

Judicial Branch Unrestricted Revenue



House Ways and Means Committee
Revenue Briefing
January 26, 2021

About the NH Judicial Branch

The judicial branch consists of the Supreme Court, Superior Court, and Circuit Court, which in 2011 consolidated the District, Family and Probate divisions.

The judicial branch collects revenue through imposing fines as well as fees to enter into court actions or to file motions, request records researches, and other miscellaneous items such as copies of records, certificates, etc.

Fines

Two types are collected: Motor Vehicle & Criminal

How are Motor Vehicle Fines Collected?

By Department of Safety – you may pay your fine directly to Safety if you plead guilty or no contest.

By the Courts – if you wish to have a trial, the District Division will provide one. If you are found guilty, you pay the fine to the court. RSA 502-A:19-b

As of FY2010, MV Fines are deposited into the Highway Fund.

Fines (continued)

Criminal fines are imposed by the courts.

Criminal fines are collected by the courts and the Department of Corrections Field Offices when an individual is on probation.

Criminal Fines are deposited into the General Fund.

Fines (continued)

Penalty Assessments are levied on fines imposed for criminal offenses, motor vehicle violations, and violations of municipal ordinances. PA's are currently \$2 or 24% of the fine, whichever is greater. NH RSA 188-F:31

As of July 1, 2016, the legislature directed 66.66% of penalty assessments to the General Fund. Prior to this time, that revenue had been deposited with Police Standards and Training Council. The remainder of penalty assessments is evenly split between the Judicial Branch's IT Dedicated Fund and the Department of Justice's Victim's Assistance Fund, both of which are restricted funds.

Collection Effectiveness

Individuals who fail to pay court-ordered MV fines are defaulted through the Department of Safety.

RSA 597:38-b

- The Department of Safety sends a warning notice.
- If the fine remains unpaid, the driver's license and registration are suspended.
- The majority of U.S. states have "reciprocity" meaning your driver's license will be suspended in the state in which you reside if you have unpaid fines in NH.
- A \$50 Administration Fee is collected when you pay the fine to clear the default.

Collection Effectiveness

- Arrest orders are issued for unpaid fines in misdemeanor and felony cases.
 - There is a central electronic repository of bench warrants.
 - Officers can search the repository for all outstanding bench warrants in the State.
- District Division discourages time payments.
 - Lowers uncollected fine balance.
 - Shortens average collection time.

Entry Fees

Entry fees are set by court rule and are paid at the time of filing and range from \$45 to \$225.

Common filings are for:

- Small Claims
- Landlord/Tenant
- Civil
- Motion to Bring Forward
- Family
- Petition to Annul Criminal Record

*64% of Entry Fees are deposited into the General Fund.
The remaining 36% of Entry Fees are deposited into restricted funds (30% to the IT Dedicated Fund; 6% to Facilities Escrow).*

Waiver of Filing Fees

Judges may waive filing fees for persons who cannot afford to pay because all citizens are entitled to access to the courts to resolve their disputes. NH Constitution Part 1, Article 14

- Increases in filing fees result in an increased number of requests for waiver of the filing fee.

Other Fees

Records research fees are the majority of other fees. The fee for electronic searches is currently \$20 per name for the first 5 names, and \$5 for each additional name.

Eventually, online public access may decrease or eliminate this revenue stream.

Motions and petitions are another large part of other fees. Fees range from \$25 to \$250.

Other Fees (continued)

A \$25 surcharge is added to civil and family case filing fees. RSA 490:26-a, II (a)

No surcharge is charged in some case types:

- Criminal
- Juvenile
- Domestic Violence
- Small Claims
- Stalking
- Landlord/Tenant

NH RSA 490:26-a, II (b)

A \$25 setup fee is assessed for time payments.

