who are economically disadvantaged and most vulnerable to excessive fines and fees.
12. If a municipality or entity that assesses or collects fines and fees fails to complete the Commissioner's online form as required by paragraphs 8 and 9 within 30 days after it is due, and there is no good cause as determined by the Commissioner, the municipality shall be subject to a civil fine payable to the General Revenue Fund of \$500 or the equivalent of one-quarter of the fines and fees revenue collected by the municipality for the fiscal year reported, whichever is greater.
13. At the request of Speaker of the House of Representatives, President of the Senate, Attorney General and Governor or other elected official, the State Auditor may perform a financial audit under the generally accepted government auditing standards of municipal records related to revenue collected through fines and fees. A final copy of such audit report shall be submitted to the Commissioner no later than 90 days after the end of each fiscal year and shall be made public.
14. The Commissioner may recoup its costs under this chapter by charging a fee to the municipality filing a report. The municipality may use revenue from fines and fees to pay the costs of compiling and reporting data under this chapter and to pay any fees imposed by the Commissioner.
15. The Commissioner may adopt rules that are necessary to implement this chapter.
16. The data and reports compiled and prepared under this chapter are public information under the state's Open Records Act/Freedom of Information Act statute section _____. They are not exempted from disclosure by statute section _____.
17. This chapter is effective for the reporting period starting January 1, 20__ __.

Contact Information

Lee U. McGrath
Senior Legislative Counsel
INSTITUTE FOR JUSTICE
520 Nicollet Mall – Suite 550
Minneapolis, MN 55402-2626
Office: (612) 435-3451
Email: lmcgrath@ij.org
Web: www.ij.org