

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 522**

4 (By Senators Laird, Palumbo, Kirkendoll, Cookman, Cann, Snyder
5 and Fitzsimmons)

6 _____
7 [Originating in the Committee on the Judiciary;
8 reported March 20, 2013.]

**FISCAL
NOTE**

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13 A BILL to amend and reenact §8-10-2a and §8-10-2b of the Code of
14 West Virginia, 1931, as amended; to amend and reenact §8-11-1
15 and §8-11-1a of said code; and to amend and reenact §50-3-2a
16 of said code, all relating to the collection and processing of
17 court costs, fines, forfeitures, penalties and collateral
18 consequences of nonpayment or failure to appear; requiring
19 certain collection processes occur after an appeal has
20 concluded; reducing certain time requirements for notification
21 to the Division of Motor Vehicles; requiring notice between
22 thirty and ninety days to the Division of Motor Vehicles for
23 failure to appear in certain situations and stipulating the
24 subsequent suspension lasts until the citation is resolved

1 satisfactorily; permitting tax refund withholding if certain
2 amounts remain unpaid for a year or persons fail to appear for
3 a year to municipal court; and providing for a fee on all
4 municipal offenses to be paid to the Regional Jail and
5 Correctional Facility Authority Fund and municipal
6 administrative costs.

7 *Be it enacted by the Legislature of West Virginia:*

8 That §8-10-2a and §8-10-2b of the Code of West Virginia, 1931,
9 as amended, be amended and reenacted; that §8-11-1 and §8-11-1a of
10 said code be amended and reenacted; and that §50-3-2a of said code
11 be amended and reenacted, all to read as follows:

12 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

13 **ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.**

14 **§8-10-2a. Payment of fines by credit cards or payment plan;
15 suspension of driver's license for failure to pay
16 motor vehicle violation fines or to appear in court.**

17 (a) A municipal court may accept credit cards in payment of
18 all costs, fines, forfeitures or penalties. A municipal court may
19 collect a substantial portion of all costs, fines, forfeitures or
20 penalties at the time ~~such~~ the amount is imposed by the court so
21 long as the court requires the balance to be paid within one
22 hundred eighty days from the date of judgment and the expiration of
23 any stay of execution and in accordance with a payment plan:
24 *Provided*, That all costs, fines, forfeitures or penalties imposed

1 by the municipal court upon a nonresident of this state by judgment
2 entered upon a conviction for a motor vehicle violation defined in
3 section three-a, article three, chapter seventeen-b of this code
4 must be paid within ~~eighty~~ ninety days from the date of judgment.
5 The payment plan shall specify: (1) The number of additional
6 payments to be made; (2) the dates on which such payments and
7 amounts shall be made; and (3) amounts due on such dates.

8 (b) If costs, fines, forfeitures or penalties imposed by the
9 municipal court for motor vehicle violations as defined in section
10 three-a, article three, chapter seventeen-b of this code are not
11 paid within the time limits imposed pursuant to subsection (a) of
12 this section, or if a person fails to appear or otherwise respond
13 in court when charged with a motor vehicle violation as defined in
14 section three-a, article three, chapter seventeen-b of this code,
15 the municipal court must notify the Commissioner of the Division of
16 Motor Vehicles of ~~such~~ the failure to pay or failure to appear.
17 ~~Provided, That~~ Notwithstanding any other provision of this code to
18 the contrary, the municipal court shall wait at least ~~ninety~~ thirty
19 days from the date that all costs, fines, forfeitures or penalties
20 are due in full or, for failure to appear or otherwise respond,
21 ~~ninety~~ at least thirty but no more than ninety days from the date
22 of such failure before notifying the Division of Motor Vehicles
23 thereof.