RSA 490:26-a II-a

UNRESTRICTED COURT FINES AND FEES

Title	Description
Default Fees R/S 402475 –Collected by Safety	\$50 penalty imposed by Dept. of Safety for late payment of a motor vehicle fine, payment with a bad check, or failure to respond to a plea by mail citation.
Bar Exam Fees R/S 402477	\$10 fee for a Certificate of Good Standing paid to the Supreme Court for appearing pro hac vice in another state or to be admitted to the bar of another jurisdiction. \$10 fee for Certificate of Admission issued to newly admitted attorneys in New Hampshire on the day that they are sworn in.
e-Filing Surcharge R/S 403252	\$10 fee for small claims cases, \$20 fee for all other case types. Charged for filing online; used to defray the cost of implementing the NH e-Court Project. Effective 1/1/15.
Interest R/S 405501	Interest earned on depository accounts maintained by each court.
Fines R/S 407308	Fines paid for criminal offenses described in Title LXII of the New Hampshire Revised Statutes Annotated.
Bail Forfeiture (Non-Driving Offense) R/S 407309	Bail may be forfeited when a defendant fails to appear in court for an offense that does not involve driving. Bail forfeited on driving offenses is credited to a restricted revenue account within the Department of Safety.
Entry Fees R/S 407310	Filing fees established by court rule for actions filed in courts. Filing fees have been increased on 9/1/89, 11/26/91, 7/1/97, 8/1/01, 7/14/02, and 7/1/07. All entry fees increased 20% effective 7/1/09. Fees for counterclaims were added 7/1/09. Entry fees increased again on 7/1/13, with 64% of the fee going to the General Fund, down from 79%.
Default Fees R/S 407311 – Collected by Courts	\$50 penalty imposed by the courts for late payment of a fine, payment with a bad check, or failure to appear in court when an appearance is required.
Other Fees R/S 407312	Fees set forth in the court rules for filing certain motions and petitions, and for obtaining certificates, copies, writs, and requesting records research. Records research fee increased 7/1/09. Filing fee surcharge of \$20 added through RSA 490:24 7/1/03. The surcharge was repealed on 7/1/07 when the surcharge was added to the filing fees by court rule. A \$25 surcharge was enacted under RSA 490:26-a, II (a) effective 7/1/07.
Misc. Sales/Revenue R/S 407509	Sale of publications, recoveries, and other receipts. Unclaimed Funds held in escrow account at AOC as of 11/1/17 (prior to this date, unclaimed funds recorded as Miscellaneous Revenue).
Penalty Assessments R/S 404995	The legislature directed that on 07/01/16 all penalty assessment revenue that had been deposited to Police Standards and Training Council be deposited to the General Fund. The penalty assessment is currently 24% of a fine, and 66.66% of that penalty assessment collected now goes to the General Fund.
Motor Vehicle Fines R/S 403671	Fines collected for motor vehicle offenses for which the defendant requested a trial or was required to appear. As of 07/01/09, these fines are deposited into the Highway Fund.

NH JUDICIAL BRANCH - UNRESTRICTED REVENUE - FY2016 thru FY2020 ACTUAL (\$)

<u>Fund/Description</u>	<u>Actual FY 2016</u>	<u>Actual FY 2017</u>	<u>Actual FY 2018</u>	<u>Actual FY 2019</u>	<u>Actual FY 2020</u>	<u>CAGR FY16-FY20</u>
General Fund						
Default Fees Collected by Safety	824,350	849,500	812,181	826,823	823,800	-0.02%
Bar Exam Fees (a)	5,630	5,805	6,545	7,034	7,094	5.95%
e-Filing Surcharge (b)	80,911	147,425	241,001	343,059	358,002	45.03%
Interest	33	25	25	3	1	-56.88%
Fines (c)	2,891,150	2,725,005	1,925,651	1,389,354	1,225,022	-19.32%
Bail Forfeiture	276,892	167,117	221,945	111,985	133,712	-16.64%
Entry Fees	3,611,851	3,549,776	3,613,812	3,853,496	3,456,428	-1.09%
Default Fees Collected by Courts	115,049	92,185	95,642	110,517	138,836	4.81%
Other Fees	5,590,740	6,014,958	6,030,457	6,513,363	6,187,366	2.57%
Misc. Sales/Revenue (d)	69,121	122,187	4,096	4,409	-511	N/A
SubTOTAL	13,465,726	13,673,982	12,951,355	13,160,044	12,329,751	-2.18%
Penalty Assessments (e)	0	1,511,080	1,346,353	1,211,722	1,049,269	-11.45%
TOTAL	13,465,726	15,185,062	14,297,708	14,371,767	13,379,020	-0.16%
Highway Fund						
Motor Vehicle Fines	6,885,220	6,187,208	5,669,017	5,346,539	4,740,647	-8.91%
Other MV Fines	9,780	670	515	0	0	-100.00%

