

Senate Bill No. 522

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

[Introduced March 14, 2013; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

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

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

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

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

11 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

13 **§8-10-2a. Payment of fines by credit cards or payment plan;**
 14 **suspension of driver's license for failure to pay**
 15 **motor vehicle violation fines or to appear in court.**

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

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

9 (b) If costs, fines, forfeitures or penalties imposed by the
10 municipal court for motor vehicle violations as defined in section
11 three-a, article three, chapter seventeen-b of this code are not
12 paid within the time limits imposed pursuant to subsection (a) of
13 this section, or if a person fails to appear or otherwise respond
14 in court when charged with a motor vehicle violation as defined in
15 section three-a, article three, chapter seventeen-b of this code,
16 the municipal court must notify the Commissioner of the Division of
17 Motor Vehicles of ~~such~~ the failure to pay or failure to appear.

18 ~~Provided, That~~ Notwithstanding any other provision of this code to
19 the contrary, the municipal court shall wait at least ~~ninety~~ thirty
20 days from the date that all costs, fines, forfeitures or penalties
21 are due in full or, for failure to appear or otherwise respond,
22 ninety at least thirty but no more than ninety days from the date
23 of such failure before notifying the Division of Motor Vehicles

1 thereof.

2 **§8-10-2b. Suspension of licenses for failure to pay fines and**
3 **costs or failure to appear in court.**

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

1 family: ~~Provided further,~~ Provided, That the failure of the judge
2 to provide notice does not affect the validity of ~~any~~ a suspension
3 of the person's license or privilege to operate a motor vehicle in
4 this state. For purposes of this section, payment ~~shall be~~ is
5 stayed during any period an appeal from the conviction which
6 resulted in the imposition of costs, fines, forfeitures or
7 penalties is pending.

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

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

1 Vehicles of the person's failure to pay if not paid within the
2 period of time ordered by the court.

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

19 (d) ~~On and after July 1, 2008, if the licensee fails to~~
20 ~~respond to the Division of Motor Vehicles order of suspension~~
21 ~~within ninety days of receipt of the certified letter, If the~~
22 ~~costs, fines, forfeitures or penalties imposed remain unpaid one~~
23 ~~year after a judgment has been entered or one year after an~~

1 individual has failed to respond to a citation without subsequently
2 appearing, the municipal court of original jurisdiction shall
3 notify the Tax Commissioner that the licensee has failed to pay the
4 costs, fines, forfeitures or penalties assessed by the court or has
5 failed to respond to the citation. The notice provided by the
6 municipal court to the Tax Commissioner must include the licensee's
7 social security number. The Tax Commissioner or his or her
8 designee shall withhold from any personal income tax refund due and
9 owing to a licensee the costs, fines, forfeitures or penalties due
10 to the municipality, the Tax Commissioner's administration fee for
11 the withholding and ~~any and~~ all fees that the municipal court would
12 have collected had the licensee appeared. ~~Provided, That~~ The Tax
13 Commissioner's administration fee may not exceed \$25 ~~Provided,~~
14 ~~however, That~~ but the Tax Commissioner may change this maximum
15 amount limitation for this fee for fiscal years beginning on or
16 after July 1, 2008, by legislative rule promulgated in accordance
17 with the provisions of article three, chapter twenty-nine-a of this
18 code. ~~Provided further, That~~ The administrative fees deducted shall
19 be deposited in the special revolving fund hereby created in the
20 State Treasury, which shall be designated as the Municipal Fines
21 and Fees Collection Fund, and the Tax Commissioner ~~shall~~ may make
22 such expenditures from the fund as he or she deems appropriate for
23 the administration of this subsection. After deduction of the Tax

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

1 ~~paid to the Governor's subcommittee on law enforcement training.~~
2 to the Governor's subcommittee law enforcement professional
3 standards subcommittee. When the costs, fines, forfeitures or
4 penalties exceed the licensee's income tax refund, the Tax
5 Commissioner shall withhold the remaining balance in subsequent
6 years until ~~such time as~~ the costs, fines, forfeitures or penalties
7 owed are paid in full. The Tax Commissioner shall remit the moneys
8 that he or she collects to the appropriate municipality no later
9 than July 1 of each year. If the municipal court or the
10 municipality subsequently determines that any such costs, fines,
11 forfeitures or penalties were erroneously imposed, the municipality
12 shall promptly notify the Tax Commissioner. If the refunds have
13 not been withheld and remitted, the Tax Commissioner may not
14 withhold and remit payment to the municipality and shall so inform
15 the municipality. If the refunds have already been withheld and
16 remitted to the municipality, the Tax Commissioner shall so inform
17 the municipality. In either event, all refunds for erroneously
18 imposed costs, fines, forfeitures or penalties shall be made by the
19 municipality and not by the Tax Commissioner.