24 **§8-10-2b. Suspension of licenses for failure to pay fines and**

1 **costs or failure to appear in court.**

2 (a) If costs, fines, forfeitures or penalties imposed by the
3 municipal court upon conviction of a person for a criminal offense
4 as defined in section three-c, article three, chapter seventeen-b
5 of this code are not paid in full within one hundred eighty days of
6 the judgment and the expiration of any stay of execution, the
7 municipal court clerk or, upon a judgment rendered on appeal, the
8 circuit clerk shall notify the Division of Motor Vehicles of the
9 failure to pay. ~~Provided, That~~ Notwithstanding any other provision
10 of this code to the contrary, for residents of this state, the
11 municipal court shall wait at least ~~ninety~~ thirty days from the
12 date that all costs, fines, forfeitures or penalties are due in
13 full before notifying the Division of Motor Vehicles. ~~thereof:~~
14 ~~Provided, however, That~~ At the time the judgment is imposed, the
15 judge shall provide the person with written notice that failure to
16 pay the same as ordered may result in the withholding of any income
17 tax refund due the licensee and shall result in the suspension of
18 the person's license or privilege to operate a motor vehicle in
19 this state and that the suspension could result in the cancellation
20 of, the failure to renew or the failure to issue an automobile
21 insurance policy providing coverage for the person or the person's
22 family: ~~Provided further,~~ Provided, That the failure of the judge
23 to provide notice does not affect the validity of ~~any~~ a suspension
24 of the person's license or privilege to operate a motor vehicle in

1 this state. For purposes of this section, payment ~~shall be~~ is
2 stayed during any period an appeal from the conviction which
3 resulted in the imposition of costs, fines, forfeitures or
4 penalties is pending.

5 Upon notice, the Division of Motor Vehicles shall suspend the
6 person's driver's license or privilege to operate a motor vehicle
7 in this state until such time that the costs, fines, forfeitures or
8 penalties are paid.

9 (b) Notwithstanding the provisions of this section to the
10 contrary, the notice of the failure to pay costs, fines,
11 forfeitures or penalties may not be given where the municipal
12 court, upon application of the person upon whom the costs, fines,
13 forfeitures or penalties were imposed filed prior to the expiration
14 of the period within which these are required to be paid, enters an
15 order finding that the person is financially unable to pay all or
16 a portion of the costs, fines, forfeitures or penalties. ~~Provided,~~
17 ~~That~~ Where the municipal court, upon finding that the person is
18 financially unable to pay a portion of the costs, fines,
19 forfeitures or penalties, requires the person to pay the remaining
20 portion, the municipal court shall notify the Division of Motor
21 Vehicles of the person's failure to pay if not paid within the
22 period of time ordered by the court.

23 (c) If a person charged with a criminal offense fails to
24 appear or otherwise respond in court, the municipal court clerk

1 shall notify the Division of Motor Vehicles of the failure to
2 appear ~~Provided, That notwithstanding any other provision of this~~
3 ~~code to the contrary, for residents of this state, the municipal~~
4 ~~court clerk shall wait at least ninety days from the date of the~~
5 ~~person's failure to appear or otherwise respond before notifying~~
6 ~~the Division of Motor Vehicles thereof.~~ no sooner than thirty days
7 after but before ninety days after the scheduled date to appear
8 unless the person sooner appears or otherwise responds in court to
9 the satisfaction of the court. Upon notice, the Division of Motor
10 Vehicles shall suspend the person's driver's license or privilege
11 to operate a motor vehicle in this state until ~~such time that the~~
12 ~~person appears as required.~~ final judgment in the case and, if a
13 judgment of guilty, until all costs, fines, forfeitures or
14 penalties imposed are paid in full.

15 (d) ~~On and after July 1, 2008, if the licensee fails to~~
16 ~~respond to the Division of Motor Vehicles order of suspension~~
17 ~~within ninety days of receipt of the certified letter,~~ If the
18 costs, fines, forfeitures or penalties imposed remain unpaid one
19 year after a judgment has been entered or one year after an
20 individual has failed to respond to a citation without subsequently
21 appearing, the municipal court of original jurisdiction shall
22 notify the Tax Commissioner that the licensee has failed to pay the
23 costs, fines, forfeitures or penalties assessed by the court or has
24 failed to respond to the citation. The notice provided by the

