

# Fines and Fees Reporting Act

## Model Legislation

August 28, 2021

1. Purpose. Under municipal, county and state law, governmental entities can impose criminal and civil fines and fees. This authority can be misused to unjustly generate revenue. It is the responsibility of state legislators to monitor the use of fines and fees to ensure that they are not excessive. This reporting provides legislators the information necessary to oversee the assessment of fines and fees at the time of conviction of a crime and subsequent collection.
2. Definitions: For the purposes of this chapter, the words defined in this section have the meaning given.
  - (a) "Governmental entity" means any municipal, county or state governmental body that assesses fines or fees for:
    - i. a conviction of a crime;
    - ii. adjudication of quasi-criminal violation; or
    - iii. a penalty of a civil enforcement action.
  - (b) "Fees" are financial obligations assessed by a court or an administrative agency. Fees include court costs, and other charges used to fund the justice system and other government services.
  - (c) "Fines" are punitive financial sanctions assessed by a court or an administrative agency. Fines include financial penalties for traffic and municipal code violations, misdemeanors and felonies. They also may be financial obligations assessed as condition of probation or parole.
3. 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 \_\_\_\_\_; and
  - (c) Any other section in the state code or the state constitution that authorizes the assessment of a fine or fee.

4. The Commissioner shall establish and maintain a statewide database and searchable public website that include the following information for each fine or fee assessed at conviction, as provided by each municipal, county or state governmental entity that assesses fines and fees.
  - (a) Name of the governmental entity
  - (b) Case number
  - (c) Date of the assessment
  - (d) Amount of the assessment
  - (e) Whether the assessment is a fine or fee
  - (f) Statute number for the principal crime for which the defendant was convicted
  - (g) The due date for assessment that do not have a payment plan
  - (h) Whether the assessment, at the time of conviction, included a payment plan
  - (i) The total length of the payment plan in months
  - (j) Whether the assessment has been paid in full as due
  - (k) Whether the assessment has a remaining balance that is not due
  - (l) Whether the assessment has a past due balance and by how many days
  - (m) The amount of the interest or penalty for failure to pay as due
  - (n) Whether the initial assessment has been reduced, restructured or forgiven completely; and
  - (o) Demographic information of the defendant.
5. Each municipality shall upload its report to the online portal no later than 48 hours after conviction.
6. 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.
7. 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.

8. If governmental entity that assesses fails to submit information as required, 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 for the fiscal year reported, whichever is greater.
9. 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 records related to revenue assessed and 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.
10. The Commissioner may recoup its costs under this chapter by charging a fee to the governmental entities. The governmental entities may use revenue from fines and fees to pay the costs of compiling and reporting data under this chapter and to pay any fees assessed by the Commissioner.
11. The Commissioner may adopt rules that are necessary to implement this chapter.
12. 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 \_\_\_\_\_.
13. This chapter is effective for the reporting period starting January 1, 20\_\_ \_\_.

**Contact Information**

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