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January 6, 2014

Honorable David Hogue, Chairman
Members of Interim Judiciary Committee
Legislative Counsel – State Capitol
600 East Boulevard Ave.
Bismarck, ND 58505

RE: Interim Committee Study – Section 1 Senate Bill No. 2078

Dear Senator Hogue,

Please consider written testimony in regard to the interim study concerning Senate Bill 2078, which directed the study of the assessment of court fees, and the feasibility and desirability to combine the fees into one.

Currently there are a number of fees that can or must be assessed to a defendant in criminal matters. The specific fees, beginning at the time the defendant appears in court are:

NDCC 29-07-01.1
- $35 application fee for a court appointed attorney
  - -this must be paid at the time of the application, or the Court may allow it to be paid later
  - -the **Court can waive or reduce** the fee if the Court finds defendant financially unable to pay all or part of fee
- ** This fee is forwarded to Indigent Defense Administration

Upon guilty plea or finding of guilt:

NDCC 29-26-22
- $125-$900 Court Administration Fee

Plus anadditional
- $100 Court administration fee (commonly referred to as Facility Improvement/Indigent Defense Fee)
  - -The **Court may waive** this fee if there is a showing of indigency as provided in NDCC 25-03.1-13

**This $100 fee is disbursed per statute between 1)Indigent Defense Administration 2)Court Facility Improvement and Maintenance Fund and then 3) State General Fund

NDCC 27-01-10

$25 victim-witness fee – **Discretionary by the Court**

**if the governing body (county or city) has approved the fee

**This fee can only be used for 1) private or nonprofit domestic violence or sexual assault programs or 2) victim and witness advocacy programs which the primary function is to provide direct services to victims of and witnesses to crimes

**this fee is remitted to the local governing body where the fee was imposed (IE: County or the City)

NDCC 12.1-32-01 Fine (**discretionary** unless mandated for specific offense ie: DUI)

NDCC 12.1-32-08

Restitution to the victim

NDCC 12.1-32-08(2)

If the offense was NSF or No Account an additional mandatory fee of $10 or 25% of the amount of the checks, whichever is greater, not to exceed $1,000, must be assessed. (commonly referred to as "check fee")

***this fee is remitted to the governing body of the agency that collects the restitution for the checks (ie: Clerk of District Court it goes to State Treasure, County Clerk of Court or State's Attorney it goes to County Treasurer).

NDCC 29-07-01.1

Reimburse presumed amounts for attorney fees. Can be **waived upon a finding by the Court** that the defendant is unable to pay.

All the above fees (for the most part) are collected by the Clerk of District Court, remitted to the State for disbursement pursuant to a priority disbursement schedule set by, I believe, the State Court Administration.

I can understand that as a committee, the above list of fees that can be assessed on one case does appear complicated and cumbersome. However, I would point out that the majority of the fees are "discretionary", meaning the Court can waive all or part of the fee or simply not impose the fee. It is my opinion, and I respectfully request, that before this committee makes any changes or consolidates these fees, that the committee should review each court and each district for consistency in actually assessing the fees.

My primary concern regarding consolidation or implementation of a "one fee" system is the victim-witness fees and the "check fee". These are fees remitted to the local jurisdiction where the offense was committed. The victim-witness fee in particular is a fee that is assessed specifically to aid local domestic violence and victim-witness programs. Here in Ward County, North Central Judicial District, all five of the chambered judges, in support of local community victim programs, routinely assess the $25 victim-witness fee. There are only rare occasions, after an offender has provided an inability to pay, that a court in this district will not order the victim-witness fee (as well as the other "discretionary" fees).

Senate Bill 2078 was introduced at the last legislative session. The bill was referred for study. I was present at the hearing for this bill and gave testimony against it, as it applied to the victim-witness fee. Had the bill passed, Ward County domestic violence and victim-witness programs would have taken a significant loss. Attached is a copy of Ms. Holewa's written testimony and the attachments

she provided the committee, on behalf of the State Court Administration, in favor of the SB 2078. The first concern and issue I had with the proposal of SB 2078 is on page 1, last line, wherein it is asserted "A single fee with percentage allocation will save programming costs and staff time in the future if the state decides to fund more programs or change the amounts dedicated to each program." At the present time, the $25 victim-witness fee, provided for by legislature, is the only fee that goes back to the local community, and 100% returned to the local community. NOTE: That is **IF** the fee was ordered by the court. As the State's Attorney for Ward County, I would like to see that fee stay as is, with 100% going back to the community where the fee was assessed, and not open for "future changes to dedicated programs."

