

2/20/95 Judiciary

FILED FEB 16 1995

SENATE FILE 165

BY TINSMAN, BOETTGER,
NEUHAUSER, HAMMOND,
BISIGNANO, LIND, and
BENNETT

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a surcharge on misdemeanors and traffic
2 violations and designating the proceeds for the community
3 grant fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 165

1 Section 1. Section 331.302, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. A county shall not provide a penalty in excess of a one
4 hundred dollar fine or in excess of thirty days imprisonment
5 for the violation of an ordinance. The criminal penalty
6 surcharge required by section 911.2 and the misdemeanor and
7 traffic violation surcharge under section 911.4 shall be added
8 to a county fine and is not a part of the county's penalty.

9 Sec. 2. Section 364.3, subsection 2, Code 1995, is amended
10 to read as follows:

11 2. A city shall not provide a penalty in excess of a one
12 hundred dollar fine or in excess of thirty days imprisonment
13 for the violation of an ordinance. An amount equal to ten
14 percent of all fines collected by cities shall be deposited in
15 the account established in section 602.8108. However, one
16 hundred percent of all fines collected by a city pursuant to
17 section 321.236, subsection 1, shall be retained by the city.
18 The criminal penalty surcharge required by section 911.2 and
19 the misdemeanor and traffic violation surcharge under section
20 911.4 shall be added to a city fine and is not a part of the
21 city's penalty.

22 Sec. 3. Section 602.8108, subsection 3, Code 1995, is
23 amended to read as follows:

24 3. When a court assesses a criminal surcharge under
25 section 911.2 or the misdemeanor and traffic violation
26 surcharge under section 911.4, the amounts collected shall be
27 distributed as follows:

28 a. The clerk of the district court shall submit to the
29 state court administrator, not later than the fifteenth day of
30 each month, ninety-five percent of the surcharge under section
31 911.2 collected during the preceding calendar month. The
32 clerk shall remit the remainder to the county treasurer of the
33 county that was the plaintiff in the action or to the city
34 that was the plaintiff in the action.

35 b. Of the amount of the surcharge under section 911.2

1 received from the clerk, the state court administrator shall
2 allocate eighteen percent to be deposited in the fund
3 established in section 912.14 and eighty-two percent to be
4 deposited in the general fund.

5 c. When a court assesses a surcharge under section 911.4,
6 the clerk of the district court shall transmit the surcharge
7 amounts quarterly to the treasurer of state who shall deposit
8 the amounts in the community grant fund established in section
9 232.190.

10 Sec. 4. Section 805.8, subsection 1, Code 1995, is amended
11 to read as follows:

12 1. APPLICATION. Except as otherwise indicated, violations
13 of sections of the Code specified in this section are
14 scheduled violations, and the scheduled fine for each of those
15 violations is as provided in this section, whether the
16 violation is of state law or of a county or city ordinance.
17 The criminal penalty surcharge required by section 911.2 and
18 the misdemeanor and traffic violation surcharge under section
19 911.4 shall be added to the scheduled fine.

20 Sec. 5. Section 805.8, subsection 11, unnumbered paragraph
21 1, Code 1995, is amended to read as follows:

22 For violations of section 142B.6 or 453A.2, subsection 2,
23 the scheduled fine is twenty-five dollars, and is a civil
24 penalty, and the criminal penalty surcharge under section
25 911.2 or the misdemeanor and traffic violation surcharge under
26 section 911.4 shall not be added to the penalty, and the court
27 costs pursuant to section 805.9, subsection 6, shall not be
28 imposed. If the civil penalty assessed for a violation of
29 section 142B.6 is not paid in a timely manner, a citation
30 shall be issued for the violation in the manner provided in
31 section 804.1. However, a person under age eighteen shall not
32 be detained in a secure facility for failure to pay the civil
33 penalty. The complainant shall not be charged a filing fee.

34 Sec. 6. Section 903.1, subsection 4, Code 1995, is amended
35 to read as follows:

1 4. The criminal penalty surcharge required by section
2 911.2 and the misdemeanor and traffic violation surcharge
3 under section 911.4 shall be added to a fine imposed on a
4 misdemeanant, and is not a part of or subject to the maximums
5 set in this section.

