

*Ordinary Amend (56.21) to Code Page 4/9 (p.1330)*

*Reprinted*

FILED MAR 13 1992

SENATE FILE 2352

BY COMMITTEE ON WAYS AND MEANS

*approved (7/89)*

(SUCCESSOR TO SSB 2256)

Passed Senate, Date 4/15/92 (p.14/2) Passed House, Date \_\_\_\_\_

Vote: Ayes 46 Nays 2 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act setting minimum fines for certain criminal convictions,  
2 and increasing the civil penalty assessed for certain motor  
3 vehicle license revocations.

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

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*SF 2352*

**SENATE FILE 2352  
AS AMENDED AND PASSED BY THE SENATE  
FISCAL NOTE**

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A fiscal note for Senate File 2352 as amended and passed by the Senate is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2352 as amended and passed by the Senate establishes minimum fines for people convicted of Class C and D felonies and non-scheduled misdemeanor violations. For a Class C or D felony and aggravated misdemeanor, a fine of at least \$500 is imposed. For a serious misdemeanor, a fine of at least \$250 is imposed. For a simple misdemeanor, a fine of at least \$50 is imposed. It is at the judge's discretion to impose a minimum fine. Senate File 2352 permits judges to order for certain fines, the criminal penalty surcharge, and court costs, to be paid in installments or by a fixed date. If a judge chooses to order that these items be paid in installments or by a fixed date, the judge is required to impose a time payment fee of \$10 or less, and interest charges on the unpaid judgment. The civil penalty imposed upon a conviction of Operating While Intoxicated (OWI) is increased from \$100 to \$200. The revenue generated from the increase is deposited in the General Fund.

Assumptions

1. Receipts from the OWI civil penalty are currently deposited in the Victim Compensation Fund. During FY 1991, approximately \$1.3 million was generated from the OWI civil penalty.
2. Convictions for OWI violations have been decreasing.
3. Not all offenders will pay the \$200 civil penalty.
4. It is not possible to predict how often judges will impose the minimum fine. Judges may choose to impose no fine, the minimum or maximum fine, or an amount within the minimum and maximum fine.
5. If judges impose no fine for cases where they may have imposed a fine less than the minimum imposed by SF 2352, overall court revenues may decrease.
6. If judges impose the minimum fine for cases where they may have imposed a fine less than the minimum, overall court revenues may increase.
7. There is no increased revenue associated with the \$500 minimum fine for Class C and D felonies. The collection rate is assumed to be extremely low as convicted offenders are more likely to be sentenced to prison. Prisoners are not likely to have the funds available to pay the minimum fine.
8. Currently, some judges require certain fines, the criminal surcharge penalty, and court costs to be paid in installments and/or by a fixed date. No revenue estimate is provided for this provision as it is not possible to determine how many new cases will be impacted, or how many offenders will pay by this method.
9. No revenue estimate is provided for the new provision which requires that judges impose a time payment fee and interest on the unpaid judgment for those offenders required to pay by installment or by a fixed date. It is

-2-

not possible to predict how often judges will require this action, or how many offenders will actually meet the obligation.

Fiscal Impact

Increasing the civil penalty for an OWI conviction is estimated to increase General Fund receipts by \$1.0 million annually. Receipts to the Victim Compensation Fund are not impacted by SF 2352.

It is not possible to estimate the impact on court revenues for establishing a minimum fine for non-scheduled misdemeanors since judges have discretion in imposing the fine.

Source: Department of Management  
Judicial Department

(LSB 5527sv.4, BAL)

FILED APRIL 15, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

FURMAN, CH.  
HEDGE  
MURPHY

SSB 2256  
WAYS & MEANS NOW

SENATE/HOUSE FILE 2352  
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act redefining wine coolers and spirit coolers for purposes of  
2 the applicability of certain taxes, setting minimum fines for  
3 certain criminal convictions, and increasing the civil penalty  
4 assessed for certain motor vehicle license revocations.

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

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1 Section 1. Section 123.3, subsections 9 and 10, Code 1991,  
2 are amended to read as follows:

3 9. "Alcoholic beverage" means any beverage containing more  
4 than one-half of one percent of alcohol by volume including  
5 alcoholic liquor, wine, wine coolers and spirit coolers, and  
6 beer.

7 10. "Beer" means any liquid capable of being used for  
8 beverage purposes made by the fermentation of an infusion in  
9 potable water of barley, malt, and hops, with or without  
10 unmalted grains or decorticated and degerminated grains or  
11 ~~made-by-the-fermentation-of-or-by-distillation-of-the~~  
12 ~~fermented-products-of-fruit,-fruit-extracts,-or-other~~  
13 ~~agricultural-products~~, containing more than one-half of one  
14 percent of alcohol by volume but not more than five percent of  
15 alcohol by weight but not including mixed drinks or cocktails  
16 mixed on the premises or wine coolers and spirit coolers.