20 (e) *Rules and effective date.* -- The Tax Commissioner may
21 promulgate such rules as may be useful or necessary to carry out
22 the purpose of this section and to implement the intent of the
23 Legislature, to be effective on July 1, 2008. Rules shall be

1 promulgated in accordance with the provisions of article three,
2 chapter twenty-nine-a of this code.

3 (f) On or before July 1, 2005, the municipal court may elect
4 to reissue notice as provided in subsections (a) and (c) of this
5 section to the Division of Motor Vehicles for persons who remain
6 noncompliant ~~Provided, That the person~~ and was convicted or failed
7 to appear on or after January 1, 1993. If the original
8 notification cannot be located, the Division of Motor Vehicles
9 shall accept an additional or duplicate notice from the municipal
10 court clerk.

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

13 **§8-11-1. Ordinances to make municipal powers effective; penalties**
14 **imposed under judgment of mayor or police court or**
15 **municipal judge; right to injunctive relief; right to**
16 **maintain action to collect fines; additional assessment**
17 **of costs.**

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

22 (1) Make and pass all needful ordinances, orders, bylaws,

1 acts, resolutions ~~rules and regulations~~ and rules not contrary to
2 the Constitution and laws of this state; and

3 (2) Prescribe reasonable penalties for violation of its
4 ordinances, orders, bylaws, acts, resolutions ~~rules~~ and
5 ~~regulations,~~ and rules in the form of fines, forfeitures and
6 confinement in the ~~county or regional jail or the place of~~
7 ~~confinement in the municipality, if there is one,~~ regional jail for
8 a term not exceeding thirty days.

9 (b) The fines, forfeitures and confinement shall be recovered,
10 imposed or enforced under the judgment of the mayor of the
11 municipality or the individual lawfully exercising the mayor's
12 functions, or the police court judge or municipal court judge of a
13 city, if there is one, and may be suspended upon reasonable
14 conditions as ~~may be~~ imposed by the mayor, other authorized
15 individual or judge.

16 (c) ~~Any~~ A municipality may also maintain a civil action in the
17 name of the municipality in the circuit court of the county in
18 which the municipality or the major portion of the territory of the
19 municipality is located to obtain an injunction to compel
20 compliance with, or to enjoin a violation or threatened violation
21 of, ~~any~~ an ordinance of the municipality. ~~and~~ The circuit court has
22 jurisdiction to grant the relief sought. A certified transcript of
23 a judgment for a fine rendered by a municipal court may be filed in

1 the office of the clerk of a circuit court and docketed in the
2 judgment lien book kept in the office of the clerk of the county
3 commission in the same manner and with the same effect as the
4 filing and docketing of a certified transcript of judgment rendered
5 by a magistrate court as provided ~~for~~ in section two, article six,
6 chapter fifty of this code. The judgment shall include costs
7 assessed against the defendant.

8 (d) In addition to any other costs which may be lawfully
9 imposed, an additional cost shall be imposed in an amount of not
10 less than \$42 for ~~a traffic offense constituting a moving~~
11 ~~violation,~~ any offense regardless of whether the penalty for the
12 violation provides for a period of incarceration. ~~and for any other~~
13 ~~offense for which the ordinance prescribing the offense provides~~
14 ~~for a period of incarceration.~~ Of the \$42 imposed as an additional
15 cost, \$2 are administrative costs to be retained by the
16 municipality and \$40 ~~shall be~~ paid into the Regional Jail and
17 Correctional Facility ~~development~~ Authority Fund in the State
18 Treasury in accordance with section one-a of this article.

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

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

4 The clerk of each municipal court or other person designated
 5 to receive fines and costs shall, at the end of each month, pay
 6 into the Regional Jail and Correctional Facility Authority Fund in
 7 the State Treasury an amount equal to \$40 of the costs collected in
 8 each proceeding ~~involving a traffic offense constituting a moving~~
 9 ~~violation~~ regardless of whether the penalty for the violation
 10 provides for a period of incarceration. ~~or any other offense for~~
 11 ~~which the ordinance prescribing the offense provides for a period~~
 12 ~~of incarceration:—Provided, That~~ In a case where a defendant has
 13 failed to pay all costs assessed against him or her, no payment may
 14 be made to the Regional Jail and Correctional Facility Authority
 15 Fund until the defendant has paid all costs which, when paid, are
 16 available for the use and benefit of the municipality.

