
FISCAL TOPICS

Fiscal Services Division

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Des Moines, Iowa 50319

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Criminal Fine Revenue and Surcharge Distribution

Unless otherwise specified in statute, all fines, court costs, surcharges, penalties, and fees related to a criminal conviction are deposited in the State General Fund. In criminal cases, filing fees and court costs are assessed once the case is decided; however, these fees may be waived.¹ At the time of imposing sentence, the judge informs the offender of the amount of the fine and that the judgment includes the imposition of a crime services surcharge, court costs, and applicable fees. If the defendant receives a deferred judgment, a civil penalty is assessed in an amount equal to the minimum amount of the criminal fine.²

Municipal Infractions and County Ordinances

Violations of municipal infractions and county ordinances are civil offenses.³ However, cities and counties can establish ordinances that provide criminal penalties for violations not to exceed the maximum fine and term of imprisonment for a simple misdemeanor.⁴ If the State has already set a fine amount in statute, the city or county cannot exceed the State fine amount.⁵ Cities and counties cannot impose an infraction if the violation is a serious or aggravated misdemeanor, a felony under State law, or a simple misdemeanor under Iowa Code chapters [687](#) through [747](#).⁶ Counties may not adopt criminal violations of the motor vehicle code (Iowa Code chapter [321](#)) as county civil infractions, except as specified in Iowa Code section [321.236](#).

City, County, and State Fine Revenue Distribution

The following table summarizes the distribution of criminal fine revenue to cities, counties, and the State under Iowa Code section [602.8106](#).

Iowa Code subsection	Type of Action	City	County	State
602.8106(2)	City (Municipal Infractions and Citations)	80.0%	—	20.0%
602.8106(3)	County Ordinance (where no matching State law exists)	—	100.0%	—
602.8106(4)(a)	All other fines, fees, costs, and forfeited bail received from a magistrate and not distributed under other subsections	—	—	100.0%
602.8106(4)(b)	County Citation (any violation that occurred within the boundaries of the county)	—	9.0%	91.0%

¹ Iowa Code §§[602.8106](#)(1)(a).

² Iowa Code §§[907.14](#).

³ Iowa Code §§[331.307](#)(1), [364.22](#)(1)(a).

⁴ Iowa Code §§[331.302](#)(2), [364.3](#)(2).

⁵ Iowa Code §§[321.236](#), [364.3](#)(3)(a).

⁶ Iowa Code §§[331.307](#)(3), [364.22](#)(3).

More Information

Judicial Branch: lowacourts.gov

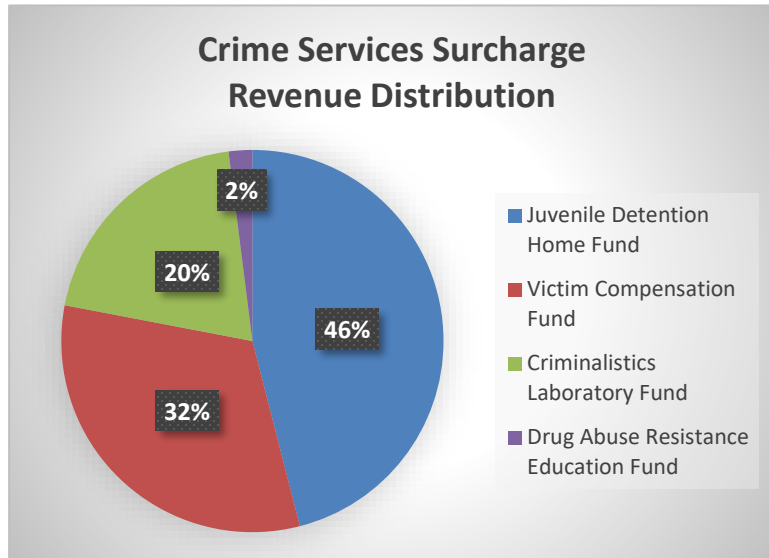
LSA Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

For the State share of citations under Iowa Code section [602.8106\(4\)\(b\)](#), 1.3% is distributed to the Emergency Medical Services Fund and 98.7% is distributed to the State General Fund. Funds distributed to a county are deposited in the county general fund and may be used for the purposes outlined in Iowa Code section [356.7\(5\)\(a\)](#). Parking fines collected by a city or a county are retained by the city or county.⁷

Crime Services Surcharge — Iowa Code section 911.1

When the court imposes a fine or forfeiture for a violation of State law or a city or county ordinance, except a parking ordinance, the clerk of court imposes an additional penalty in the form of a Crime Services Surcharge equal to 15.0% of the fine or forfeiture imposed by the Court. This surcharge does not apply to civil penalties.

The Crime Services Surcharge revenue is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education Fund.



Attachment A shows the distribution of fine revenue, and **Attachment B** provides an example of the distribution of a \$200 scheduled fine based on the type of citation.

Iowa Code Chapter 911 — Additional Criminal Surcharges

In addition to the 15.0% Crime Services Surcharge, there are three other criminal surcharges that may be assessed depending on the offense. The following table shows the additional criminal surcharges.

