



1 responsible for paying the cost, fine, forfeiture or penalty.

2       (b) Unless otherwise required by law, a magistrate court may  
3 collect a portion of any costs, fines, fees, forfeitures,  
4 restitution or penalties at the time the amount is imposed by the  
5 court so long as the court requires the balance to be paid in  
6 accordance with a payment plan which specifies: (1) The number of  
7 payments to be made; (2) the dates on which the payments are due;  
8 and (3) the amounts due for each payment. The written agreement  
9 represents the minimum payments and the last date those payments  
10 may be made. The obligor or the obligor's agent may accelerate the  
11 payment schedule at any time by paying any additional portion of  
12 any costs, fines, fees, forfeitures, restitution or penalties.

13       (c) (1) If any costs, fines, fees, forfeitures, restitution or  
14 penalties imposed by the magistrate court in a criminal case are  
15 not paid within one hundred eighty days from the date of judgment  
16 and the expiration of any stay of execution, the magistrate court  
17 clerk or, upon judgment rendered on appeal, the circuit clerk shall  
18 notify the Commissioner of the Division of Motor Vehicles of the  
19 failure to pay: *Provided*, That in a criminal case in which a  
20 nonresident of this state is convicted of a motor vehicle violation  
21 defined in section three-a, article three, chapter seventeen-b of  
22 this code, the appropriate clerk shall notify the Division of Motor  
23 Vehicles of the failure to pay within eighty days from the date of  
24 judgment and expiration of any stay of execution. Upon notice, the  
25 Division of Motor Vehicles shall suspend any privilege the person

1 defaulting on payment may have to operate a motor vehicle in this  
2 state, including any driver's license issued to the person by the  
3 Division of Motor Vehicles, until all costs, fines, fees,  
4 forfeitures, restitution or penalties are paid in full. The  
5 suspension shall be imposed in accordance with the provisions of  
6 section six, article three, chapter seventeen-b of this code:  
7 *Provided*, That any person who has had his or her license to operate  
8 a motor vehicle in this state suspended pursuant to this subsection  
9 and his or her failure to pay is based upon inability to pay, may,  
10 if he or she is employed on a full or part-time basis, petition to  
11 the circuit court for an order authorizing him or her to operate a  
12 motor vehicle solely for employment purposes. Upon a showing  
13 satisfactory to the court of inability to pay, employment and  
14 compliance with other applicable motor vehicle laws, the court  
15 shall issue an order granting relief.

16 (2) In addition to the provisions of subdivision (1) of this  
17 subsection, if any costs, fines, fees, forfeitures, restitution or  
18 penalties imposed or ordered by the magistrate court for a hunting  
19 violation described in chapter twenty of this code are not paid  
20 within one hundred eighty days from the date of judgment and the  
21 expiration of any stay of execution, the magistrate court clerk or,  
22 upon a judgment rendered on appeal, the circuit clerk shall notify  
23 the Director of the Division of Natural Resources of the failure to  
24 pay. Upon notice, the Director of the Division of Natural Resources  
25 shall suspend any privilege the person failing to appear or

1 otherwise respond may have to hunt in this state, including any  
2 hunting license issued to the person by the Division of Natural  
3 Resources, until all the costs, fines, fees, forfeitures,  
4 restitution or penalties are paid in full.

5       (3) In addition to the provisions of subdivision (1) of this  
6 subsection, if any costs, fines, fees, forfeitures, restitution or  
7 penalties imposed or ordered by the magistrate court for a fishing  
8 violation described in chapter twenty of this code are not paid  
9 within one hundred eighty days from the date of judgment and the  
10 expiration of any stay of execution, the magistrate court clerk or,  
11 upon a judgment rendered on appeal, the circuit clerk shall notify  
12 the Director of the Division of Natural Resources of the failure to  
13 pay. Upon notice, the Director of the Division of Natural Resources  
14 shall suspend any privilege the person failing to appear or  
15 otherwise respond may have to fish in this state, including any  
16 fishing license issued to the person by the Division of Natural  
17 Resources, until all the costs, fines, fees, forfeitures,  
18 restitution or penalties are paid in full.

19       (d) (1) If a person charged with any criminal violation of  
20 this code fails to appear or otherwise respond in court, the  
21 magistrate court shall notify the Commissioner of the Division of  
22 Motor Vehicles thereof within fifteen days of the scheduled date to  
23 appear unless the person sooner appears or otherwise responds in  
24 court to the satisfaction of the magistrate. Upon notice, the  
25 Division of Motor Vehicles shall suspend any privilege the person

1 failing to appear or otherwise respond may have to operate a motor  
2 vehicle in this state, including any driver's license issued to the  
3 person by the Division of Motor Vehicles, until final judgment in  
4 the case and, if a judgment of guilty, until all costs, fines,  
5 fees, forfeitures, restitution or penalties imposed are paid in  
6 full. The suspension shall be imposed in accordance with the  
7 provisions of section six, article three, chapter seventeen-b of  
8 this code.