6 Sec. 7. NEW SECTION. 911.4 SURCHARGE ON MISDEMEANORS AND
7 TRAFFIC VIOLATIONS -- DISTRIBUTION.

8 1. In addition to the surcharge established in section
9 911.1, when a court imposes a fine or forfeiture for a
10 violation of a state law, or of a city or county ordinance,
11 the court shall also assess an additional penalty in the form
12 of a surcharge as follows:

13 a. For each misdemeanor, the surcharge shall be five
14 dollars.

15 b. For each traffic violation which is a scheduled
16 violation under section 805.8, subsection 2, the surcharge
17 shall be two dollars.

18 2. The surcharge is subject to the provisions of chapter
19 909 governing the payment and collection of fines as provided
20 in section 909.8.

21 EXPLANATION

22 This bill establishes a \$5 surcharge on fines or
23 forfeitures from misdemeanors and a \$2 surcharge on traffic
24 violations which are also scheduled violations. The proceeds
25 from these surcharges are to be deposited quarterly in the
26 community grant fund administered by the division of criminal
27 and juvenile justice planning of the department of human
28 rights.

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SENATE FILE 165
FISCAL NOTE

REQ. BY SENATOR TINSMAN

A fiscal note for Senate File 165 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.

Senate File 165 establishes a surcharge on misdemeanors and traffic violations and designates the proceeds for the Community Grant Fund.

ASSUMPTIONS:

1. The estimate of surcharge revenues is based on current fines collections from figures reported by the clerks of the district court. The estimated number would change if collection procedures changed. Additionally, changes in arrest and prosecution rates would alter the estimate.
2. The estimate includes \$89,260 surcharges collected from aggravated and serious misdemeanors. These offenses are classified with felonies in data retention, thus obtaining an exact surcharge contribution for aggravated and serious misdemeanors is not possible and must be based on an assumed rate of misdemeanor to felony ratio.
3. Estimates from the State Court Administrator's Office and the Criminal and Juvenile Justice Planning and Statistical Analysis Center differ, from \$1,412,470 to \$1,458,701. This estimate will assume the lower figure.
4. The Community Grant Fund was appropriated \$1.8 million in FY 1995. If Senate File 165 is the only source of funding, a shortfall of \$387,530 will occur. Additionally, there is no legislation to appropriate the surcharge revenues to the Community Grant Fund once collected.

FISCAL IMPACT:

Estimated Revenue from surcharges: \$1,412,470
Expenditure: none without appropriation legislation

SOURCES:

Office of the State Court Administrator
Criminal and Juvenile Justice Planning Division
of the Department of Human Rights

(LSB 1416xs, MME)

FILED MARCH 8, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

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3. Estimates from the State Court Administrator's Office and the Criminal and Juvenile Justice Planning and Statistical Analysis Center differ, from \$1,412,470 to \$1,458,701. This estimate will assume the lower figure.
4. The Community Grant Fund was appropriated \$1.8 million in FY 1995. If Senate File 165 is the only source of funding, a shortfall of \$1,113,346 will occur. Additionally, there is no legislation to appropriate the surcharge revenues to the Community Grant Fund once collected.
5. The Courts are now estimating that 60.0% of the surcharges levied will be collected. The resulting impact based on the court figure of \$1,458,701 levied is \$875,220 collected.
6. The Courts estimate that a \$10,000 one-time purchase of Iowa Courts Information System software to allow necessary communication and reporting would be required.
7. The Courts estimate that ten minutes per surcharge would be required for clerk processing time. Based on \$12.00 per hour average salary, the \$2.00 per case charge would result in \$178,566 per year salary cost.

FISCAL IMPACT:

Estimated Revenue from surcharges: \$875,220
Expenditure: assuming legislation 188,566
Fiscal Impact: \$686,654

SOURCES: Office of the State Court Administrator
Criminal and Juvenile Justice Planning Division
of the Department of Human Rights
Judicial Department

(LSB 1416xs.2, MME)