The biggest concern I had, and it was recognized in Ms. Holewa's testimony, is the loss of revenue counties, like Ward, would encounter. Specifically Holewa's testimony on page 4 asserts:

> "Our goal in drafting this bill is to ensure that it is revenue neutral. Although we anticipate it will be revenue neutral on a statewide basis, our biggest concern is holding even on a county-by-county basis when it comes to the victim-witness fee. Because there is a wide disparity in the amount of fees assessed and collected per county, changing to a flat percentage may mean that some counties who collected more will receive less revenue and some counties who collected less will receive more revenue. At the same time, it will make the distribution of these funds more equitable statewide."

To demonstrate this "equitable distribution", and current "inequity", Ms. Holewa provided the committee with a spread sheet of the actual biennium collections for 2009-2011; what the proposed changes would be, based upon the proposed percentage allocation; and what the variance would be for the four specific counties used as example. (See attached pp 7-8). It is my opinion, that when the committee reviews this spread sheet, the committee can find quite clearly which courts routinely assess the fees, and which courts do not. Looking at the actual collections, keeping in mind that all the fees go to the State for distribution, on a percentage "statewide equitable basis" clearly shows that the collection rate for all four counties was fairly "equitable" until you go down to the last two fees that are discretionary, and distributed back locally to the jurisdiction it was assessed (community service and victim witness fees). There you will find the "inequity", which in reality is not an "inequity" of collection. The "inequity" is in the fact that these fees are not being assessed.

SB 2078, as it was proposed provided a windfall to counties (and courts) that did not exercise its statutory discretion in assessing the fees, and punishes those counties (and courts) which had routinely exercised its statutory authority. As you can see from the spread sheet provided by Ms. Holewa, Ward County and Burleigh County would incur a 27.6 % and 29.4% loss respectively. Whereas Cass County would enjoy a 495.8% increase in funds. To illustrate this loss more specifically to dollars, I requested a report from the Ward County Clerk of Court showing just the victim witness fee total assessment was for 2012 and 2013. (See attached pp. 9-10). As you can see, in 2012 the total dollars assessed for <u>just the victim-witness fee</u> was $45,750.00. For 2013 the total assessed amount was $48,900.00. Those totals are amounts that, upon collection, are remitted back to local domestic violence and victim witness programs. The report provided by the Clerk of Court also shows the amounts paid <u>just for those ordered in each respective year</u>. In 2012, of the $45,750 assessed, $28,146 was collected. In 2013, of the $48,900.00 assessed, $28,295 was collected. I point this out specifically because that is not the <u>only</u> victim witness fees collected and returned to the county each year. Offenders are allowed to set up "payment plans". Many defendants are allowed to pay $10-$25 monthly. As the fees are paid they are sent to the State for distribution per the

distribution priority list. (See attached pp. 11). Many of the fees that are collected by the Clerk of Court are "carry-overs" from past years, which includes the victim-witness fees. Those "old" victim-witness fees collected are not reflected in the attached reports provided by the Ward County Clerk of Court.

In Ward County, these fees currently go to the Domestic Violence Crisis Center to assist in funding programs for domestic violence and sexual assault victims. However, because there has been an increase across the board for victim-witness services in the State's Attorney's Office, these funds could be used in the future, upon motion of the commission, to fund additional victim-witness staff in the State's Attorney's office. The amounts assessed would be sufficient to fund that position, at least partially. As I know the committee is aware, there has been a significant increase in crimes in Ward County and other areas in western North Dakota due to population growth/oil impact. This increase is for offenses across the board, not just "domestic" related. However, I do not want to diminish the fact that there has been a significant increase in domestic related cases and the demand for services at Domestic Violence Crisis Center. As stated above, here in Ward County, we are very fortunate that all five (5) judges chambered here, in support of the local community programs assisting victims, routinely assess the victim-witness fee on each defendant, regardless of the offense.

In conclusion, I would respectfully request this committee, when considering the consolidation of fees, that it would not consolidate the victim-witness fee. Rather leave the fee as it is currently provided assessed and collected with 100% going back to the local assessing jurisdiction. In the alternative, I would request the committee find a fee system (percentage distribution) that is less discretionary and more equitable, so that Ward County, and other similarly situated counties, will not incur a significant loss.

