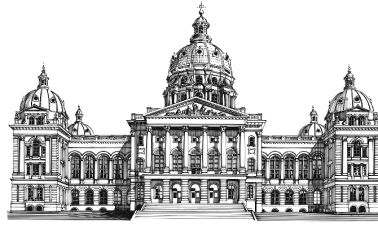

Iowa Legislative Fiscal Bureau

Dennis Prouty
(515) 281-5279
FAX 281-8451



State Capitol
Des Moines, IA 50319
July 15, 1992

Unpaid Fines, Fees & Court Costs

ISSUE

The amount of uncollected fines, fees, and court costs continues to grow and a new program authorized in the 1991 Legislative Session to assist in the collection appears to be slow in implementation.

AFFECTED AGENCIES

County Attorney Offices, Judicial Department, Prosecuting Attorney's Training Council, Department of Inspection and Appeals, and the Department of Revenue and Finance.

CODE AUTHORITY

Chapter 909.9, Code of Iowa

BACKGROUND

During the 1991 Legislative Session the General Assembly enacted HF 697, which provided the authority for County Attorneys to collect unpaid fines and court costs which were delinquent at least 6 months. The legislation provided an incentive for the County Attorney, by allowing 35% of the amount collected, after payment of court costs, to be retained by the county.

The total funds deposited into the General Fund from the Judicial Department for FY 1992 totaled nearly \$39.4 million.

CURRENT SITUATION

Attachment 1 provides a breakdown of the counties which are participating in the collection of delinquent fines and court costs pursuant to HF 697. As of the end of May 1992, a total of 39 county seats in 38 counties were participating in the Program. These counties had collected a total of nearly \$150,000. One county (Warren) accounted for approximately \$67,000 (44%) of the collections. According to the Warren County Attorney, that county has always stressed collections. A secretarial position is devoted half-time to monitoring a computerized tickler system that monitors the dates payments are due and should be completed for fines, court costs, and surcharges, and sends notices as the dates approach. If a debt is not satisfied, the office mails a notice to show cause, followed by serving a notice to show cause, and

I
S
S
U
E

R
E
V
I
E
W

finally has an arrest warrant issued if the debt is not satisfied. This procedure appears to have worked quite well in Warren County.

Polk County has just announced that it will begin participating in the Program during FY 1993. Polk County had uncollected fines and court costs of approximately \$1.5 million during calendar 1991, and approximately \$2.1 million in total past due debts owed to the system. The Polk County Attorney is adding one staff person to follow-up on these past due debts.

Attachment 2 is the Annual Report provided by the Judicial Department which provides a breakdown of all uncollected fines, penalties and forfeitures for the calendar year 1991. Of the total \$18.7 million identified in the report, county attorneys could attempt to collect up to \$9.7 million in fines and court costs. While a significant portion of these funds may be uncollectible due to the death, incarceration, inability to locate the debtor, or indigence of the person owing the funds, it is estimated that 30% to 40% should be collectable. This could result in an additional \$3.0 million being generated for the General Fund, from those uncollected fines and court costs at the end of Calendar 1991. However, after 11 months, less than 5% of that amount has been collected.

During the 1992 Legislative Session the General Assembly expanded the authority of county attorneys to include the collection of unpaid indigent defense costs. During Calendar Year 1991, delinquent court-appointed attorney fees totaled \$3.2 million while only \$1.5 million of these fees were collected through the Clerks of Court during FY 1992.

Based on the ability of the debtor to pay, courts must now order payment of these costs. County Attorneys are authorized to work with the Department of Revenue and Finance to utilize the Tax Offset Program in the collection of these costs. Counties are allowed to retain 35% of the funds collected for court-appointed attorney fees or expenses of a public defender, however, it appears that the county does not have to wait until these debts are 6 months old in order to retain that portion. Restitution to victims, if ordered, must be credited in full prior to the county and the State receiving a part of the debt.