17 Sec. 2. Section 123.3, Code 1991, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 38. "Wine cooler and spirit cooler" means  
20 any beverages containing more than one-half of one percent of  
21 alcohol by volume but not more than five percent of alcohol by  
22 weight obtained by the fermentation or distillation of the  
23 natural sugar contents of fruits, fruit extracts, or other  
24 agricultural products including grain, cereal, molasses, or  
25 cactus and to which other nonalcoholic liquids may be added,  
26 but excluding beer.

27 Sec. 3. Section 123.137, Code 1991, is amended to read as  
28 follows:

29 123.137 REPORT OF BARREL AND WINE COOLER AND SPIRIT COOLER  
30 SALES -- PENALTY.

31 A person holding a class "A" or special class "A" permit  
32 shall on or before the tenth day of each calendar month  
33 commencing on the tenth day of the calendar month following  
34 the month in which the person is issued a permit, make a  
35 report under oath to the division upon forms to be furnished

1 by the division for that purpose showing the exact number of  
 2 barrels of beer, or fractional parts of barrels, sold by the  
 3 permit holder during the preceding calendar month. The report  
 4 shall also state information the administrator requires, and  
 5 permit holders shall at the time of filing a report pay to the  
 6 division the amount of tax due at the rate fixed in section  
 7 123.136.

8 In addition, on or before the tenth day of each calendar  
 9 month, commencing on the tenth day of the calendar month  
 10 following the month in which the person is issued a permit, a  
 11 class "A" beer permittee shall make a separate report under  
 12 oath to the division upon forms furnished by the division  
 13 showing the exact number of gallons of wine coolers and spirit  
 14 coolers sold by the permit holder during the preceding  
 15 calendar month, and the permit holder shall at the time of  
 16 filing the report pay to the division the amount of tax due at  
 17 the rate fixed in section 123.183. A tax shall not be levied  
 18 or collected on wine coolers and spirit coolers sold by one  
 19 class "A" permittee to another class "A" permittee.

20 A penalty of ten percent of the amount of the tax shall be  
 21 added thereto if the ~~report-is~~ reports are not filed and the  
 22 tax paid within the time required by this section.

23 Sec. 4. Section 123.138, Code 1991, is amended to read as  
 24 follows:

25 123.138 BOOKS OF ACCOUNT REQUIRED.

26 Each class "A" or special class "A" permittee shall keep  
 27 proper books of account and records showing separately the  
 28 amount of beer sold and the amount of wine coolers and spirit  
 29 coolers sold by the permittee, and these books of account  
 30 shall be at all times open to inspection by the administrator,  
 31 or designee, and to other persons pursuant to section 123.30,  
 32 subsection 1. Each class "B" and class "C" permittee shall  
 33 keep proper books of account and records showing separately  
 34 each purchase of beer and each purchase of wine coolers and  
 35 spirit coolers made by the permittee, and the date and the

1 amount of each purchase and the name of the person from whom  
2 each purchase was made, which books of account and records  
3 shall be open to inspection pursuant to section 123.30,  
4 subsection 1, during normal business hours of the permittee.

5 Sec. 5. NEW SECTION. 123.152 PURCHASE AND SALE OF WINE  
6 COOLERS AND SPIRIT COOLERS.

7 Notwithstanding any other provision of this chapter, a  
8 class "A" beer permittee may purchase wine coolers and spirit  
9 coolers from the holder of a vintner's certificate of  
10 compliance and may sell wine coolers and spirit coolers to  
11 class "B" and class "C" beer permittees and to class "A",  
12 class "B", class "C", and class "D" liquor control licensees.  
13 A class "A" wine permittee may purchase wine coolers and  
14 spirit coolers from the holder of a vintner's certificate of  
15 compliance, and may sell wine coolers and spirit coolers to  
16 class "B" wine permittees, and class "A", class "B", class  
17 "C", and class "D" liquor control licensees. Class "A" beer  
18 permittees and class "A" wine permittees may purchase wine  
19 coolers and spirit coolers from other class "A" beer  
20 permittees and class "A" wine permittees.

21 Notwithstanding any other provisions of this chapter, class  
22 "B" and class "C" beer permittees and class "A", class "B",  
23 class "C", and class "D" liquor control licensees may purchase  
24 wine coolers and spirit coolers from a class "A" beer  
25 permittee and may sell wine coolers and spirit coolers at  
26 retail. Class "B" wine permittees, and class "A", class "B",  
27 class "C", and class "D" liquor control licensees may purchase  
28 wine coolers and spirit coolers from a class "A" wine  
29 permittee and may sell wine coolers and spirit coolers at  
30 retail.