1 municipal court to the Tax Commissioner must include the licensee's
2 social security number. The Tax Commissioner or his or her
3 designee shall withhold from any personal income tax refund due and
4 owing to a licensee the costs, fines, forfeitures or penalties due
5 to the municipality, the Tax Commissioner's administration fee for
6 the withholding and ~~any and~~ all fees that the municipal court would
7 have collected had the licensee appeared. ~~Provided, That~~ The Tax
8 Commissioner's administration fee may not exceed \$25 ~~Provided,~~
9 ~~however, That~~ unless the Tax Commissioner ~~may change~~ changes this
10 maximum amount limitation ~~for this fee for fiscal years beginning~~
11 ~~on or after July 1, 2008,~~ by legislative rule promulgated in
12 accordance with the provisions of article three, chapter
13 twenty-nine-a of this code. ~~Provided further, That~~ The
14 administrative fees deducted shall be deposited in the special
15 revolving fund hereby created in the State Treasury, which shall be
16 designated as the Municipal Fines and Fees Collection Fund, and the
17 Tax Commissioner ~~shall~~ may make such expenditures from the fund as
18 he or she deems appropriate for the administration of this
19 subsection. After deduction of the Tax Commissioner's
20 administration fee, the Tax Commissioner shall remit to the
21 municipality all remaining amounts withheld pursuant to this
22 section and the municipal court shall distribute applicable costs,
23 fines, forfeitures or penalties owed to the municipality, the
24 Regional Jail Authority Fund, the Crime Victims Compensation Fund,

1 the Community Corrections Fund, the Governor's ~~subcommittee~~ on
2 ~~law enforcement training~~ law enforcement professional standards
3 subcommittee or ~~any~~ other fund or payee that may be applicable.
4 After the costs, fines, forfeitures or penalties are withheld, the
5 Tax Commissioner shall refund any remaining balance due the
6 licensee. If the refund is not sufficient to cover all the costs,
7 fines, forfeitures or penalties being withheld pursuant to this
8 section, the Tax Commissioner's administration fee shall be
9 retained by the Tax Commissioner and the remaining money withheld
10 shall be remitted by the Tax Commissioner to the municipality. The
11 municipality shall then allocate the money so remitted to the
12 municipality in the following manner: (1) ~~Any~~ Costs, fines,
13 forfeitures or penalties due to the municipality; (2) seventy-five
14 percent of the remaining balance ~~shall be paid~~ to the appropriate
15 Regional Jail Authority Fund; (3) fifteen percent of the remaining
16 balance ~~shall be paid~~ to the Crime Victims Compensation Fund; (4)
17 six percent of the remaining balance ~~shall be paid into~~ to the
18 Community Corrections Fund; and (5) the final four percent ~~shall be~~
19 ~~paid to the Governor's subcommittee on law enforcement training.~~
20 to the Governor's law enforcement professional standards
21 subcommittee. When the costs, fines, forfeitures or penalties
22 exceed the licensee's income tax refund, the Tax Commissioner shall
23 withhold the remaining balance in subsequent years until ~~such time~~
24 ~~as~~ the costs, fines, forfeitures or penalties owed are paid in

1 full. The Tax Commissioner shall remit the moneys that he or she
2 collects to the appropriate municipality no later than July 1 of
3 each year. If the municipal court or the municipality subsequently
4 determines that any such costs, fines, forfeitures or penalties
5 were erroneously imposed, the municipality shall promptly notify
6 the Tax Commissioner. If the refunds have not been withheld and
7 remitted, the Tax Commissioner may not withhold and remit payment
8 to the municipality and shall so inform the municipality. If the
9 refunds have already been withheld and remitted to the
10 municipality, the Tax Commissioner shall so inform the
11 municipality. In either event, all refunds for erroneously imposed
12 costs, fines, forfeitures or penalties shall be made by the
13 municipality and not by the Tax Commissioner.

14 (e) *Rules and effective date.* -- The Tax Commissioner may
15 promulgate such rules as may be useful or necessary to carry out
16 the purpose of this section and to implement the intent of the
17 Legislature, to be effective on July 1, 2008. Rules shall be
18 promulgated in accordance with the provisions of article three,
19 chapter twenty-nine-a of this code.