Additionally, the language in HF 2455 (the Regulation Subcommittee Appropriations Bill) may be construed to include surcharges and other costs or fees assessed by the Court. The language in HF 697 is specific as to the requirement that fines or court costs must be 6 months old, the Legislative Service Bureau states that it would likely keep fines and court costs from falling under the new language.

The 6-month waiting period is not included in the language authorizing the County Attorneys to be able to collect 35% of the amount paid by the debtor, therefore it appears that if a person pays the debt immediately to the Clerk of Court upon being charged, the County Attorneys may still be able to claim 35% of the revenues. This is expected to reduce receipts to the General Fund from those who pay prior to 6 months after sentence, but should increase collections of those that are delinquent more than 6 months and may otherwise try to avoid payment altogether.

The Prosecuting Attorney's Training Council is preparing an expanded training package for County Attorney's in conjunction with the Department of Inspection and Appeals. In FY 1992, the Council provided informational training about the HF 697 Program at the annual conference. However for FY 1993, a more thorough and detailed training is planned for the changes incorporated in HF 2455, as more funds can be retained by the counties and current language appears to not include a 6-month waiting period.

ALTERNATIVES

The Legislative Council may want to clarify whether the intent of the legislation in HF 2455 was to allow County Attorneys to retain 35% of only those debts delinquent more than 6 months. If this is

the case, the General Assembly will need to correct the language during the next Legislative Session.

As the Department of Revenue and Finance implements its debt collection system, funded during the 1992 Legislative Session, other State agencies may utilize the system for collection of passed due amounts. As County Attorneys will be collecting funds owed to the State, the General Assembly may wish to authorize their utilization of the Department of Revenue and Finance system for those debts.

BUDGET IMPACT

There is potential to recoup an estimated \$3.0 million for the General Fund of delinquent fines and court costs, as well as increase collections of victim restitution and offset the cost of court-appointed attorneys and public defenders (an additional estimated \$931,000 in past due amounts).

STAFF CONTACT: Douglas Wulf (Ext. 13250)

JUDICIAL DEPARTMENT

COUNTIES PARTICIPATING IN DELINQUENT COURT FINES COLLECTION PURSUANT TO H.F. 697

<u>COUNTY</u>	<u>DISTRICT</u>	<u>05/31/92</u>
ALLAMAKEE	D1	2,060.10
BLACK HAWK	D1	2,344.82
BUCHANAN	D1	445.00
CHICKASAW	D1	275.25
GRUNDY	D1	3,934.67
FRANKLIN	D2	1,190.97
GREENE	D2	2,720.18
HARDIN	D2	5,271.51
HUMBOLDT	D2	2,250.36
SAC	D2	7,805.90
WRIGHT	D2	2,650.24
BUENA VISTA	D3	4,897.50
CLAY	D3	4,570.00
DICKINSON	D3	595.00
LYON	D3	2,137.70
PALO ALTO	D3	60.00
SIOUX	D3	312.50
AUDUBON	D4	210.00
CASS	D4	3,248.19
POTTAWATTA	D4	25.00
ADAIR	D5	1,297.43
ADAMS	D5	11,437.14
CLARKE	D5	984.55
DECATUR	D5	7,052.68
JASPER	D5	590.50
LUCAS	D5	528.52
MARION	D5	395.62
UNION	D5	275.25
WARREN	D5	66,641.04
BENTON	D6	1,698.51
IOWA	D6	4,110.06
JOHNSON	D6	2,548.00
JACKSON	D7	651.00
APPANOOSE	D8	567.48
HENRY	D8	52.50
LEE (NORTH)	D8	826.00
LEE (SOUTH)	D8	1,210.50
LOUISA	D8	100.00
WAPELLO	D8	1,431.50
39 Counties		<u>149,403.17</u>

Original to: Jim Anderson, D.O.M.