Sincerely,

Rozanna C. Larson
State's Attorney

**Senate Bill 2078**
**Senate Appropriations Committee**
**Presented by Sally Holewa**
**January 29, 2013**

Good afternoon, Chairman Holmberg and members of the Committee. For the record, my name is Sally Holewa. I am the State Court Administrator. I am here today to testify in support of Senate Bill 2078.

Senate Bill 2078 would eliminate several fees and reallocate another fee that are designed to raise revenue for specific accounts and replace them with a single court fee. The revenue from this single court fee would then be allocated by percentage to several funds. The bill is intended to address the difficulties associated with collecting so many fees. A related inquiry was undertaken by the Commission on Alternatives to Incarceration during the interim but they did not reach a conclusion on what recommendation.

This proposal was reviewed and approved by the court's Administrative Council and by the Judicial Conference as one way to address our judge and staff shortage. Currently, there are 7 fees that can be assessed against a defendant, depending on the charge, the jurisdiction, and the specific sentence. We estimate that under the current system of individual fees this requires judges and court staff to consider the fees 6 times for each criminal case. While these considerations are not necessarily time consuming, they do open the door for mistakes to be introduced into the system. Eliminating just three of these fees can save judges and court staff up to 450,000 decision-making points or actual computer transactions per year. It will save time by eliminating the need for some manual calculations in the courtroom and simplify the clerk's overall bookkeeping duties. A single fee with a percentage allocation will save programming costs and staff time in the future if the state decides to fund more programs or change the amounts dedicated to each program.

The three fees that we are proposing be repealed are:

**Victim-Witness Fee** 27-01-10(1):

Purpose: To provide funding for private, nonprofit domestic violence or sexual assault programs and victim and witness advocacy programs whose primary function is to provide direct services to victims and witnesses[1]

Amount: Not more than $25

Assessed: Persons convicted of a crime for which the maximum penalty imposed includes imprisonment if the county has designated a program to receive the funds

Allocation: Retained by the county

**Indigent Defense/Court Facility Fee** 29-26-22(2):

Purpose: To provide additional funding for Indigent Defense and to fund grants to the counties to offset the cost of courthouse maintenance and improvement

Amount: $100

Assessed: Persons convicted of a crime for which the maximum penalty imposed includes imprisonment

Allocation: The first $750,000 collected during the biennium is deposited with the state in the Indigent Defense Administration Fund as a continuing appropriation to the Commission on Legal Counsel for Indigents. The next $460,000 is deposited with the state in the Court Facilities Improvement and Maintenance Fund as a continuing appropriation to the Judicial Branch for the purpose of providing grants to the counties. After these thresholds are met, all other deposits are split equally between the funds.

**Community Service Supervision Fee** 29-26-22(3):

Purpose: To provide funding to private community corrections agencies[2]

Amount: $25

Assessed: Persons required to perform community service work as part of their sentence.

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[1] Our records indicate that six counties (Barnes, Billings, Eddy, Slope, Tower and Wells) do not have a designated victim/witness provider

[2] Currently there are 14 private providers in the state: Barnes, Bismarck (urban), Bismarck (rural), Devils Lake, Fargo, Grand Forks, Jamestown, Minot, Richland County, Rugby, Sargent County, Wells County and Williston

Allocation: Deposited with the state in the Community Service Supervision Fund. The Department of Corrections and Rehabilitation may access the fund, subject to legislative appropriation, for the purpose of providing grants to private providers who maintain community service programs.

In addition to repealing the fees listed above, the bill would re-allocate the Restitution Collection fee.

**Restitution Collection Fee** 12.1-32-08 (2)

Purpose: To defray the cost of collecting restitution

Assessed: Persons convicted of issuing checks without sufficient funds or without an account

Amount: Either $10 or 25% of the restitution ordered, whichever is greater, but not to exceed $1,000

Current Allocation: Retained by the county if the county is responsible for restitution collection (applies only to the counties of Burleigh, Cass, Grand Forks and Ward), otherwise deposited with the state in the Restitution Collection Assistance Fund as a continuing appropriation for the court

Proposed Allocation: Would abolish the Restitution Collection Assistance Fund so fees collected under this statute would be deposited in the General Fund; those counties collecting restitution would continue to retain this fee

