

SENATE FILE 484

BY MANN

FILED MAR 19 1900

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the imposition of fines as part of a  
 2 sentence for the conviction of a criminal offense, and  
 3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*SF 484*

1 Section 1. Section 902.9, Code 1985, is amended to read as  
2 follows:

3 902.9 MAXIMUM SENTENCE FOR FELONS.

4 1. The maximum sentence for ~~any~~ a person convicted of a  
5 felony ~~shall be~~ is that prescribed by statute or, if not  
6 prescribed by statute, if other than a class "A" felony shall  
7 be determined as follows:

8 1 a. A class "B" felon shall be confined for no more than  
9 twenty-five years.

10 2 b. An habitual offender shall be confined for no more  
11 than fifteen years.

12 3 c. A class "C" felon, not an habitual offender, shall be  
13 confined for no more than ten years, and in addition may be  
14 sentenced to a fine of not more than two hundred times the  
15 offender's average daily earnings during the year preceding  
16 the date of sentence or ten thousand dollars, whichever is  
17 less.

18 4 d. A class "D" felon, not an habitual offender, shall be  
19 confined for no more than five years, and in addition may be  
20 sentenced to a fine of not more than one hundred times the  
21 offender's average daily earnings during the year preceding  
22 the date of sentence or seven thousand five hundred dollars,  
23 whichever is less.

24 2. In determining the offender's average daily earnings  
25 for purposes of paragraph "c" or "d", the court shall require  
26 the offender to provide an affidavit of financial status,  
27 which shall be sworn to and subscribed by the offender under  
28 penalty of perjury.

29 3. The criminal penalty surcharge required by section  
30 911.2 shall be added to a fine imposed on a class "C" or class  
31 "D" felon, and is not a part of or subject to the maximums set  
32 in this section.

33 Sec. 2. Section 903.1, Code 1985, is amended to read as  
34 follows:

35 903.1 MAXIMUM SENTENCE FOR MISDEMEANANTS.

1 1. When a person is convicted of a simple or serious  
2 misdemeanor and a specific penalty is not provided for, the  
3 court shall determine the sentence, and shall fix the period  
4 of confinement or the amount of fine, if such be that is the  
5 sentence, within the following limits:

6 a. For a simple misdemeanor, imprisonment not to exceed  
7 thirty days, or a fine not to exceed ten times the offender's  
8 average daily earnings during the year preceding the date of  
9 sentence or one hundred dollars, whichever is less.

10 b. For a serious misdemeanor, imprisonment not to exceed  
11 one year, or a fine not to exceed twenty times the offender's  
12 average daily earnings during the year preceding the date of  
13 sentence or one thousand dollars, whichever is less, or both  
14 the fine and imprisonment.

15 2. When a person is convicted of an aggravated  
16 misdemeanor, and a specific penalty is not provided for, the  
17 maximum penalty ~~shall be~~ is imprisonment not to exceed two  
18 years, or a fine not to exceed fifty times the offender's  
19 average daily earnings during the year preceding the date of  
20 sentence or five thousand dollars, or both the fine and  
21 imprisonment. When a judgment of conviction of an aggravated  
22 misdemeanor is entered against any person and the court  
23 imposes a sentence of confinement for a period of more than  
24 one year the term shall be an indeterminate term.

25 3. The criminal penalty surcharge required by section  
26 911.2 shall be added to a fine imposed on a misdemeanant, and  
27 is not a part of or subject to the maximums set in this  
28 section.

29 EXPLANATION

30 This bill provides that the maximum fines for criminal  
31 offenses may be measured as a percentage of the offender's  
32 average earnings, with the limits to be set as follows:

33 <u>Offense</u>	<u>Day Fine</u>	<u>Maximum</u>
34 Class "D" felony	200 times average daily	\$10,000
35	earnings	

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1	Class "C" felony	100 times average daily	\$ 7,500
2		earnings	
3	Aggravated mis-	50 times average daily	\$ 5,000
4	demeanor	earnings	
5	Serious misde-	20 times average daily	\$ 1,000
6	meanor	earnings	
7	Simple misde-	10 times average daily	\$ 100
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