31 Sec. 6. Section 123.183, Code 1991, is amended to read as  
32 follows:

33 123.183 WINE AND WINE COOLER AND SPIRIT COOLER GALLONAGE  
34 TAX.

35 In addition to the annual permit fee to be paid by each

1 class "A" wine permittee, there shall be levied and collected  
 2 from each class "A" wine permittee on all wine and wine  
 3 coolers and spirit coolers manufactured for sale and sold in  
 4 this state at wholesale and on all wine and wine coolers and  
 5 spirit coolers imported into this state for sale at wholesale  
 6 and sold in this state at wholesale, a tax of one dollar and  
 7 seventy-five cents for every wine gallon and a like rate for  
 8 the fractional parts of a wine gallon. A tax shall not be  
 9 levied or collected on wine and wine coolers and spirit  
 10 coolers sold by one class "A" wine permittee to another class  
 11 "A" wine permittee. Revenue derived from the wine tax  
 12 collected on wine and wine coolers and spirit coolers  
 13 manufactured for sale and sold in this state shall be  
 14 deposited in the gallonage tax fund hereby created in the  
 15 office of the treasurer of state. Moneys deposited in the  
 16 gallonage tax fund shall not revert to the general fund of the  
 17 state without a specific appropriation by the general  
 18 assembly. All other revenue derived from the wine gallonage  
 19 tax shall be deposited in the liquor control fund established  
 20 by section 123.53 and shall be transferred by the director of  
 21 revenue and finance to the general fund of the state.

22 Sec. 7. Section 123.184, Code 1991, is amended to read as  
 23 follows:

24 123.184 REPORT OF GALLONAGE SALES -- PENALTY.

25 Each class "A" wine permit holder on or before the tenth  
 26 day of each calendar month commencing on the tenth day of the  
 27 calendar month following the month in which the person is  
 28 issued a permit, shall make a report under oath to the  
 29 division upon forms to be furnished by the division showing  
 30 the exact number of gallons of wine and fractional parts of  
 31 gallons, sold by that permit holder during the preceding  
 32 calendar month. On or before the tenth day of each calendar  
 33 month, commencing on the tenth day of the calendar month  
 34 following the month in which the person is issued a permit, a  
 35 class "A" wine permittee shall make a separate report under

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 oath to the division upon forms furnished by the division  
2 showing the exact number of gallons of wine coolers and spirit  
3 coolers sold by the permit holder during the preceding  
4 calendar month, and the permit holder shall at the time of  
5 filing the report pay to the division the amount of tax due at  
6 the rate fixed in section 123.183. The report reports also  
7 shall state whatever reasonable additional information the  
8 administrator requires. The permit holder at the time of  
9 filing ~~this-report~~ these reports shall pay to the division the  
10 amount of tax due at the rate fixed in section 123.183. A  
11 penalty of ten percent of the amount of the tax shall be  
12 assessed and collected if the ~~report-is~~ reports are not filed  
13 and the tax paid within the time required by this section.

14 Sec. 8. Section 123.185, Code 1991, is amended to read as  
15 follows:

16 123.185 RECORDS REQUIRED.

17 Each class "A" wine permittee shall keep books of account  
18 and records showing separately each sale of wine and each sale  
19 of wine coolers and spirit coolers, which shall be at all  
20 times open to inspection by the administrator and pursuant to  
21 section 123.30, subsection 1. Each class "B" wine permittee  
22 shall keep proper books of account and records showing  
23 separately each purchase of wine and each purchase of wine  
24 coolers and spirit coolers and the date and the amount of each  
25 purchase and the name of the person from whom each purchase  
26 was made, which shall be open to inspection pursuant to  
27 section 123.30, subsection 1, during normal business hours of  
28 the permittee.

29 Sec. 9. Section 321J.17, Code Supplement 1991, is amended  
30 to read as follows:

31 321J.17 CIVIL PENALTY -- VICTIM COMPENSATION FUND --  
32 REINSTATEMENT.

33 When the department revokes a person's motor vehicle  
34 license or nonresident operating privilege under this chapter,  
35 the department shall assess the person a civil penalty of one

1 two hundred dollars. The money collected by the department  
 2 under this section shall be transmitted to the treasurer of  
 3 state who shall deposit one-half of the money in the separate  
 4 fund established in section 912.14 and one-half of the money  
 5 shall be deposited in the general fund of the state. A  
 6 temporary restricted license shall not be issued or a motor  
 7 vehicle license or nonresident operating privilege reinstated  
 8 until the civil penalty has been paid.

