

## **Disbursement of Fine Monies Collected**

Directive #2-91  
Issued by:

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Administrative Director

Questions have come to the AOC regarding the criteria for determining whether fines collected by probation departments are to be distributed to the county or the State treasury. To rectify apparent inconsistencies in operation, the AOC requested an opinion letter from the Attorney General.

The Attorney General advises that fines collected from defendants who serve one or more days of a county sentence in a county facility are remitted to the county treasury. Whether the time is served before or after sentencing does not matter. Therefore, if a probation or suspended sentence gives credit for time served in the county jail prior to sentencing and there is no concurrent State sentence, the fine is payable to the county treasurer. On the other hand, if the defendant receives a State sentence (regardless of where the time is served) or receives no incarceration time whatsoever, the fine is sent to the State.

I am asking that all probation departments review current practices and bring them into conformity with the opinion of the Attorney General's Office.

### **EDITOR-S NOTE**

No change has been made to the original text.