20 (f) On or before July 1, 2005, the municipal court may elect
21 to reissue notice as provided in subsections (a) and (c) of this
22 section to the Division of Motor Vehicles for persons who remain
23 noncompliant ~~Provided, That the person~~ and was convicted or failed
24 to appear on or after January 1, 1993. If the original

1 notification cannot be located, the Division of Motor Vehicles
2 shall accept an additional or duplicate notice from the municipal
3 court clerk.

4 **ARTICLE 11. POWERS AND DUTIES WITH RESPECT TO ORDINANCES AND**
5 **ORDINANCE PROCEDURES.**

6 **§8-11-1. Ordinances to make municipal powers effective; penalties**
7 **imposed under judgment of mayor or police court or**
8 **municipal judge; right to injunctive relief; right to**
9 **maintain action to collect fines; additional assessment**
10 **of costs.**

11 (a) To carry into effect the powers and authority conferred
12 upon ~~any~~ a municipality or its governing body by the provisions of
13 this chapter, or any past or future act of the Legislature of this
14 state, the governing body has plenary power and authority to:

15 (1) Make and pass all needful ordinances, orders, bylaws,
16 acts, resolutions, rules and regulations not contrary to the
17 Constitution and laws of this state; and

18 (2) Prescribe reasonable penalties for violation of its
19 ordinances, orders, bylaws, acts, resolutions, rules and
20 regulations in the form of fines, forfeitures and confinement in
21 the ~~county~~ or regional jail or the place of confinement in the
22 municipality, if there is one, for a term not exceeding thirty
23 days.

24 (b) The fines, forfeitures and confinement shall be recovered,

1 imposed or enforced under the judgment of the mayor of the
2 municipality or the individual lawfully exercising the mayor's
3 functions, or the police court judge or municipal court judge of a
4 city, if there is one, and may be suspended upon reasonable
5 conditions as ~~may be~~ imposed by the mayor, other authorized
6 individual or judge.

7 (c) ~~Any~~ A municipality may also maintain a civil action in the
8 name of the municipality in the circuit court of the county in
9 which the municipality or the major portion of the territory of the
10 municipality is located to obtain an injunction to compel
11 compliance with, or to enjoin a violation or threatened violation
12 of, ~~any~~ an ordinance of the municipality. ~~and~~ The circuit court has
13 jurisdiction to grant the relief sought. A certified transcript of
14 a judgment for a fine rendered by a municipal court may be filed in
15 the office of the clerk of a circuit court and docketed in the
16 judgment lien book kept in the office of the clerk of the county
17 commission in the same manner and with the same effect as the
18 filing and docketing of a certified transcript of judgment rendered
19 by a magistrate court as provided ~~for~~ in section two, article six,
20 chapter fifty of this code. The judgment shall include costs
21 assessed against the defendant.

22 (d) In addition to any other costs which may be lawfully
23 imposed, an additional cost shall be imposed in an amount of not
24 less than \$42 for ~~a traffic offense constituting a moving~~

1 ~~violation,~~ any offense regardless of whether the penalty for the
2 violation provides for a period of incarceration. ~~and for any other~~
3 ~~offense for which the ordinance prescribing the offense provides~~
4 ~~for a period of incarceration.~~ Of the \$42 imposed as an additional
5 cost, \$2 are administrative costs to be retained by the
6 municipality and \$40 shall be paid into the Regional Jail and
7 Correctional Facility ~~development~~ Authority Fund in the State
8 Treasury in accordance with section one-a of this article.

9 (e) Execution shall be by fieri facias issued by the clerk of
10 the circuit court in the same manner as writs are issued on
11 judgments for a fine rendered by circuit courts or other courts of
12 record under the provisions of section eleven, article four,
13 chapter sixty-two of this code.