9 Sec. 10. Section 902.9, subsections 3 and 4, Code 1991,  
 10 are amended to read as follows:

11 3. A class "C" felon, not an habitual offender, shall be  
 12 confined for no more than ten years, and in addition may be  
 13 sentenced to a fine of at least five hundred dollars but not  
 14 more than ten thousand dollars.

15 4. A class "D" felon, not an habitual offender, shall be  
 16 confined for no more than five years, and in addition may be  
 17 sentenced to a fine of at least five hundred dollars but not  
 18 more than seven thousand five hundred dollars. A class "D"  
 19 felon, such felony being for a violation of section 321J.2,  
 20 may be sentenced to imprisonment for up to one year in the  
 21 county jail.

22 Sec. 11. Section 903.1, subsections 1 and 2, Code  
 23 Supplement 1991, are amended to read as follows:

24 1. If a person eighteen years of age or older is convicted  
 25 of a simple or serious misdemeanor and a specific penalty is  
 26 not provided for or if a person under eighteen years of age  
 27 has been waived to adult court pursuant to section 232.45 on a  
 28 felony charge and is subsequently convicted of a simple,  
 29 serious, or aggravated misdemeanor, the court shall determine  
 30 the sentence, and shall fix the period of confinement or the  
 31 amount of fine, if-such-be-the-sentence which fine shall not  
 32 be suspended by the court, within the following limits:

33 a. For a simple misdemeanor, there shall be a fine of at  
 34 least fifty dollars but not to exceed one hundred dollars. In  
 35 addition, the court may also order imprisonment not to exceed

1 thirty days, ~~or a fine not to exceed one hundred dollars.~~

2 b. For a serious misdemeanor, there shall be a fine of at  
3 least two hundred fifty dollars but not to exceed one thousand  
4 dollars. In addition, the court may also order imprisonment  
5 not to exceed one year, ~~or a fine not to exceed one thousand~~  
6 dollars, ~~or both.~~

7 2. When a person is convicted of an aggravated  
8 misdemeanor, and a specific penalty is not provided for, the  
9 maximum penalty shall be imprisonment not to exceed two years,  
10 or. There shall be a fine of at least five hundred dollars  
11 but not to exceed five thousand dollars, ~~or both.~~ When a  
12 judgment of conviction of an aggravated misdemeanor is entered  
13 against any person and the court imposes a sentence of  
14 confinement for a period of more than one year the term shall  
15 be an indeterminate term.

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#### EXPLANATION

17 The bill defines wine cooler and spirit cooler, based upon  
18 the alcoholic content of the beverage, at one-half of 1  
19 percent but not more than 5 percent. The definition of beer  
20 is altered so that any beverage defined as a wine cooler or  
21 spirit cooler no longer qualifies as beer. The change in  
22 definition will affect the sale and handling of certain  
23 alcohol-based beverages which can now be sold as beer because  
24 their alcohol content is below 5 percent and the bill requires  
25 those beverages to be taxed at the higher rate for wine. The  
26 bill also permits all license or permit holders to sell wine  
27 coolers or spirit coolers.

28 The bill sets minimum fines for misdemeanors and class "C"  
29 and "D" felonies and increases the civil penalty for having a  
30 motor vehicle license revoked for operating a motor vehicle  
31 while intoxicated.

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1 Section 1. Section 321J.17, Code Supplement 1991, is  
2 amended to read as follows:

3 321J.17 CIVIL PENALTY -- VICTIM COMPENSATION FUND --  
4 REINSTATEMENT.

5 When the department revokes a person's motor vehicle  
6 license or nonresident operating privilege under this chapter,  
7 the department shall assess the person a civil penalty of one  
8 two hundred dollars. The money collected by the department  
9 under this section shall be transmitted to the treasurer of  
10 state who shall deposit one-half of the money in the separate  
11 fund established in section 912.14 and one-half of the money  
12 shall be deposited in the general fund of the state. A  
13 temporary restricted license shall not be issued or a motor  
14 vehicle license or nonresident operating privilege reinstated  
15 until the civil penalty has been paid.

16 Sec. 2. Section 902.9, subsections 3 and 4, Code 1991, are  
17 amended to read as follows:

18 3. A class "C" felon, not an habitual offender, shall be  
19 confined for no more than ten years, and in addition may be  
20 sentenced to a fine of at least five hundred dollars but not  
21 more than ten thousand dollars.

22 4. A class "D" felon, not an habitual offender, shall be  
23 confined for no more than five years, and in addition may be  
24 sentenced to a fine of at least five hundred dollars but not  
25 more than seven thousand five hundred dollars. A class "D"  
26 felon, such felony being for a violation of section 321J.2,  
27 may be sentenced to imprisonment for up to one year in the  
28 county jail.