17 **CHAPTER 50. MAGISTRATE COURTS.**

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

19 **§50-3-2a. Payment by credit card or payment plan; suspension of**
 20 **licenses for failure to make payments or appear or**
 21 **respond; restitution; liens.**

22 (a) A magistrate court may accept credit cards in payment of

1 all costs, fines, fees, forfeitures, restitution or penalties in
2 accordance with rules promulgated by the Supreme Court of Appeals.
3 ~~Any~~ Charges made by the credit company shall be paid by the person
4 responsible for paying the cost, fine, forfeiture or penalty.

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

16 (c) (1) If ~~any~~ the costs, fines, fees, forfeitures,
17 restitution or penalties imposed by the magistrate court in a
18 criminal case are not paid within one hundred eighty days from the
19 date of judgment and the expiration of any stay of execution, the
20 magistrate court clerk or, upon judgment rendered on appeal, the
21 circuit clerk shall notify the Commissioner of the Division of
22 Motor Vehicles of the failure to pay. ~~Provided, That~~ In a criminal
23 case in which a nonresident of this state is convicted of a motor

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

21 (2) 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 hunting

1 violation described in chapter twenty of this code are not paid
2 within one hundred eighty days from the date of judgment and the
3 expiration of any stay of execution, the magistrate court clerk or,
4 upon a judgment rendered on appeal, the circuit clerk shall notify
5 the Director of the Division of Natural Resources of the failure to
6 pay. Upon notice, the Director of the Division of Natural
7 Resources shall suspend any privilege the person failing to appear
8 or otherwise respond may have to hunt in this state, including any
9 hunting license issued to the person by the Division of Natural
10 Resources, until all the costs, fines, fees, forfeitures,
11 restitution or penalties are paid in full.

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

1 Resources, until all the costs, fines, fees, forfeitures,
2 restitution or penalties are paid in full.

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

18 (2) In addition to the provisions of subdivision (1) of this
19 subsection, if a person charged with ~~any~~ a hunting violation
20 described in chapter twenty of this code fails to appear or
21 otherwise respond in court, the magistrate court shall notify the
22 Director of the Division of Natural Resources of the failure
23 thereof within fifteen days of the scheduled date to appear unless

1 the person sooner appears or otherwise responds in court to the
2 satisfaction of the magistrate. Upon notice, the Director of the
3 Division of Natural Resources shall suspend any privilege the
4 person failing to appear or otherwise respond may have to hunt in
5 this state, including any hunting license issued to the person by
6 the Division of Natural Resources, until final judgment in the case
7 and, if a judgment of guilty, until all costs, fines, fees,
8 forfeitures, restitution or penalties imposed are paid in full.

9 (3) In addition to the provisions of subdivision (1) of this
10 subsection, if a person charged with ~~any~~ a fishing 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 fish in
19 this state, including any fishing 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 (e) In every criminal case which involves a misdemeanor

1 violation, a magistrate may order restitution where appropriate
2 when rendering judgment.

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

18 (2) When all the costs, fines, fees, forfeitures, restitution
19 or penalties described in subdivision (1) of this subsection for
20 which an abstract of judgment has been recorded are paid in full,
21 the clerk of the magistrate court shall notify the prosecuting
22 attorney of the county of payment and provide the prosecuting
23 attorney with a release of judgment, prepared in accordance with

1 the provisions of section one, article twelve, chapter thirty-eight
2 of this code, for filing and recordation pursuant to the provisions
3 of this subdivision. Upon receipt from the clerk, the prosecuting
4 attorney shall file the release of judgment in the office of the
5 clerk of the county commission in each county where an abstract of
6 the judgment was recorded. The clerks of the county commissions
7 shall record and index the release of judgment without charge or
8 fee to the prosecuting attorney.

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

- 16 (1) Regional Jail Fund;
- 17 (2) Worthless Check Payee;
- 18 (3) Restitution;
- 19 (4) Magistrate Court Fund;
- 20 (5) Worthless Check Fund;
- 21 (6) Per Diem Regional Jail Fee;
- 22 (7) Community Corrections Fund;
- 23 (8) Regional Jail Operational Fund;

- 1 (9) Law Enforcement Training Fund;
- 2 (10) Crime Victims Compensation Fund;
- 3 (11) Court Security Fund;
- 4 (12) Courthouse Improvement Fund;
- 5 (13) Litter Control Fund;
- 6 (14) Sheriff arrest fee;
- 7 (15) Teen Court Fund;
- 8 (16) Other costs, if any; and
- 9 (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.