The court administration fee would be renamed the "court fee" and the current rates would be increased as follows:

| Level of Conviction | Current Fee | Proposed Fee |
|---|---|---|
| Class B Misdemeanor | $125 | $250 |
| Class A Misdemeanor | $200 | $400 |
| Class C Felony | $400 | $600 |
| Class B Felony | $650 | $800 |
| Class A/Class AA Felony | $900 | $1,000 |

It should be noted that although the dollar amount for the court fee is higher than the current amount, it may or may not be higher than what individual defendants are currently being assessed. For example, under the current statutes, depending

on the charge and sentence, a person charged with a class B misdemeanor could be assessed:

| Defendant 1 | | Defendant 2 | | Defendant 3 | |
|---|---|---|---|---|---|
| Court Admin. Fee | $125 | Court Admin. Fee | $125 | Court Admin. Fee | $125 |
| Ind. Def./Facility | $100 | Ind. Def./Facility | $100 | Ind. Def./Facility | $100 |
| **Total** | **$225** | NSF check fee | $ 25 | Victim Witness | $ 25 |
| | | **Total** | **$250** | Community Service | $ 25 |
| | | | | **Total** | **$275** |

Because most defendants are not able to pay in full on the date of sentencing, we set them up on payment plans. When the court receives the payment, it is split based on the priority schedule adopted by the court's Administrative Council (see attached). The Administrative Council includes the Chief Justice, all of the district court presiding judges, and several others.

Our goal in drafting this bill is to ensure that it is revenue neutral. Although we anticipate it will be revenue neutral on a statewide basis, our biggest concern is holding even on a county-by-county basis when it comes to the victim-witness fee. Because there is a wide disparity in the amount of fees assessed and collected per county, changing to a flat percentage may mean that some counties who collected more will receive less revenue and some counties who collected less will receive more revenue. At the same time, it will make the distribution of these funds more equitable statewide.

The current fiscal note and percentage allocation in the engrossed bill were based on an incorrect assumption by my office regarding the intent of the bill. To correct that, I have attached a proposed amendment to adjust the percentage allocation in SB 2078. If the amendment is adopted, we will be issuing a new fiscal note which will show minimal fiscal impact to the General and other funds. Don Wolf, our Director of Finance, is here today and available to answer any questions you may have about the fiscal implications of this bill.

## PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2078

Page 6, line 12, replace "Sixty-eight and two-tenths" with "Fifty-eight"

Page 6, line 13, replace "Fourteen" with "Nineteen" and "five-tenths" with "two-tenths"

Page 6, line 15, replace "Twelve and two-tenths" with "Sixteen"

Page 6, line 17, replace "Four" with "Six" and "seven-tenths" with "two-tenths"

Page 6, line 21, replace "Four-tenths" with "Six-tenths"

Renumber accordingly

## REVENUES PER BIENNIUM

| | 2005-07 Biennium | 2005-07 Percent | 2007-09 Biennium | 2007-09 Percent | 2009-11 Biennium | 2009-11 Percent | 2011-13 *Estimate* | 2011-13 Percent |
|---|---|---|---|---|---|---|---|---|
| Criminal Court Admin Fees | $4,356,820 | 60.4% | $4,979,719 | 58.4% | $4,719,007 | 57.8% | $ 5,412,099 | 57.8% |
| 1/ Restitution Collection Assistance Fund (268) | $47,908 | 0.7% | $52,704 | 0.6% | $47,923 | 0.6% | $ 49,664 | 0.5% |
| **Total General Fund** | **$4,404,728** | **61.1%** | **$5,032,423** | **59.0%** | **$4,766,929** | **58.4%** | **$ 5,461,763** | **58.3%** |
| 2/ Indigent Defense Facility Fee -Courts (279) C.A | $1,273,383 | 17.7% | $1,323,931 | 15.5% | $1,276,192 | 15.6% | $1,490,740 | 15.9% |
| 2/ Indigent Defense Admin Fee -I.D. (282) C.A. | $1,536,117 | 21.3% | $1,613,932 | 18.9% | $1,566,192 | 19.2% | $1,780,740 | 19.0% |
| Community Service Fee (320) DOCR | | 0.0% | $71,619 | 0.8% | $51,378 | 0.6% | $ 54,282 | 0.6% |
| Victim Witness Fee (county) | | 0.0% | $483,183 | 5.7% | $499,431 | 6.1% | $580,758 | 6.2% |
| **Total Special Funds** | **$2,809,501** | **38.9%** | **$3,492,666** | **41.0%** | **$3,393,193** | **41.6%** | **$3,906,520** | **41.7%** |
| **Total** | **$7,214,228** | **100.0%** | **$8,525,089** | **100.0%** | **$8,160,122** | **100.0%** | **$9,368,283** | **100.0%** |