Copies to: Doug Wulf, Leg. Fiscal Bureau

09-Mar-92

**ANNUAL REPORT OF TOTAL FINES, PENALTIES AND FORFEITURES
NOT PAID, REMITTED, CANCELED OR OTHERWISE SATISFIED
FOR YEAR ENDING DECEMBER 31, 1991**

COUNTY	DIS.	FINES	COURT COSTS	SUR-CHARGES	SUBTOTAL	ATTORNEY FEES	VICTIM RESTITUTION	OTHER	GRAND TOTAL
ADAIR	D5	13,597.31	2,975.14	3,475.00	20,047.45	7,825.33	7,225.58	0.00	35,098.36
ADAMS	D5	2,896.95	1,537.26	670.00	5,104.21	17,775.33	2,249.48	9,649.09	34,778.11
ALLAMAKEE	D1	24,507.76	11,751.08	6,518.38	42,777.22	26,315.94	22,809.36	0.00	91,902.52
APPANOOSE	D8	44,042.99	9,611.50	13,070.00	66,724.49	22,639.04	23,785.67	0.00	113,149.20
AUDUBON	D4	10,899.00	7,259.50	3,523.00	21,681.50	0.00	0.00	5,535.45	27,216.95
BENTON	D6	55,880.88	5,219.56	7,578.68	68,679.12	6,756.65	0.00	0.00	75,435.77
BLACK HAWK	D1	420,153.02	284,837.48	103,716.87	808,707.37	301,426.70	0.00	0.00	1,110,134.07
BOONE	D2	45,320.72	9,524.02	13,145.00	67,989.74	26,019.99	0.00	0.00	94,009.73
BREMER	D2	16,079.27	5,147.33	3,043.82	24,270.42	0.00	0.00	3,188.63	27,459.05
BUCHANAN	D1	48,918.00	14,464.23	17,597.50	80,979.73	25,197.30	23,545.91	0.00	129,722.94
BUENA VISTA	D3	75,193.67	20,332.33	18,810.94	114,336.94	67,659.40	0.00	0.00	181,996.34
BUTLER	D2	10,247.50	4,262.43	2,545.50	17,055.43	9,826.44	5,565.44	0.00	32,447.31
CALHOUN	D2	4,692.00	1,225.77	1,250.00	7,167.77	2,987.81	10,704.90	0.00	20,860.48
CARROLL	D2	22,752.70	16,620.97	6,531.21	45,904.88	29,052.12	6,150.50	0.00	81,107.50
CASS	D4	26,602.47	12,872.46	7,698.03	47,172.96	3,756.58	3,344.90	1,822.92	56,097.36
CEDAR	D7	45,430.89	15,653.51	13,872.18	74,956.58	15,733.38	15,794.11	0.00	106,484.07
CERRO GOR	D2	192,230.58	73,473.84	42,183.87	307,888.29	9,532.38	19,136.32	1,760.45	338,317.44
CHEROKEE	D3	28,933.16	6,760.36	6,874.00	42,567.52	11,066.31	14,274.35	0.00	67,908.18
CHICKASAW	D1	13,409.71	4,455.95	3,976.96	21,842.62	14,664.10	1,302.81	0.00	37,809.53
CLARKE	D5	30,404.44	5,410.42	7,105.08	42,919.94	12,858.57	3,402.66	0.00	59,181.17
CLAY	D3	24,024.05	4,876.78	5,822.30	34,723.13	10,351.02	3,300.42	0.00	48,374.57
CLAYTON	D1	27,471.90	8,192.79	8,599.95	44,264.64	10,440.82	3,276.69	0.00	57,982.15
CLINTON	D7	99,962.95	24,875.88	12,545.05	137,383.88	29,170.49	0.00	0.00	166,554.37
CRAWFORD	D3	42,916.35	13,182.11	12,300.56	68,399.02	29,288.05	7,646.45	0.00	105,333.52

09-Mar-92

ANNUAL REPORT OF TOTAL FINES, PENALTIES AND FORFEITURES
 NOT PAID, REMITTED, CANCELED OR OTHERWISE SATISFIED
 FOR YEAR ENDING DECEMBER 31, 1991