Surcharges	Applicable Offenses	Surcharge Amount	Fund Deposited Into/Purpose
Agricultural Theft Surcharge	§§ 714.2(1-3) , 716.3 , 716.4 , or 716.5 and the offense involves agricultural property as defined in 911.5(2).	\$500	Iowa Emergency Food Purchase Fund
Domestic or Sexual Abuse Related Crimes Surcharge	§§ 708.2A , 708.11 , 710A.2 , ch. 709 and contempt of court for violation of protective order issued pursuant to ch. 236 .	\$90/offense	Address Confidentiality Program Revolving Fund
Human Trafficking Victim Surcharge	§§ 725.1(2) , 710A.2 , 725.2 , 725.3	\$1,000/offense	Human Trafficking Victim Fund

⁷ Iowa Code §321.236(1)(b).

Priority Order of Payment

According to Iowa Code section [602.8107](#), restitution and all other fines, penalties, fees, court costs, and surcharges are paid to the clerk of district court. The payments are applied in the following priority order:

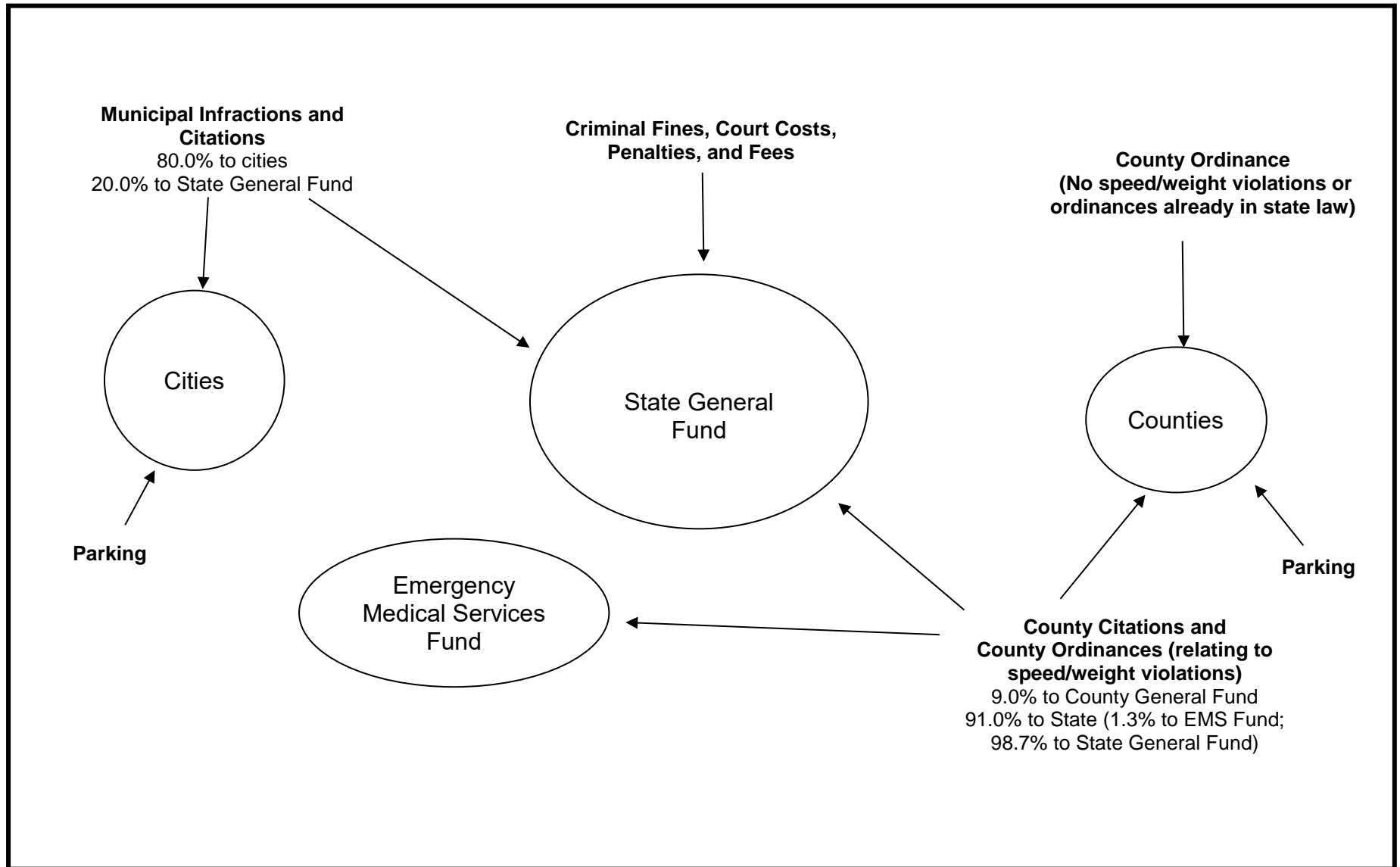
- Pecuniary damages as defined in Iowa Code section [910.1\(3\)](#).
- Fines or penalties and the Crime Services Surcharge.
- Reimbursement to the Crime Victim Compensation Program.
- Court costs, court-appointed attorney fees or public defender expenses, and any other court orders.