14 **§8-11-1a. Disposition of criminal costs into State Treasury**
15 **account for Regional Jail and Correctional Facility**
16 **Authority Fund.**

17 The clerk of each municipal court or other person designated
18 to receive fines and costs shall, at the end of each month, pay
19 into the Regional Jail and Correctional Facility Authority Fund in
20 the State Treasury an amount equal to \$40 of the costs collected in
21 each proceeding ~~involving a traffic offense constituting a moving~~
22 ~~violation~~ regardless of whether the penalty for the violation
23 provides for a period of incarceration. ~~or any other offense for~~
24 ~~which the ordinance prescribing the offense provides for a period~~

1 ~~of incarceration:—Provided, That~~ In a case where a defendant has
2 failed to pay all costs assessed against him or her, no payment may
3 be made to the Regional Jail and Correctional Facility Authority
4 Fund until the defendant has paid all costs which, when paid, are
5 available for the use and benefit of the municipality.

6 **CHAPTER 50. MAGISTRATE COURTS.**

7 **ARTICLE 3. COSTS, FINES AND RECORDS.**

8 **§50-3-2a. Payment by credit card or payment plan; suspension of**
9 **licenses for failure to make payments or appear or**
10 **respond; restitution; liens.**

11 (a) A magistrate court may accept credit cards in payment of
12 all costs, fines, fees, forfeitures, restitution or penalties in
13 accordance with rules promulgated by the Supreme Court of Appeals.
14 ~~Any~~ Charges made by the credit company shall be paid by the person
15 responsible for paying the cost, fine, forfeiture or penalty.

16 (b) Unless otherwise required by law, a magistrate court may
17 collect a portion of any costs, fines, fees, forfeitures,
18 restitution or penalties at the time the amount is imposed by the
19 court so long as the court requires the balance to be paid in
20 accordance with a payment plan which specifies: (1) The number of
21 payments to be made; (2) the dates on which the payments are due;
22 and (3) the amounts due for each payment. The written agreement
23 represents the minimum payments and the last date those payments
24 may be made. The obligor or the obligor's agent may accelerate the

1 payment schedule at any time by paying ~~any~~ an additional portion of
2 ~~any~~ the costs, fines, fees, forfeitures, restitution or penalties.

3 (c) (1) If ~~any~~ the costs, fines, fees, forfeitures,
4 restitution or penalties imposed by the magistrate court in a
5 criminal case are not paid within one hundred eighty days from the
6 date of judgment and the expiration of any stay of execution, the
7 magistrate court clerk or, upon judgment rendered on appeal, the
8 circuit clerk shall notify the Commissioner of the Division of
9 Motor Vehicles of the failure to pay: *Provided*, That in a criminal
10 case in which a nonresident of this state is convicted of a motor
11 vehicle violation defined in section three-a, article three,
12 chapter seventeen-b of this code, the appropriate clerk shall
13 notify the Division of Motor Vehicles of the failure to pay within
14 ~~eighty~~ ninety days from the date of judgment and expiration of any
15 stay of execution. Upon notice, the Division of Motor Vehicles
16 shall suspend any privilege the person defaulting on payment may
17 have to operate a motor vehicle in this state, including any
18 driver's license issued to the person by the Division of Motor
19 Vehicles, until all costs, fines, fees, forfeitures, restitution or
20 penalties are paid in full. The suspension shall be imposed in
21 accordance with the provisions of section six, article three,
22 chapter seventeen-b of this code. ~~*Provided*, That any~~ A person who
23 has had his or her license to operate a motor vehicle in this state
24 suspended pursuant to this subsection and his or her failure to pay

1 is based upon inability to pay, may, if he or she is employed on a
2 full- or part-time basis, petition to the circuit court for an
3 order authorizing him or her to operate a motor vehicle solely for
4 employment purposes. Upon a showing satisfactory to the court of
5 inability to pay, employment and compliance with other applicable
6 motor vehicle laws, the court shall issue an order granting relief.