1/ **Proposed bill would change restitution collection from special funds to General Fund revenue.**

2/ **Indigent Defense became a separate agency in 2006.**

### 2011-13 BIENNIUM ESTIMATE

| Estimated Revenues 2011-13 Biennium | Revenues Collected to Date | Percent of Biennium | Biennium Estimate |
|---|---|---|---|
| Criminal court administration fee | $ 3,608,066 | 66.7% | $ 5,412,099 |
| Restitution collection | $ 33,109 | 66.7% | $ 49,664 |
| Court facility fee - courts* | $ 945,493 | 66.7% | $1,490,740 |
| Facility fee - Indigent Defense* | $ 1,235,493 | 66.7% | $1,780,740 |
| Community service supervision fee | $ 36,188 | 66.7% | $ 54,282 |
| Victim witness fee | $ 290,379 | *50.0%* | $ 580,758 |
| ** Court facility fee - courts* | *$ 945,493* | *66.7%* | *$ 1,418,240* |
| *Facility fee - Indigent Defense* | *$ 1,235,493* | *66.7%* | *$ 1,853,240* |
| *Estimated 2011-13 Court facility revenues* | *$ 2,180,986* | | *$ 3,271,479* |

***Proposed Allocation:***

| | |
|---|---|
| General fund | 61.2% |
| Judicial Branch facility fee | 15.8% |
| Indigent Defense admin. | 21.3% |
| Victim witness fee | 0.9% |
| Community service fee | 0.8% |
| **Total** | **100.0%** |

***Priority list:***

Indigent Defense application fee
ID/Court facility fees
Victim witness fee
Restitution
Fines/forfeitures
Court administration fee
Restitution collection

2009-11 Biennium Actual Collections

| | Burleigh | Percent | Cass | Percent | Ward | Percent | Grand Forks | Percent | Statewide | Percent |
|---|---|---|---|---|---|---|---|---|---|---|
| Criminal court admin fees | $592,326 | 59.4% | $789,304 | 65.2% | $559,312 | 57.4% | $525,690 | 61.8% | $4,719,007 | 57.8% |
| Restitution Collection | $0 | 0.0% | $0 | 0.0% | $7,063 | 0.7% | $0 | 0.0% | $47,923 | 0.6% |
| Court facility fee | $147,338 | 14.8% | $170,784 | 14.1% | $137,369 | 14.1% | $141,194 | 16.6% | $1,276,192 | 15.6% |
| Indigent defense facility fee | $159,817 | 16.0% | $231,806 | 19.2% | $184,643 | 18.9% | $175,924 | 20.7% | $1,566,192 | 19.2% |
| Community service fee | $10,466 | 1.0% | $5,495 | 0.5% | $2,670 | 0.3% | $699 | 0.1% | $51,378 | 0.6% |
| Victim witness fee | $87,584 | 8.8% | $12,592 | 1.0% | $83,425 | 8.6% | $6,920 | 0.8% | $499,432 | 6.1% |
| Total | $997,531 | 100.0% | $1,209,981 | 100.0% | $974,482 | 100.0% | $850,427 | 100.0% | $8,160,124 | 100.0% |
| Percent of statewide total | 12.2% | | 14.8% | | 11.9% | | 10.4% | | | |

