

Cost Collections

Tom Hatcher

Blount County Circuit Court Clerk

Mission Statement

- The Collection Department will prepare bills of cost for Circuit, General Sessions and Traffic Court and set up payment plans with defendants, and make collection efforts when these amounts are unpaid.

Purpose

- It is the duty of the Court Clerk to process, collect, and disburse the court cost ordered to be paid by the Court.
- It is also the duty of the Court Clerk to ensure that the court cost owed by the defendants are being paid, which ensures that no burden will be placed on the taxpayers and that the users of the judicial system can pay their own way.

Collection of Fines, Cost and Litigation Taxes

- T.C.A.40-24-105 (a)
- "...The following shall be the allocation formula for moneys paid into the court: the first moneys paid in any case shall first be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of cost; then additional moneys shall be credited toward payment of the fine."

Collection of Fines, Cost and Litigation Taxes

- T.C.A. 40-24-105 (d)
- "...After a fine, cost, or litigation taxes have been in default for at least six (6) months, the...criminal or general sessions court clerk may retain an agent to collect, or institute proceedings to collect, or establish and in-house collection procedure to collect, fines, cost and litigation taxes..." If an agent is used,...the criminal or general sessions court clerk shall request the county purchasing agent to utilize normal competitive bidding procedures applicable to the county to select and retain the agent..."

Collection of Fines, Cost, and Litigation Taxes

- T.C.A 40-24-105 (d) (continued)
- "...The proceeds from any in-house collection shall be treated as other fees of the office. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to fifty percent (50%) may be withheld for in-house collection or, if an agent is used, for the collection agent, when the remainder being allocated according to the formula."
- (2) On or after January 1, 2015, if an agent is used, the agent's collection fee shall be added to the total amount owed. The agent's collection fee shall not exceed forty percent (40%) of any amounts actually collected. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to forty percent (40%) may be withheld for the collection agent, with the remainder being allocated according to the formula.

Collection of Fines, Cost and Litigation Taxes

- T.C.A 40-24-105 (g)
- After a fine, costs, or litigation taxes have been in default for at least five (5) years, the criminal or general sessions court clerk may, subject to approval by a court of competent jurisdiction, accept a lump-sum partial payment in full settlement of the outstanding balance due on a case. The court shall not approve a settlement unless the amount accepted is equal to or greater than fifty percent (50%) of the combined outstanding balance of all fines, costs, and litigation taxes due on the case. When moneys are paid into court pursuant to this subsection (g), the allocation formula outlined in subsection (a) shall be followed, except the percentage that may be retained by the clerk pursuant to subsection (d) may be withheld, with the remainder being allocated according to the formula.
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Order after Reduction of Fines and Cost

- After fines and cost are reduced and the defendant pays the amount in full, and order needs to be prepared with the case numbers, amount the case was reduced by, beginning balance then the reduction balance.
- Your Judge and Elected Circuit Court Clerk will need to sign this Order.
- We have been give permission to work the reduction, accept the payment and then prepare the order to be signed after everything is completed so that it is a clean transaction.

Debt Collection Procedure TNCIS-Export Data

- Every day we run the Export data so that if a case is over six (6) months old from Disposition date and still has a balance outstanding, with our In house collections this dumps those cases into the “bucket” that will automatically retain fifty (50%) percent of all fines and cost paid, excluding restitution.

Drivers Licenses Reinstatement

- If a defendant is trying to get their license reinstated, we will set them up on a payment plan. If they are eligible for a reduction we will quote them on a reduction first to try to get everything paid off first but if they are unable to do that we will require a down payment (varies on the balance they owe) and then set their monthly payment.

Contact Information

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