



6-30-2010

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Rex Barton

Municipal Technical Advisory Service

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Recommended Citation

Barton, Rex, "New Fee for Cash Bond Forfeitures in City Court" (2010). *MTAS Publications: Hot Topics*.
http://trace.tennessee.edu/utk_mtastop/20

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June 30, 2010

NEW FEE FOR CASH BOND FORFEITURES IN CITY COURT

Rex Barton, Police Management Consultant

The state legislature recently created a new fee to be collected by the city when a defendant posts a cash bond for a municipal traffic violation. The new fee is to offset the impact of budget cuts to the Tennessee Bureau of Investigation's crime lab services. Without this new fee the TBI was going to have to charge cities and counties for crime lab examination of evidence in criminal investigations.

The law, as established via Chapter 1019 of the Public Acts of 2010, creates a new fee of \$13.75 that city court clerks must collect from traffic offenders who post a cash bond prior to court. Municipal courts currently collect a state litigation tax of \$13.75 for any case in which the defendant pleads guilty, is found guilty, or submits to a fine. The litigation tax is then submitted to the state each month. This has not changed. Previously, the litigation tax was not collected when the defendant paid a "cash bond" prior to court. The cash bond was forfeited when the

defendant did not appear in court on the appointed court date.

Under the new law, the court must collect a \$13.75 fee for every forfeiture of a cash bond. The fee is not a litigation tax, even though the amount is exactly the same. The new fee will be submitted to the Tennessee Bureau of Investigation to pay for crime lab services. The submittal process and the forms for submitting the fees to the TBI are still being developed. The new law becomes effective July 1, 2010. Municipal court clerks should start collecting the new fee for any traffic citation issued on or after July 1. **MTAS will provide additional information about submitting the new fee to the state, as well as the pertinent forms, before the end of July.**

The city will be able to keep a 5 percent commission of the new fee as compensation for collecting and remitting the new fee.

MUNICIPAL TECHNICAL ADVISORY SERVICE

Knoxville (Headquarters) ... (865) 974-0411
 Johnson City.....(423) 854-9882
 Jackson(731) 423-3710

Nashville (615) 532-6827
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