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

21 (3) In addition to the provisions of subdivision (1) of this
22 subsection, if ~~any~~ costs, fines, fees, forfeitures, restitution or
23 penalties imposed or ordered by the magistrate court for a fishing
24 violation described in chapter twenty of this code are not paid

1 within one hundred eighty days from the date of judgment and the
2 expiration of any stay of execution, the magistrate court clerk or,
3 upon a judgment rendered on appeal, the circuit clerk shall notify
4 the Director of the Division of Natural Resources of the failure to
5 pay. Upon notice, the Director of the Division of Natural
6 Resources shall suspend any privilege the person failing to appear
7 or otherwise respond may have to fish in this state, including any
8 fishing license issued to the person by the Division of Natural
9 Resources, until all the costs, fines, fees, forfeitures,
10 restitution or penalties are paid in full.

11 (d) (1) If a person charged with ~~any~~ a criminal violation of
12 this code fails to appear or otherwise respond in court, the
13 magistrate court shall notify the Commissioner of the Division of
14 Motor Vehicles thereof within ninety days of the scheduled date to
15 appear unless the person sooner appears or otherwise responds in
16 court to the satisfaction of the magistrate. Upon notice, the
17 Division of Motor Vehicles shall suspend any privilege the person
18 failing to appear or otherwise respond may have to operate a motor
19 vehicle in this state, including any driver's license issued to the
20 person by the Division of Motor Vehicles, until final judgment in
21 the case and, if a judgment of guilty, until all costs, fines,
22 fees, forfeitures, restitution or penalties imposed are paid in
23 full. The suspension shall be imposed in accordance with the
24 provisions of section six, article three, chapter seventeen-b of

1 this code.

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

16 (3) In addition to the provisions of subdivision (1) of this
17 subsection, if a person charged with ~~any~~ a fishing violation
18 described in chapter twenty of this code fails to appear or
19 otherwise respond in court, the magistrate court shall notify the
20 Director of the Division of Natural Resources of the failure
21 thereof within fifteen days of the scheduled date to appear unless
22 the person sooner appears or otherwise responds in court to the
23 satisfaction of the magistrate. Upon notice, the Director of the
24 Division of Natural Resources shall suspend any privilege the

1 person failing to appear or otherwise respond may have to fish in
2 this state, including any fishing license issued to the person by
3 the Division of Natural Resources, until final judgment in the case
4 and, if a judgment of guilty, until all costs, fines, fees,
5 forfeitures, restitution or penalties imposed are paid in full.

6 (e) In every criminal case which involves a misdemeanor
7 violation, a magistrate may order restitution where appropriate
8 when rendering judgment.

9 (f) (1) If all costs, fines, fees, forfeitures, restitution or
10 penalties imposed by a magistrate court and ordered to be paid are
11 not paid within one hundred eighty days from the date of judgment
12 and the expiration of any stay of execution, the clerk of the
13 magistrate court shall notify the prosecuting attorney of the
14 county of nonpayment and provide the prosecuting attorney with an
15 abstract of judgment. The prosecuting attorney shall file the
16 abstract of judgment in the office of the clerk of the county
17 commission in the county where the defendant was convicted and in
18 any county wherein the defendant resides or owns property. The
19 clerks of the county commissions shall record and index the
20 abstracts of judgment without charge or fee to the prosecuting
21 attorney and when ~~so~~ recorded, the amount stated to be owing in the
22 abstract ~~shall constitute~~ constitutes a lien against all property
23 of the defendant.

24 (2) When all the costs, fines, fees, forfeitures, restitution

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

14 (g) Notwithstanding any provision of this code to the
15 contrary, except as authorized by this section, payments of all
16 costs, fines, fees, forfeitures, restitution or penalties imposed
17 by the magistrate court in civil or criminal matters shall be made
18 in full. Partial payments of costs, fines, fees, forfeitures,
19 restitution or penalties made pursuant to this section shall be
20 credited to amounts due in the following order:

- 21 (1) Regional Jail Fund;
- 22 (2) Worthless Check Payee;
- 23 (3) Restitution;
- 24 (4) Magistrate Court 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; and
- 13 (17) Fine.

NOTE: The purpose of this bill is to provide additional revenue to the regional jails, make certain court costs are consistent and reduce certain waiting times regarding collection of fees.

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