NH JUDICIAL BRANCH - UNRESTRICTED REVENUE PROJECTIONS (\$)

<u>Fund/Description</u>	<u>Actual FY 2020</u>	<u>FY 2021 Official Estimate</u>	<u>Revenue Recognized as of 12/31/20</u>	<u>Year-to-Date Collected as a % of Official Est</u>	<u>FY 2021 Revised Estimate</u>	<u>FY 2022 Agency Estimate</u>	<u>FY 2023 Agency Estimate</u>
General Fund							
Default Fees Collected by Safety	823,800	814,885	314,300	38.6%	688,000	750,000	820,000
Bar Exam Fees (a)	7,094	5,583	2,600	46.6%	6,260	6,379	6,501
e-Filing Surcharge (b)	358,002	283,210	211,957	74.8%	387,973	363,010	363,010
Interest	1	19	1	3.8%	2	2	2
Fines (c)	1,225,022	1,893,004	462,361	24.4%	1,017,884	1,210,750	1,210,750
Bail Forfeiture	133,712	271,797	40,050	14.7%	114,024	119,910	119,910
Entry Fees	3,456,428	3,488,167	1,705,815	48.9%	3,477,353	3,595,760	3,595,760
Default Fees Collected by Courts	138,836	70,963	50,637	71.4%	110,831	120,060	120,060
Other Fees	6,187,366	5,867,373	3,154,477	53.8%	6,461,286	6,387,340	6,387,340
Misc. Sales/Revenue (d)	-511	5,000	-1,014	-20.3%	5,789	21,973	91,377
SubTOTAL	12,329,751	12,700,001	5,941,183	46.8%	12,269,402	12,575,184	12,714,709
Penalty Assessments (e)	1,049,269	1,428,346	429,223	30.1%	1,025,148	930,383	844,377
TOTAL	13,379,020	14,128,347	6,370,407	45.1%	13,294,550	13,505,567	13,559,086
Highway Fund							
Motor Vehicle Fines	4,740,647	5,589,141	1,819,661	32.6%	3,879,506	4,623,187	4,113,978
Other MV Fines	0	0	0	0.0%	0	0	0

NH JUDICIAL BRANCH - UNRESTRICTED REVENUE PROJECTIONS (\$) - Notation Explanations

- (a) Per Amendment to Supreme Court Rule 42, as of 09/01/12, Bar Exam Fees are paid to the Office of Bar Admissions, which is separate from the Judicial Branch and not a part of its budget; however, a \$10 fee for a Certificate of Good Standing is still paid to the Supreme Court as part of admission to the NH Bar after passing the exam.
- (b) Per Supreme Court Order dated 1/5/15, a \$10 electronic case filing surcharge shall be assessed on all small claims cases filed electronically. A \$20 electronic case filing surcharge is assessed on all other case types filed electronically.
- (c) Marked decline in Fine revenues in FY2018 due to decriminalization of marijuana which took place in 9/17 (there is a time lag; dropoff in revenue began in November, 2017).
- (d) As of 11/01/17, Unclaimed Funds are held in an escrow account at the courts instead of being sent to the General Fund as revenue (RSA 471-C:15).
- (e) As of 07/01/16, Penalty Assessment revenue that had been sent to Police Standards & Training now goes to the General Fund. The distribution of Penalty Assessment revenue is as follows:

General Fund	66.67%	Unrestricted
IT Dedicated Fund/JB	16.67%	Restricted
Victims Assistance Fund/DOJ	16.67%	Restricted
Total	100.00%	