COUNTY	DIS.	FINES	COURT COSTS	SUR-CHARGES	SUBTOTAL	ATTORNEY FEES	VICTIM RESTITUTION	OTHER	GRAND TOTAL
DALLAS	D5	61,412.00	17,791.38	13,281.02	92,484.40	33,567.90	0.00	1,650.85	127,703.15
DAVIS	D8	7,990.50	1,587.51	2,275.00	11,853.01	5,154.58	3,295.00	0.00	20,302.59
DECATUR	D5	8,239.25	3,022.67	1,910.00	13,171.92	21,430.11	4,278.88	0.00	38,880.91
DELAWARE	D1	27,761.18	7,820.14	8,532.51	44,113.83	6,741.82	12,475.11	60.08	63,390.84
DES MOINES	D8	310,820.14	169,372.65	83,375.14	563,567.93	0.00	0.00	165,846.32	729,414.25
DICKINSON	D3	65,095.56	32,708.40	18,846.05	116,650.01	57,385.37	114,113.84	0.00	288,149.22
DUBUQUE	D1	0.00	291,664.00	0.00	291,664.00	73,201.00	263,287.00	0.00	628,152.00
EMMET	D3	29,597.13	9,226.46	4,786.26	43,609.85	31,950.17	12,009.28	0.00	87,569.30
FAYETTE	D1	51,604.40	21,225.06	26,462.64	99,292.10	36,165.70	20,784.88	0.00	156,242.68
FLOYD	D2	22,235.31	9,192.46	5,679.13	37,106.90	0.00	0.00	12,805.53	49,912.43
FRANKLIN	D2	21,284.00	6,901.05	6,170.00	34,355.05	6,182.84	0.00	0.00	40,537.89
FREMONT	D4	3,625.00	2,682.65	1,166.00	7,473.65	6,303.77	1,279.36	0.00	15,056.78
GREENE	D2	7,350.61	7,842.85	2,319.39	17,512.85	21,840.70	10,996.94	0.00	50,350.49
GRUNDY	D1	17,402.85	4,211.61	3,947.99	25,562.45	5,209.17	2,013.19	0.00	32,784.81
GUTHRIE	D5	14,811.00	3,081.64	3,883.04	21,775.68	15,938.88	6,592.40	0.00	44,306.96
HAMILTON	D2	39,652.00	9,209.08	8,407.50	57,268.58	30,651.14	18,585.49	0.00	106,505.21
HANCOCK	D2	9,985.00	1,005.00	2,545.00	13,535.00	185.00	0.00	0.00	13,720.00
HARDIN	D2	18,310.00	16,117.53	6,088.50	40,516.03	31,868.18	0.00	0.00	72,384.21
HARRISON	D4	7,148.00	3,328.01	1,765.00	12,241.01	4,109.00	0.00	0.00	16,350.01
HENRY	D8	65,632.51	24,044.84	15,594.23	105,271.58	24,058.08	68,935.61	851.01	199,116.28
HOWARD	D1	21,674.80	4,507.48	4,887.63	31,069.91	19,982.58	0.00	0.00	51,052.49
HUMBOLDT	D2	3,050.00	4,043.80	975.00	8,068.80	13,504.79	0.00	0.00	21,573.59
IDA	D3	23,165.84	6,587.46	3,562.60	33,315.90	2,532.03	9,612.81	0.00	45,460.74
IOWA	D6	23,782.05	10,215.96	7,341.45	41,339.46	20,150.35	32,675.68	1,518.98	95,684.47

09-Mar-92

**ANNUAL REPORT OF TOTAL FINES, PENALTIES AND FORFEITURES
NOT PAID, REMITTED, CANCELED OR OTHERWISE SATISFIED
FOR YEAR ENDING DECEMBER 31, 1991**