2011-13 Biennium Estimated Collections with Proposed Allocation

| | Burleigh | Percent | Cass | Percent | Ward | Percent | Grand Forks | Percent | Statewide | Percent |
|---|---|---|---|---|---|---|---|---|---|---|
| Criminal court admin fees | $666,004 | 57.4% | $807,940 | 57.4% | $649,627 | 57.4% | $567,741 | 57.4% | $5,459,053 | 57.4% |
| Restitution Collection | $6,962 | 0.6% | $8,445 | 0.6% | $6,791 | 0.6% | $5,935 | 0.6% | $57,063 | 0.6% |
| Court facility fee | $185,646 | 16.0% | $225,210 | 16.0% | $181,081 | 16.0% | $158,255 | 16.0% | $1,521,687 | 16.0% |
| Indigent defense facility fee | $222,775 | 19.2% | $270,252 | 19.2% | $217,297 | 19.2% | $189,907 | 19.2% | $1,826,025 | 19.2% |
| Community service fee | $6,962 | 0.6% | $8,445 | 0.6% | $6,791 | 0.6% | $5,935 | 0.6% | $57,063 | 0.6% |
| Victim witness fee | $71,938 | 6.2% | $87,269 | 6.2% | $70,169 | 6.2% | $61,324 | 6.2% | $589,654 | 6.2% |
| Total | $1,160,286 | 100.0% | $1,407,561 | 100.0% | $1,131,755 | 100.0% | $989,097 | 100.0% | $9,510,545 | 100.0% |
| Percent of statewide total | 12.2% | | 14.8% | | 11.9% | | 10.4% | | | |

## 2009-11 Biennium Actual Collections

| | Burleigh | Percent | Cass | Percent | Ward | Percent | Grand Forks | Percent |
|---|---|---|---|---|---|---|---|---|
| Criminal court admin fees | $592,326 | 59.4% | $789,304 | 65.2% | $559,312 | 57.4% | $525,690 | 61.8% |
| Restitution Collection | $0 | 0.0% | $0 | 0.0% | $7,063 | 0.7% | $0 | 0.0% |
| Court facility fee | $147,338 | 14.8% | $170,784 | 14.1% | $137,369 | 14.1% | $141,194 | 16.6% |
| Indigent defense facility fee | $159,817 | 16.0% | $231,806 | 19.2% | $184,643 | 18.9% | $175,924 | 20.7% |
| Community service fee | $10,466 | 1.0% | $5,495 | 0.5% | $2,670 | 0.3% | $699 | 0.1% |
| Victim witness fee | $87,584 | 8.8% | $12,592 | 1.0% | $83,425 | 8.6% | $6,920 | 0.8% |
| **Total** | **$997,531** | **100.0%** | **$1,209,981** | **100.0%** | **$974,482** | **100.0%** | **$850,427** | **100.0%** |

## 2009-11 Biennium Collections Allocated per Percentage

| | Burleigh | Percent | Cass | Percent | Ward | Percent | Grand Forks | Percent |
|---|---|---|---|---|---|---|---|---|
| Criminal court admin fees | $572,583 | 57.4% | $694,529 | 57.4% | $559,352 | 57.4% | $488,145 | 57.4% |
| Restitution Collection | $5,985 | 0.6% | $7,260 | 0.6% | $5,847 | 0.6% | $5,103 | 0.6% |
| Court facility fee | $159,605 | 16.0% | $193,597 | 16.0% | $155,917 | 16.0% | $136,068 | 16.0% |
| Indigent defense facility fee | $191,526 | 19.2% | $232,316 | 19.2% | $187,100 | 19.2% | $163,282 | 19.2% |
| Community service fee | $5,985 | 0.6% | $7,260 | 0.6% | $5,847 | 0.6% | $5,103 | 0.6% |
| Victim witness fee | $61,847 | 6.2% | $75,019 | 6.2% | $60,418 | 6.2% | $52,726 | 6.2% |
| **Total** | **$997,531** | **100.0%** | **$1,209,981** | **100.0%** | **$974,482** | **100.0%** | **$850,427** | **100.0%** |

## 2009-11 Biennium Variance

| | Burleigh | Percent | Cass | Percent | Ward | Percent | Grand Forks | Percent |
|---|---|---|---|---|---|---|---|---|
| Criminal court admin fees | ($19,743) | -3.3% | ($94,775) | -12.0% | $40 | 0.0% | ($37,545) | -7.1% |
| Restitution Collection | $5,985 | | $7,260 | | ($1,216) | -17.2% | $5,103 | |
| Court facility fee | $12,267 | 8.3% | $22,813 | 13.4% | $18,548 | 13.5% | ($5,126) | -3.6% |
| Indigent defense facility fee | $31,709 | 19.8% | $510 | 0.2% | $2,457 | 1.3% | ($12,642) | -7.2% |
| Community service fee | ($4,481) | -42.8% | $1,765 | 32.1% | $3,177 | 119.0% | $4,404 | 630.0% |
| Victim witness fee | ($25,737) | -29.4% | $62,427 | 495.8% | ($23,007) | -27.6% | $45,807 | 662.0% |
| **Total** | **$0** | | **$0** | | **$0** | | **$0** | |