29 Sec. 3. Section 903.1, subsections 1 and 2, Code  
30 Supplement 1991, are amended to read as follows:

31 1. If a person eighteen years of age or older is convicted  
32 of a simple or serious misdemeanor and a specific penalty is  
33 not provided for or if a person under eighteen years of age  
34 has been waived to adult court pursuant to section 232.45 on a  
35 felony charge and is subsequently convicted of a simple,

1 serious, or aggravated misdemeanor, the court shall determine  
2 the sentence, and shall fix the period of confinement or the  
3 amount of fine, ~~if such be the sentence~~ which fine shall not  
4 be suspended by the court, within the following limits:

5 a. For a simple misdemeanor, there shall be a fine of at  
6 least fifty dollars but not to exceed one hundred dollars. In  
7 addition, the court may also order imprisonment not to exceed  
8 thirty days, or a fine not to exceed one hundred dollars.

9 b. For a serious misdemeanor, there shall be a fine of at  
10 least two hundred fifty dollars but not to exceed one thousand  
11 dollars. In addition, the court may also order imprisonment  
12 not to exceed one year, or a fine not to exceed one thousand  
13 dollars, or both.

14 2. When a person is convicted of an aggravated  
15 misdemeanor, and a specific penalty is not provided for, the  
16 maximum penalty shall be imprisonment not to exceed two years,  
17 or. There shall be a fine of at least five hundred dollars  
18 but not to exceed five thousand dollars, or both. When a  
19 judgment of conviction of an aggravated misdemeanor is entered  
20 against any person and the court imposes a sentence of  
21 confinement for a period of more than one year the term shall  
22 be an indeterminate term.

23

EXPLANATION

24 The bill sets minimum fines for misdemeanors and class "C"  
25 and "D" felonies and increases the civil penalty for having a  
26 motor vehicle license revoked for operating a motor vehicle  
27 while intoxicated.

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SENATE FILE 2352  
FISCAL NOTE

REQ. BY SENATOR FUERMAN

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A fiscal note for Amendment S - 5621 to Senate File 2352 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Amendment S - 5621 to SF 2352 establishes minimum fines for people convicted of non-scheduled misdemeanors. For an aggravated misdemeanor, a fine of at least \$500 is imposed. For a serious misdemeanor, a fine of at least \$250 is imposed. For a simple misdemeanor, a fine of at least \$50 is imposed. It is at the judge's discretion to impose a minimum fine.

Assumptions

1. It is not possible to predict how often judges will impose the minimum fine. Judges may choose to impose no fine, the minimum or maximum fine, or an amount within the minimum or maximum fine.
2. If judges impose no fine for cases where they may have imposed a fine less than the minimum imposed by S - 5621, overall court revenues may decrease.
3. If judges impose the minimum fine for cases where they may have imposed a fine less than the minimum, overall court revenues may increase.

Fiscal Impact

It is not possible to estimate the impact on court revenues since S - 5621 to SF 2352 grants judges discretion in imposing the fine.

Sources: Department of Management  
Judicial Department

(LSB 5527sv.3, BAL)

FILED APRIL 14, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2352  
FISCAL NOTE

---

A fiscal note for Senate File 2352 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2352 establishes minimum fines for people convicted of Class C and D felonies and misdemeanors. For a Class C or D felony and aggravated misdemeanor, a fine of at least \$500 is imposed. For a serious misdemeanor, a fine of at least \$250 is imposed. For a simple misdemeanor, a fine of at least \$50 is imposed. The civil penalty imposed upon a conviction of Operating While Intoxicated (OWI) is increased from \$100 to \$200. The revenue generated from the increase is deposited in the General Fund.

Assumptions

1. Receipts from the OWI civil penalty are currently deposited in the Victim Compensation Fund. During FY 1991, approximately \$1.3 million was generated from the OWI civil penalty.
2. Convictions for OWI violations have been decreasing.
3. Not all offenders will pay the \$200 civil penalty.
4. Revenue estimates for the minimum fines on criminal offenses are based upon the current estimated revenue generated from criminal offenses.
5. The collection rate is assumed to be 45.0% for the \$50 minimum fine for simple misdemeanors.
6. The collection rate is assumed to be 20.0% for the \$250 minimum fine for serious misdemeanors, and the \$500 minimum fine for aggravated misdemeanors.
7. There is no increased revenue associated with the \$500 minimum fine for Class C and D felonies. The collection rate is assumed to be extremely low as convicted offenders are more likely to be sentenced to prison. Prisoners are not likely to have the funds available to pay the minimum fine.

Fiscal Impact

Imposing a minimum fine for criminal offenses is estimated to increase General Fund receipts by \$5.0 million annually.