Unsecured Appearance Bond

Iowa Code section [805.6](#) provides for the use of an unsecured appearance bond for State or local traffic violations, and for scheduled violations under Iowa Code sections [805.8A](#), [805.8B](#), and [805.8C](#). An unsecured appearance bond is an agreement by the defendant that if the defendant fails to appear in person or by counsel to defend against a charge, the court is authorized to enter a conviction and render judgment against the defendant for the amount of the appearance bond in satisfaction of the penalty, plus court costs. The unsecured appearance bond amount is equal to one and one-half times the minimum fine, the Crime Services Surcharge, and court costs.

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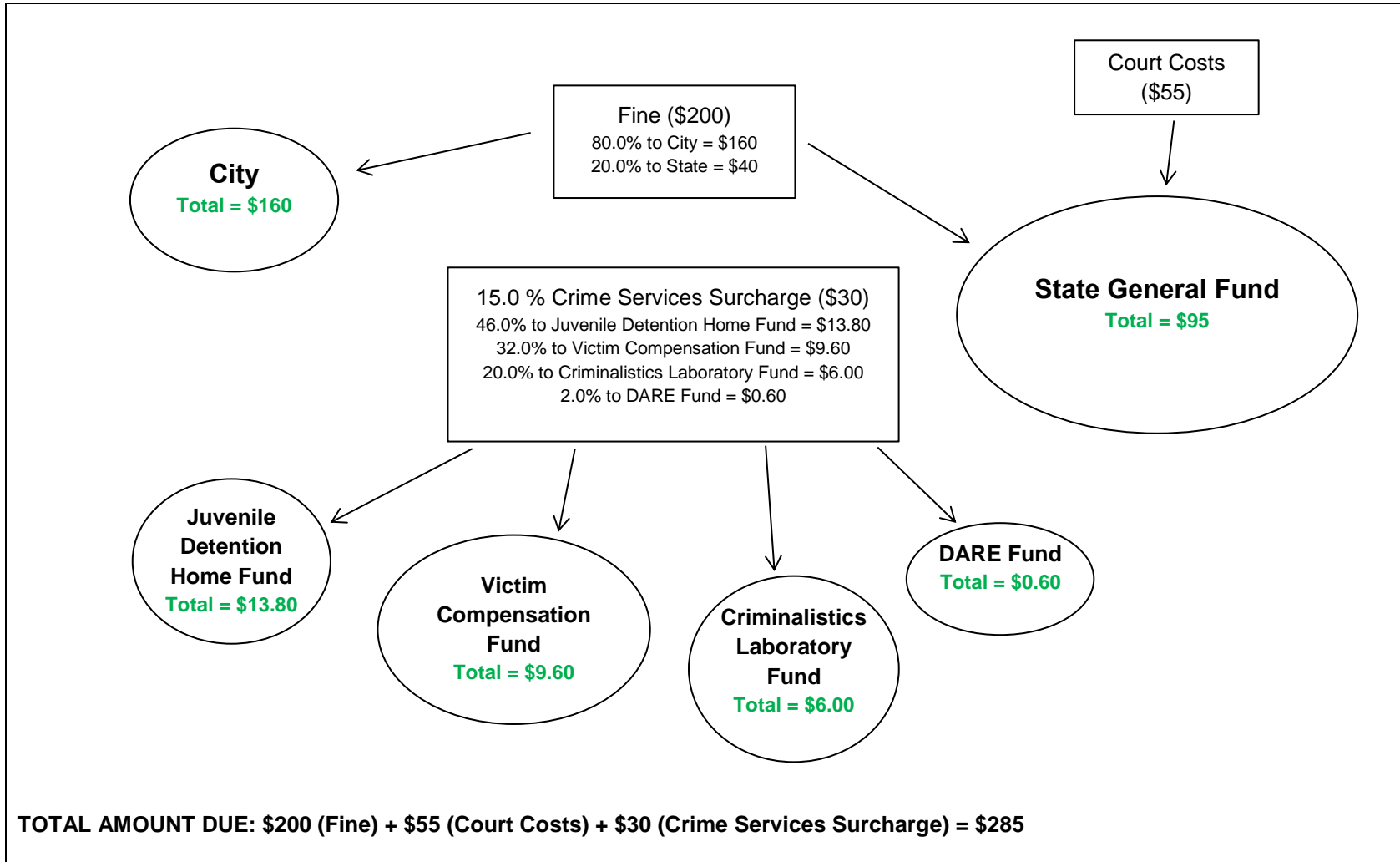
Distribution of Fine Revenue



Fine Revenue Distribution by Citation Type

Municipal Citation

(using the example of a \$200 fine)



County Citation
(using the example of a \$200 fine)