VIP ASSESSED -

# GASB 34

NDODYPROD

Assessed: **01/01/2012 to 12/31/2012** Collected: **01/01/2012 to 12/31/2012** Case Categories: **CR** Case Types: **CT, FE, IN, MI**

**Ward County**

## Criminal

| Case # | Defendant | Disp Date | | Assessed | Paid | Credits | Balance |
|---|---|---|---|---|---|---|---|
| 51-2012-CR-01405 | Plesha, Stephen Joseph | 11/19/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-01753 | Oxendine, Dwayne | 11/19/2012 | | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-01754 | Hunt, Lucan | 11/20/2012 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-02065 | MONROE, JACOB THOMAS | 11/20/2012 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-01604 | Nelson, Chelsea Erika | 11/20/2012 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-01909 | Knecht, Michael Conrad | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02048 | Brown, Bennie Leo | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02051 | RELF, VONDERDRICK EUGENE | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02052 | Rath, Chase Rueben | 11/20/2012 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-02055 | Ligman, Katherine Ann | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02057 | Arndt, Shawn Paul | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02060 | Bressie, Dawson Ray | 11/20/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02068 | Garcia Hernandez, Miguel Angel | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02069 | Artz, Cody Marvis | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02073 | Baldwin, Jerry William | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-02078 | *** Confidential *** | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-01049 | HRICHENA, JORDAN MARK KOSTENKO | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2012-CR-01051 | TRAUTMAN, NORMAN JOSEPH | 11/21/2012 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2012-CR-01238 | SCHMAUS III, JOHN WILLIAM | 11/21/2012 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| **Criminal Totals** | | | | **45,750.00** | **28,146.00** | **75.00** | **17,529.00** |
| **Grand Totals** | | | | **45,750.00** | **28,146.00** | **75.00** | **17,529.00** |



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# GASB 34

NDODYPROD

Assessed: **01/01/2013 to 12/31/2013** Collected: **01/01/2013 to 12/31/2013** Case Categories: **CR** Case Types: **CT, FE, IN, MI**

**Ward County**

## Criminal

| Case # | Defendant | Disp Date | | Assessed | Paid | Credits | Balance |
|---|---|---|---|---|---|---|---|
| 51-2013-CR-01709 | Smith, Alexis Jay | 10/14/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01769 | Julceus, Jacques | 10/14/2013 | | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01772 | Knutson, Megan | 10/14/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01844 | Teske, Taylor D | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01845 | Walker, Brendan William | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01863 | Ashby, Michael gage | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01864 | Hubbard, Micah Dean | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01866 | Bethke, Bradley Warren | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01867 | Schiele, Kimberly Kay | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01868 | Klein, Travis Michael | 10/15/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01869 | Sandy, Katelyn Deanna | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01870 | JOHNSON, ERIN SUZANNE | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01874 | Walter, Allison Louise | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01878 | Neubauer, Taylor Christian | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01885 | Lapica, Kayla Hunter | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01886 | Martin, Trevor James | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| 51-2013-CR-01915 | SPOTTEDHORSE, MYLO SCOTT DAWSON | 10/16/2013 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2013-CR-01951 | Canterbury-Sanchez, Megan Elizabeth | 10/16/2013 | A | 25.00 | 0.00 | 0.00 | 25.00 |
| 51-2013-CR-01955 | Potts, Christopher Lee | 10/16/2013 | A | 25.00 | 25.00 | 0.00 | 0.00 |
| **Criminal Totals** | | | | **48,900.00** | **28,295.00** | **125.00** | **20,480.00** |
| **Grand Totals** | | | | **48,900.00** | **28,295.00** | **125.00** | **20,480.00** |



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# Priority set for payment of court fees

*By Sally Holewa, State Court Administrator*

Most people are familiar with the concept of a fine as a penalty for criminal behavior, but many are not aware that besides a fine, there are a number of other fees that may be added to a sentence when someone is found guilty of a crime.