Increasing the civil penalty for an OWI conviction is estimated to increase General Fund receipts by \$1.0 million annually. Receipts to the Victim Compensation Fund are not impacted by SF 2352.

Source: Department of Management

(LSB 552/sv, BAL)

FILED MARCH 25, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2352

S-5660

1 Amend Senate File 2352 as follows:

2 1. Page 2, by inserting after line 22 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 909.7A PAYMENT IN  
5 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT  
6 FEE AND INTEREST.

7 The general assembly hereby finds that the  
8 structured fines system of imposing fines has been  
9 successfully utilized in several countries of Europe  
10 and in the states of New York and Arizona. The  
11 general assembly further finds that a fine imposed as  
12 a criminal sanction should be proportionate to the  
13 severity of the offense and should equally impact  
14 individuals of differing financial resources, and that  
15 the sentencing of a criminal defendant pursuant to a  
16 structured fines program, in which fine amounts for  
17 some or all offenses are calculated and imposed  
18 according to the nature of the offense and the  
19 offender's financial resources, is not contrary to any  
20 existing provision of law. The general assembly  
21 further finds that the implementation of a structured  
22 fines pilot program within this state could serve as a  
23 test for a fairer method of dispensing criminal  
24 justice and could increase the overall amount of  
25 criminal fines collected from offenders, reduce the  
26 volume of delinquent and unpaid fines, reduce the  
27 number of offenders sentenced to formal probation, and  
28 help to alleviate the overcrowded conditions at the  
29 penal institutions within the state.

30 If the district court orders a fine imposed  
31 pursuant to this chapter, the criminal penalty  
32 surcharge imposed pursuant to chapter 911, or court  
33 costs assessed pursuant to chapter 602, to be paid in  
34 installments or at a fixed date in the future, the  
35 court shall do all of the following:

36 1. Impose a time payment fee in the amount of ten  
37 dollars.

38 2. Impose interest charges on the unsatisfied  
39 judgment at the rate provided in section 535.3 for  
40 court judgments."

By JOHN A. PETERSON

S-5660 FILED APRIL 13, 1992

c/o 4/15 (p. 1411)

SENATE FILE 2352

S-5621

- 1 Amend Senate File 2352 as follows:  
2 1. Page 2, by striking lines 3 through 13 and  
3 inserting the following: "amount of fine, if such be  
4 the sentence, within the following limits:  
5 a. For a simple misdemeanor, imprisonment not to  
6 exceed thirty days, or a fine of at least fifty  
7 dollars but not to exceed one hundred dollars.  
8 b. For a serious misdemeanor, imprisonment not to  
9 exceed one year, or a fine of at least two hundred  
10 fifty dollars but not to exceed one thousand dollars,  
11 or both."  
12 2. Page 2, lines 16 and 17, by striking the words  
13 "~~7-or~~. There shall be" and inserting the following:  
14 ", or".  
15 3. Page 2, line 18, by striking the words "~~7-or~~  
16 ~~both~~" and inserting the following: ", or both".

By COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-5621 FILED APRIL 9, 1992

*Adopted as amended by 5689 4/15 (p. 1411)*

SENATE FILE 2352

S-5634

- 1 Amend Senate File 2352 as follows:  
2 1. Page 1, line 32, by inserting after the word  
3 "penalty" the following: "or scheduled fine".

By DONALD V. DOYLE  
LINN FUERMAN

S-5634 FILED APRIL 10, 1992

*Adopted 4/15 (p. 1411)*

## SENATE FILE 2352

S-5675

1 Amend the committee amendment, S-5621 to Senate  
2 File 2352 as follows:

3 1. Page 1, by inserting after line 16, the  
4 following:

5 "\_\_\_\_\_. Page 2, by inserting after line 22 the  
6 following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 909.7A PAYMENT IN  
8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT  
9 FEE AND INTEREST.

10 The general assembly hereby finds that the  
11 structured fines system of imposing fines has been  
12 successfully utilized in several countries of Europe  
13 and in the states of New York and Arizona. The  
14 general assembly further finds that a fine imposed as  
15 a criminal sanction should be proportionate to the  
16 severity of the offense and should equally impact  
17 individuals of differing financial resources, and that  
18 the sentencing of a criminal defendant pursuant to a  
19 structured fines program, in which fine amounts for  
20 some or all offenses are calculated and imposed  
21 according to the nature of the offense and the  
22 offender's financial resources, is not contrary to any  
23 existing provision of law. The general assembly  
24 further finds that the implementation of a structured  
25 fines pilot program within this state could serve as a  
26 test for a fairer method of dispensing criminal  
27 justice and could increase the overall amount of  
28 criminal fines collected from offenders, reduce the  
29 volume of delinquent and unpaid fines, reduce the  
30 number of offenders sentenced to formal probation, and  
31 help to alleviate the overcrowded conditions at the  
32 penal institutions within the state.