9 (2) In addition to the provisions of subdivision (1) of this  
10 subsection, if a person charged with any hunting violation  
11 described in chapter twenty of this code fails to appear or  
12 otherwise respond in court, the magistrate court shall notify the  
13 Director of the Division of Natural Resources of the failure  
14 thereof within fifteen days of the scheduled date to appear unless  
15 the person sooner appears or otherwise responds in court to the  
16 satisfaction of the magistrate. Upon notice, the Director of the  
17 Division of Natural Resources shall suspend any privilege the  
18 person failing to appear or otherwise respond may have to hunt in  
19 this state, including any hunting license issued to the person by  
20 the Division of Natural Resources, until final judgment in the case  
21 and, if a judgment of guilty, until all costs, fines, fees,  
22 forfeitures, restitution or penalties imposed are paid in full.

23 (3) In addition to the provisions of subdivision (1) of this  
24 subsection, if a person charged with any fishing violation  
25 described in chapter twenty of this code fails to appear or

1 otherwise respond in court, the magistrate court shall notify the  
2 Director of the Division of Natural Resources of the failure  
3 thereof within fifteen days of the scheduled date to appear unless  
4 the person sooner appears or otherwise responds in court to the  
5 satisfaction of the magistrate. Upon notice, the Director of the  
6 Division of Natural Resources shall suspend any privilege the  
7 person failing to appear or otherwise respond may have to fish in  
8 this state, including any fishing license issued to the person by  
9 the Division of Natural Resources, until final judgment in the case  
10 and, if a judgment of guilty, until all costs, fines, fees,  
11 forfeitures, restitution or penalties imposed are paid in full.

12 (e) In every criminal case which involves a misdemeanor  
13 violation, a magistrate may order restitution where appropriate  
14 when rendering judgment.

15 (f) (1) If all costs, fines, fees, forfeitures, restitution or  
16 penalties imposed by a magistrate court and ordered to be paid are  
17 not paid within one hundred eighty days from the date of judgment  
18 and the expiration of any stay of execution, the clerk of the  
19 magistrate court shall notify the prosecuting attorney of the  
20 county of nonpayment and provide the prosecuting attorney with an  
21 abstract of judgment. The prosecuting attorney shall file the  
22 abstract of judgment in the office of the clerk of the county  
23 commission in the county where the defendant was convicted and in  
24 any county wherein the defendant resides or owns property. The  
25 clerks of the county commissions shall record and index the

1 abstracts of judgment without charge or fee to the prosecuting  
2 attorney and when so recorded, the amount stated to be owing in the  
3 abstract shall constitute a lien against all property of the  
4 defendant.

5       (2) When all the costs, fines, fees, forfeitures, restitution  
6 or penalties described in subdivision (1) of this subsection for  
7 which an abstract of judgment has been recorded are paid in full,  
8 the clerk of the magistrate court shall notify the prosecuting  
9 attorney of the county of payment and provide the prosecuting  
10 attorney with a release of judgment, prepared in accordance with  
11 the provisions of section one, article twelve, chapter thirty-eight  
12 of this code, for filing and recordation pursuant to the provisions  
13 of this subdivision. Upon receipt from the clerk, the prosecuting  
14 attorney shall file the release of judgment in the office of the  
15 clerk of the county commission in each county where an abstract of  
16 the judgment was recorded. The clerks of the county commissions  
17 shall record and index the release of judgment without charge or  
18 fee to the prosecuting attorney.

19       (g) Notwithstanding any provision of this code to the  
20 contrary, payments of all fines and costs, shall be credited to  
21 amounts due in the following order:

22       (1) Worthless Check Payee;

23       (2) Restitution;

24       (3) Magistrate Court Fund;

25       (4) Regional Jail Fund;

- 1        (5) Worthless Check Fund;
- 2        (6) Per Diem Regional Jail Fee;
- 3        (7) Community Corrections Fund;
- 4        (8) Regional Jail Operational Fund;
- 5        (9) Law Enforcement Training Fund;
- 6        (10) Crime Victims Compensation Fund;
- 7        (11) Court Security Fund;
- 8        (12) Courthouse Improvement Fund;
- 9        (13) Litter Control Fund;
- 10       (14) Sheriff arrest fee;
- 11       (15) Teen Court Fund;
- 12       (16) Other costs, if any;
- 13       (17) Fine.

NOTE: The purpose of this bill is to require magistrate courts to credit the payments related to worthless check payees and restitution before any other costs or fines are paid.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.