Because most payments are not enough to cover the entire financial obligation, the court has had to set a priority for how the payments are divided. In general, if a defendant has multiple cases, the payment is applied to the oldest case first. Within each case, the payment is divided using the priorities established by the Administrative Council. This priority list is:

- Indigent defense application fee
- Indigent defense/facility improvement fee
- Victim/Witness fee
- Restitution
- Fines/Forfeitures
- Court administrative fee
- Check collection fee
- Community service supervision fee
- Indigent defense recoupment
- City transfers and other county ordinance violations

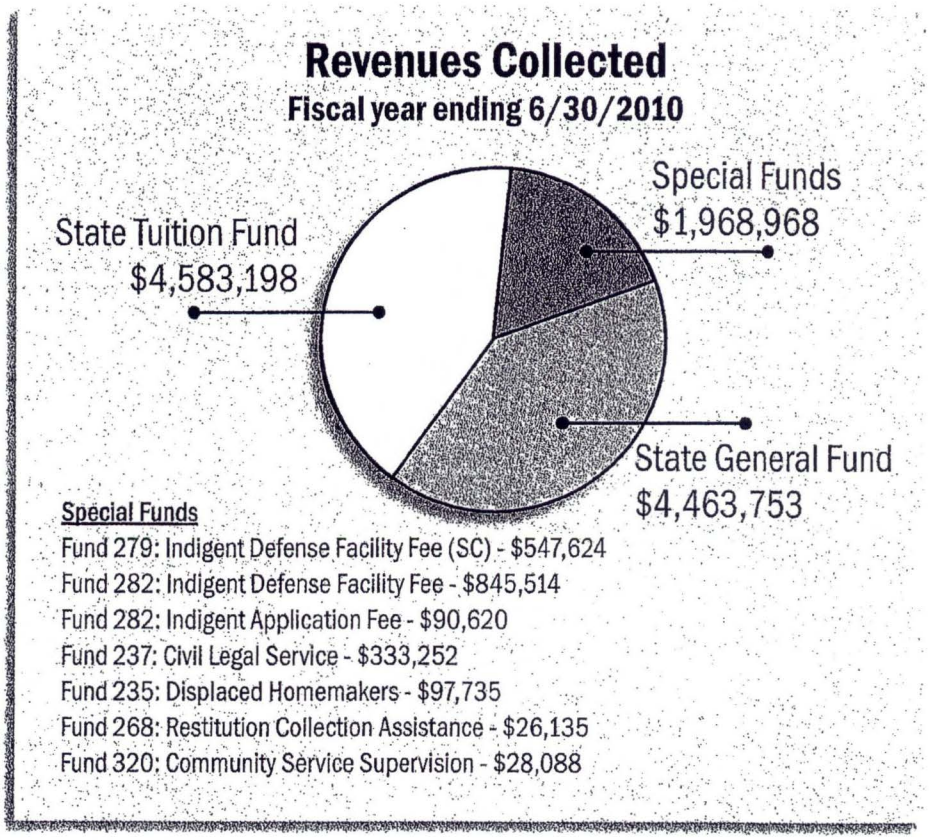
Questions are sometimes raised as to why we don't have restitution as our first priority, or why some other fee isn't higher on the list. There are two main drivers behind how the priority list is set. The first has to do with the services the fees are funding and the second has to do with whether or not there are other sources of funding.

The indigent defense application fee and the indigent defense fee receive the highest priority because they are used to fund the Commission on Indigent Defense Services. The court system recognizes that to have a fair and just system, indigent defendants must have access to legal counsel. Part of the indigent defense fee also goes into a fund that is used to reimburse counties for maintenance and improvement of court facilities. Adequate facilities are necessary for the court to conduct hearings.

The victim/witness fee is used to fund victim and witness advocates and as funding for entities that provide direct services to victims. By placing this fee high in the priority list, the court system recognizes the impact of crime on individuals and the need to provide someone who can assist victims and witnesses in understanding their rights, the sometimes complex and confusing legal procedures and terminology and to ensure that the victims get an opportunity to voice their thoughts about the case.

Restitution is fourth on the priority list. While restitution is an important part of any defendant's sentence, it is not first on the priority list because victims have the ability to pursue restitution through civil action and because victims of certain types of crimes can seek payment through the Crime Victims Reparations Fund.

The balance of the items on the list serve as a supplemental source for entities whose major funding comes from somewhere else and therefore are given a lower priority than some of the other fees.




The pie chart above indicates state revenues collected by the clerk of court offices for fiscal year ending June 20, 2010. Revenue collected by the courts is divided between the State General Fund, the State Tuition and Special Funds. A breakdown of those special funds is included in the chart.