33 Notwithstanding the amount of any minimum fine  
34 specified, if the court orders a fine imposed pursuant  
35 to this chapter, the criminal penalty surcharge  
36 imposed pursuant to chapter 911, or court costs  
37 assessed pursuant to chapter 602, to be paid in  
38 installments or at a fixed date in the future, the  
39 court shall do all of the following:

40 1. Impose a time payment fee in the amount of ten  
41 dollars.

42 2. Impose interest charges on the unsatisfied  
43 judgment at the rate provided in section 535.3 for  
44 court judgments."

By LINN FUHRMAN

S-5675 FILED APRIL 14, 1992

*o/o 4/15 (p 1411)*

SENATE FILE 2352

S-5662

1 Amend the committee amendment, S-5621 to Senate  
 2 File 2352 as follows:  
 3 1. Page 1, by inserting after line 16, the  
 4 following:  
 5 "\_\_\_\_\_. Page 2, by inserting after line 22 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. NEW SECTION. 909.7A PAYMENT IN  
 8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT  
 9 FEE AND INTEREST.

10 The general assembly hereby finds that the  
 11 structured fines system of imposing fines has been  
 12 successfully utilized in several countries of Europe  
 13 and in the states of New York and Arizona. The  
 14 general assembly further finds that a fine imposed as  
 15 a criminal sanction should be proportionate to the  
 16 severity of the offense and should equally impact  
 17 individuals of differing financial resources, and that  
 18 the sentencing of a criminal defendant pursuant to a  
 19 structured fines program, in which fine amounts for  
 20 some or all offenses are calculated and imposed  
 21 according to the nature of the offense and the  
 22 offender's financial resources, is not contrary to any  
 23 existing provision of law. The general assembly  
 24 further finds that the implementation of a structured  
 25 fines pilot program within this state could serve as a  
 26 test for a fairer method of dispensing criminal  
 27 justice and could increase the overall amount of  
 28 criminal fines collected from offenders, reduce the  
 29 volume of delinquent and unpaid fines, reduce the  
 30 number of offenders sentenced to formal probation, and  
 31 help to alleviate the overcrowded conditions at the  
 32 penal institutions within the state.

33 Notwithstanding the amount of any minimum fine  
 34 specified, if the district court orders a fine imposed  
 35 pursuant to this chapter, the criminal penalty  
 36 surcharge imposed pursuant to chapter 911, or court  
 37 costs assessed pursuant to chapter 602, to be paid in  
 38 installments or at a fixed date in the future, the  
 39 court shall do all of the following:

- 40 1. Impose a time payment fee in the amount of ten  
 41 dollars.
- 42 2. Impose interest charges on the unsatisfied  
 43 judgment at the rate provided in section 535.3 for  
 44 court judgments.""

By JOHN A. PETERSON

S-5662 FILED APRIL 14, 1992

*o/p 4/15 (p. 1411)*

## SENATE FILE 2352

S-5689

- 1 Amend the Committee amendment, S-5621, to Senate  
2 File 2352 as follows:  
3 1. Page 1, by inserting after line 16 the follow-  
4 ing:  
5 "\_\_\_\_\_. Page 2, by inserting after line 22 the fol-  
6 lowing:  
7 "Sec. \_\_\_\_\_. NEW SECTION. 909.7A PAYMENT IN  
8 INSTALLMENTS OR ON A FIXED FUTURE DATE -- INSTALLMENT  
9 FEE AND INTEREST.  
10 1. Notwithstanding the amount of any minimum fine  
11 specified, in order to provide a fairer method of  
12 dispensing criminal justice and increase the overall  
13 amount of criminal fines collected from offenders, the  
14 court may order a fine imposed pursuant to this  
15 chapter, the criminal penalty surcharge imposed  
16 pursuant to chapter 911, or court costs assessed  
17 pursuant to chapter 602, to be paid in installments or  
18 require full payment at a fixed date in the future.  
19 2. If the court orders that a fine, surcharge, or  
20 court costs be structured or paid at a fixed future  
21 date, the court shall do all of the following:  
22 a. Impose a time payment fee not to exceed ten  
23 dollars.  
24 b. Impose interest charges on the unsatisfied  
25 judgment at the rate provided in section 535.3 for  
26 court judgments."  
27 2. By renumbering as necessary.
- By LINN FUHRMAN AL STURGEON  
JOHN A. PETERSON RICHARD J. VARN

S-5689 FILED APRIL 14, 1992

*Adopted 4/15 (p. 1411)*

SENATE FILE 2352  
FISCAL NOTE

REQ. BY SENATOR FUHRMAN

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A fiscal note for Amendment S - 5634 to Senate File 2352 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Amendment S - 5634 to SF 2352 is a technical amendment which clarifies that minimum fines imposed by SF 2352 are only imposed on people convicted of non-scheduled misdemeanors. Amendment S - 5634 has no fiscal impact.