COUNTY	DIS.	FINES	COURT COSTS	SUR-CHARGES	SUBTOTAL	ATTORNEY FEES	VICTIM RESTITUTION	OTHER	GRAND TOTAL
JACKSON	D7	27,299.78	9,199.27	8,466.70	44,965.75	19,199.63	11,542.71	0.00	75,708.09
JASPER	D5	89,459.13	49,521.12	37,112.85	176,093.10	20,768.89	0.00	0.00	196,861.99
JEFFERSON	D8	28,234.35	7,999.94	9,273.50	45,507.79	14,830.97	45,991.01	112.57	106,442.34
JOHNSON	D6	288,790.61	107,086.05	81,173.13	477,049.79	242,619.67	0.00	0.00	719,669.46
JONES	D6	27,894.24	7,631.28	9,019.20	44,544.72	13,154.00	2,758.06	0.00	60,456.78
KEOKUK	D8	8,241.96	3,434.53	1,962.29	13,638.78	6,078.49	6,531.11	0.00	26,248.38
KOSSUTH	D3	17,049.15	7,820.75	4,389.25	29,259.15	12,330.05	2,511.43	0.00	44,100.63
LEE	D8	75,654.45	27,990.39	16,543.10	120,187.94	28,186.89	55,759.17	0.00	204,134.00
LINN	D6	509,716.04	221,982.86	135,768.34	867,467.24	0.00	0.00	238,895.89	1,106,363.13
LOUISA	D8	58,492.02	9,377.90	8,937.58	76,807.50	6,707.67	14,572.56	89.35	98,177.08
LUCAS	D5	13,994.10	28,335.01	3,935.00	46,264.11	69,109.89	7,843.82	0.00	123,217.82
LYON	D3	12,552.50	3,794.29	3,058.75	19,405.54	10,661.46	460.00	1,107.04	31,634.04
MADISON	D5	12,623.52	4,909.98	3,050.90	20,584.40	7,618.04	421.38	693.86	29,317.68
MAHASKA	D8	40,442.70	22,272.65	11,160.60	73,875.95	37,089.68	76,104.79	7,555.98	194,626.40
MARION	D5	108,363.09	28,333.31	24,446.31	161,142.71	24,172.32	39,842.20	0.00	225,157.23
MARSHALL	D2	131,467.88	39,074.39	31,831.65	202,373.92	23,497.82	13,480.78	621.06	239,973.58
MILLS	D4	15,175.00	6,699.43	4,725.00	26,599.43	9,073.34	200.00	0.00	35,872.77
MITCHELL	D2	10,171.00	2,946.42	2,855.50	15,972.92	1,397.59	0.00	0.00	17,370.51
MONONA	D3	23,635.00	3,853.17	6,233.00	33,721.17	7,270.52	5,417.14	0.00	46,408.83
MONROE	D8	21,713.05	13,506.39	6,756.50	41,975.94	18,459.20	7,671.17	517.29	68,623.60
MONTGOMER	D4	11,379.48	6,533.84	3,552.63	21,465.95	6,814.64	1,499.56	1,183.40	30,963.55
MUSCATINE	D7	133,800.56	51,424.80	31,904.05	217,129.41	102,647.15	13,676.98	0.00	333,453.54
OSCEOLA	D3	9,016.00	2,815.06	2,552.30	14,383.36	3,013.80	711.50	0.00	18,108.66
O'BRIEN	D3	15,354.50	2,559.68	4,520.00	22,434.18	10,077.33	9,355.72	0.00	41,867.23

**ANNUAL REPORT OF TOTAL FINES, PENALTIES AND FORFEITURES
NOT PAID, REMITTED, CANCELED OR OTHERWISE SATISFIED
FOR YEAR ENDING DECEMBER 31, 1991**

