

### PROPOSED COURT RULE - DISBURSEMENT OF PARTIAL PAYMENTS

When a person has been convicted, pleaded guilty or no contest, or forfeited bond in a criminal matter and has been assessed fines, costs, fees, and/or restitution; and that person makes less than full payment of the assessed fees, fines, costs, and/or restitution; and when no other agency is collecting restitution separately, each payment should be distributed as follows:

1. The collecting agency should disburse not less than one-half of each payment by a defendant to restitution before paying any portion of any other assessed fine, forfeiture, cost, or other fee.
2. The other one-half of each payment should be divided among the other assessed costs in the proportion of each fine, forfeiture, cost, or fee to the total amount assessed, excluding restitution.

Funds collected for all costs, fines, and fees should be distributed no later than the 10<sup>th</sup> of the month following the month they are received. However, should the funds collected for a payee from a partial payment be less than \$5.00, the funds may be held until the amount collected for the payee is equal to or more than \$5.00 or for a maximum of three months, whichever comes first. After three months the funds should be disbursed to the payee, regardless of the amount of the funds collected.

**Distribution example. This is only an example; the payees and fine amounts are not based on actual statutes.**

PAYEE	AMOUNT ASSESSED	% OF TOTAL PAYMENT EXCLUDING RESTITUTION (WHICH IS ALWAYS 50%)	1ST PARTIAL PAYMENT (\$100)	2ND PARTIAL PAYMENT (\$50)	3RD PARTIAL PAYMENT (\$70)	4TH PARTIAL PAYMENT (\$200)	5TH PARTIAL PAYMENT (\$80)	TOTAL PAID TO EACH PAYEE
<b>Restitution - 50% of each payment until fully paid</b>	\$200		\$50 (\$150 left to pay)	\$25 (\$125 left to pay)	\$35 (\$90 left to pay)	\$90 (RESTITUTION FULLY PAID)	\$0	\$200
Judicial Expense Fund	\$50	16.67%	\$8.33	\$4.17	\$5.83	\$18.33	\$13.33	\$50
Indigent Defense	\$45	15.00%	\$7.50	\$3.75	\$5.25	\$16.50	\$12.00	\$45
District Attorney	\$20	6.67%	\$3.33	\$1.67	\$2.33	\$7.33	\$5.33	\$20
DARE	\$50	16.67%	\$8.33	\$4.17	\$5.83	\$18.33	\$13.33	\$50
Spinal Cord Fund	\$35	11.67%	\$5.83	\$2.92	\$4.08	\$12.83	\$9.33	\$35
Costs of Prosecution	\$100	33.33%	\$16.67	\$8.33	\$11.67	\$36.67	\$26.67	\$100
<b>TOTAL ASSESSED/PAID</b>	<b>\$500</b>	<b>100.00%</b>	<b>\$100</b>	<b>\$50</b>	<b>\$70</b>	<b>\$200</b>	<b>\$80</b>	<b>\$500</b>