Sources: Judicial Department  
Department of Management

(LSB 5527sv.2, BAL)

FILED APRIL 14, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE **2352**  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 2256)

(AS AMENDED AND PASSED BY THE SENATE APRIL 15, 1992)

\_\_\_\_\_ - New Language by the Senate

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

A BILL FOR

1 An Act setting minimum fines for certain criminal convictions,  
2 and increasing the civil penalty assessed for certain motor  
3 vehicle license revocations.

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

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S.F. 2352

1 Section 1. Section 321J.17, Code Supplement 1991, is  
2 amended to read as follows:

3 321J.17 CIVIL PENALTY -- VICTIM COMPENSATION FUND --  
4 REINSTATEMENT.

5 When the department revokes a person's motor vehicle  
6 license or nonresident operating privilege under this chapter,  
7 the department shall assess the person a civil penalty of ~~one~~  
8 two hundred dollars. The money collected by the department  
9 under this section shall be transmitted to the treasurer of  
10 state who shall deposit one-half of the money in the separate  
11 fund established in section 912.14 and one-half of the money  
12 shall be deposited in the general fund of the state. A  
13 temporary restricted license shall not be issued or a motor  
14 vehicle license or nonresident operating privilege reinstated  
15 until the civil penalty has been paid.

16 Sec. 2. Section 902.9, subsections 3 and 4, Code 1991, are  
17 amended to read as follows:

18 3. A class "C" felon, not an habitual offender, shall be  
19 confined for no more than ten years, and in addition may be  
20 sentenced to a fine of at least five hundred dollars but not  
21 more than ten thousand dollars.

22 4. A class "D" felon, not an habitual offender, shall be  
23 confined for no more than five years, and in addition may be  
24 sentenced to a fine of at least five hundred dollars but not  
25 more than seven thousand five hundred dollars. A class "D"  
26 felon, such felony being for a violation of section 321J.2,  
27 may be sentenced to imprisonment for up to one year in the  
28 county jail.

29 Sec. 3. Section 903.1, subsections 1 and 2, Code  
30 Supplement 1991, are amended to read as follows:

31 1. If a person eighteen years of age or older is convicted  
32 of a simple or serious misdemeanor and a specific penalty or  
33 scheduled fine is not provided for or if a person under  
34 eighteen years of age has been waived to adult court pursuant  
35 to section 232.45 on a felony charge and is subsequently

1 convicted of a simple, serious, or aggravated misdemeanor, the  
2 court shall determine the sentence, and shall fix the period  
3 of confinement or the amount of fine, if such be the sentence,  
4 within the following limits:

5 a. For a simple misdemeanor, imprisonment not to exceed  
6 thirty days, or a fine of at least fifty dollars but not to  
7 exceed one hundred dollars.

8 b. For a serious misdemeanor, imprisonment not to exceed  
9 one year, or a fine of at least two hundred fifty dollars but  
10 not to exceed one thousand dollars, or both.

11 2. When a person is convicted of an aggravated  
12 misdemeanor, and a specific penalty is not provided for, the  
13 maximum penalty shall be imprisonment not to exceed two years,  
14 or a fine of at least five hundred dollars but not to exceed  
15 five thousand dollars, or both. When a judgment of conviction  
16 of an aggravated misdemeanor is entered against any person and  
17 the court imposes a sentence of confinement for a period of  
18 more than one year the term shall be an indeterminate term.

19 Sec. 4. NEW SECTION. 909.7A PAYMENT IN INSTALLMENTS OR  
20 ON A FIXED FUTURE DATE -- INSTALLMENT FEE AND INTEREST.

21 1. Notwithstanding the amount of any minimum fine  
22 specified, in order to provide a fairer method of dispensing  
23 criminal justice and increase the overall amount of criminal  
24 finances collected from offenders, the court may order a fine  
25 imposed pursuant to this chapter, the criminal penalty  
26 surcharge imposed pursuant to chapter 911, or court costs  
27 assessed pursuant to chapter 602, to be paid in installments  
28 or require full payment at a fixed date in the future.

29 2. If the court orders that a fine, surcharge, or court  
30 costs be structured or paid at a fixed future date, the court  
31 shall do all of the following:

32 a. Impose a time payment fee not to exceed ten dollars.

33 b. Impose interest charges on the unsatisfied judgment at  
34 the rate provided in section 535.3 for court judgments.

35