COUNTY	DIS.	FINES	COURT COSTS	SUR-CHARGES	SUBTOTAL	ATTORNEY FEES	VICTIM RESTITUTION	OTHER	GRAND TOTAL
PAGE	D4	7,882.55	6,559.16	2,285.00	16,726.71	9,064.26	0.00	0.00	25,790.97
PALO ALTO	D3	8,050.00	3,214.54	2,585.00	13,849.54	10,795.95	6,477.73	0.00	31,123.22
PLYMOUTH	D3	33,354.58	25,581.37	9,477.01	68,412.96	22,992.93	28,528.24	0.00	119,934.13
POCHONTAS	D2	3,957.50	7,235.55	1,022.31	12,215.36	10,474.40	8,758.08	79.28	31,527.12
POLK	D5	988,448.00	524,503.00	295,836.00	1,808,787.00	45,690.00	223,041.00	0.00	2,077,518.00
POTTAWATT	D4	158,709.16	72,639.40	48,634.96	279,983.52	3,233.97	0.00	0.00	283,217.49
POWESHIEK	D8	24,042.10	5,295.77	6,561.75	35,899.62	35,775.96	45,841.10	4,472.71	121,989.39
RINGGOLD	D5	2,899.89	1,587.50	810.05	5,297.44	4,511.97	440.06	0.00	10,249.47
SAC	D2	20,168.22	5,867.00	6,147.45	32,182.67	2,030.65	12,233.95	0.00	46,447.27
SCOTT	D7	292,638.15	44,386.66	97,034.71	434,059.52	338,644.96	1,571,092.00	0.00	2,343,796.48
SHELBY	D4	12,507.36	9,200.43	3,553.33	25,261.12	3,587.39	3,681.23	0.00	32,529.74
SIoux	D3	35,681.50	4,929.13	13,467.50	54,078.13	17,721.00	5,563.30	0.00	77,362.43
STORY	D2	275,090.19	95,860.65	68,434.20	439,385.04	39,730.54	0.00	0.00	479,115.58
TAMA	D6	72,771.95	33,965.58	22,477.60	129,215.13	55,135.40	361,991.86	4,742.00	551,084.39
TAYLOR	D5	6,007.94	6,135.95	1,616.68	13,760.57	8,800.08	6,073.91	0.00	28,634.56
UNION	D5	32,960.43	9,705.10	7,533.01	50,198.54	21,058.42	15,434.20	3,696.05	90,387.21
VAN BUREN	D8	7,110.00	3,868.82	1,941.00	12,919.82	14,373.36	9,264.95	0.00	36,558.13
WAPELLO	D8	113,277.43	65,706.20	33,703.96	212,687.59	60,078.90	43,903.33	7,424.00	324,093.82
WARREN	D5	99,652.00	25,080.00	32,935.00	157,667.00	28,086.00	16,813.00	0.00	202,566.00
WASHINGTON	D8	46,057.83	21,481.46	12,076.50	79,615.79	47,100.65	11,787.23	0.00	138,503.67
WAYNE	D5	7,059.30	1,794.39	2,628.64	11,482.33	14,067.98	14,270.48	0.00	39,820.79
WEBSTER	D2	32,596.00	25,499.04	10,874.50	68,969.54	110,484.56	72,022.69	0.00	251,476.79
WINNEBAGO	D2	7,570.00	1,974.54	1,655.00	11,199.54	843.47	360.00	0.00	12,403.01
WINNESHIEK	D1	36,655.39	12,004.65	9,386.86	58,046.90	82,475.44	47,740.40	0.00	188,262.74
WOODBURY	D3	458,034.28	136,483.20	61,131.42	655,648.90	293,994.82	0.00	0.00	949,643.72
WORTH	D2	13,819.29	5,567.21	3,362.15	22,748.65	1,165.71	126.44	3,815.52	27,856.32
WRIGHT	D2	8,493.80	8,117.20	2,088.30	18,699.30	24,314.35	3,600.00	0.00	46,613.65
		6,684,212.35	3,065,258.40	1,768,742.98	11,518,213.73	3,159,469.07	3,579,847.29	479,695.31	18,737,225.40

(SOURCE: Judicial Department)