

3-17-97 Judicious

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SENATE FILE 504  
BY DELUHERY

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

**A BILL FOR**

1 An Act relating to crime prevention by creating a local  
2 corrections infrastructure grant program, authorizing the use  
3 of bonding, making appropriations, imposing a civil penalty  
4 for certain motor vehicle license revocations, imposing a  
5 surcharge on criminal fines and forfeitures, providing for  
6 mandatory wage assignment for certain delinquent fines, and  
7 providing an effective date.

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

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S.F. 504

DIVISION I

LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

Section 1. NEW SECTION. 905A.1 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Division" means the division of criminal and juvenile justice planning of the department of human rights.

2. "Government" means a community-based correctional program as defined in section 905.1, or a city, school district or accredited nonpublic school, or county which expends funds for incarceration or supervision of individuals charged with or convicted of a felony, an aggravated misdemeanor, or a serious misdemeanor, or for crime prevention activities.

3. "Judicial election district" means a judicial election district described in section 602.6109.

Sec. 2. NEW SECTION. 905A.2 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM.

1. A local corrections infrastructure grant program is created in the division. The division shall adopt rules pursuant to chapter 17A as necessary to administer the program in accordance with this chapter. The rules shall include but are not limited to provisions for auditing of grant expenditures.

2. The division shall develop a request for proposals for the grant program and assist judicial election districts in developing proposals in response to the request. The division shall not accept more than one proposal from a judicial election district for each of the grant groupings. For the fiscal year beginning July 1, 1998, grants shall be awarded in accordance with this chapter in the following two groupings:

a. Twenty-five million dollars to one or more governments or groups of governments in judicial election districts, divided proportionately according to the judicial election districts' relative proportion of the state's general

1 population.

2 b. Nine million dollars to one or more governments or  
3 groups of governments representing judicial election  
4 districts, awarded according to criteria developed by the task  
5 force established pursuant to section 905A.3 based upon the  
6 relative amount of criminal activity in the judicial election  
7 district, the innovative nature of the proposal submitted by  
8 the government or group of governments, and the statewide need  
9 for the project proposed to be developed.

10 3. A proposal for a grant under this section is subject to  
11 all of the following conditions:

12 a. A judicial election district may combine with one or  
13 more other judicial election districts in developing a  
14 proposal or may propose a joint project in separate proposals.

15 b. A proposal shall be for one or more infrastructure or  
16 school-based crime prevention projects or combination of  
17 projects relating to one or more of the following purposes:

18 (1) A county jail.

19 (2) A regional or multicounty jail.

20 (3) A county juvenile detention or shelter care home,  
21 including retirement of outstanding debt for such a home.

22 (4) A regional or multicounty juvenile detention or  
23 shelter care home.

24 (5) A community-based correctional program facility.

25 (6) A school-based crime prevention program.

26 c. Grant moneys under this chapter shall not be used for  
27 purposes other than infrastructure.

28 d. The division may accept or reject a proposal in whole  
29 or in part.

30 e. A proposal must address the need for the proposed  
31 project, degree of urgency for the project, location of the  
32 project, provisions for the governments within the judicial  
33 election district to access the project, and the performance  
34 measures to be used to evaluate the project.

35 f. The submission date for proposals under subsection 2,

1 paragraph "a" shall be on or before February 16, 1998, and the  
2 submission date for proposals under subsection 2, paragraph  
3 "b" shall be on or before April 17, 1998. However, for good  
4 cause shown, the division may extend the submission date for  
5 proposals under subsection 2, paragraph "a". It is the intent  
6 of the general assembly that the grant award process be  
7 complete by June 30, 1998, and awards made in the fiscal year  
8 beginning July 1, 1998. However, the division may delay final  
9 approval of a grant proposal which is approved in part while  
10 full approval of the proposal is pending.

11 4. The office of the attorney general, the department of  
12 education, and the university of northern Iowa's criminology  
13 program shall work with the division in implementing a public  
14 planning process to assist the governments in judicial  
15 election districts in developing a proposal, developing  
16 technical assistance materials for the grant program,  
17 developing the request for proposals, developing proposed  
18 scoring tools, and producing model performance measures and  
19 other evaluation processes for grant program projects. The  
20 public planning process shall include but is not limited to  
21 public meetings in each of the judicial election districts.

22 Sec. 3. NEW SECTION. 905A.3 TASK FORCE.

23 1. The division shall establish and convene a local  
24 corrections infrastructure grant program task force to assist  
25 the division in scoring and evaluating grant proposals and  
26 other assistance deemed necessary by the division.

27 2. The membership of the task force shall include but is  
28 not limited to representatives of the following:

- 29 a. County sheriffs.
- 30 b. Police chiefs.
- 31 c. Office of the attorney general.
- 32 d. District judges.
- 33 e. Juvenile court judges.
- 34 f. Probation officers.
- 35 g. Juvenile court officers.

- 1 h. County supervisors.
- 2 i. City council members.
- 3 j. Criminal and juvenile justice planning advisory
- 4 council.
- 5 k. Juvenile services providers.
- 6 l. Community-based correctional programs.
- 7 m. County attorneys.
- 8 n. The Iowa state police association.
- 9 o. Local school officials.
- 10 p. Other members deemed necessary by the division or task
- 11 force.

12 3. Members of the task force are eligible for  
 13 reimbursement of actual and necessary expenses incurred in the  
 14 performance of their official duties. The task force shall  
 15 elect a chairperson and other officers deemed necessary by the  
 16 task force.

17 Sec. 4. NEW SECTION. 905A.4 PAYMENT OF GRANTS.

18 A grant awarded under section 905A.2 shall be paid from the  
 19 proceeds of bonds issued under section 16.177 or other moneys  
 20 available to the division. A project approved by the division  
 21 for a grant under this chapter is deemed to be approved by the  
 22 general assembly for purposes of issuing bonds under section  
 23 16.177. The department of corrections shall pledge amounts in  
 24 the Iowa prison infrastructure fund established under section  
 25 602.8108A as security for the payment of principal of,  
 26 premium, if any, and interest on the bonds.

27 Sec. 5. GRANT PROGRAM IMPLEMENTATION. There is  
 28 appropriated from the general fund of the state to the  
 29 department of human rights, division of criminal and juvenile  
 30 justice planning, for the fiscal year beginning July 1, 1997,  
 31 and ending June 30, 1998, the following amount, or so much  
 32 thereof as is necessary, to be used for the purposes  
 33 designated:

34 For technical assistance and staffing associated with the  
 35 development of the local corrections infrastructure grant

1 program enacted by this Act, including salaries, support,  
2 maintenance, miscellaneous purposes, and for not more than the  
3 following full-time equivalent positions:

4 .....	\$	200,000
5 .....	FTEs	2.00

6 Sec. 6. JUVENILE CRIME PREVENTION. There is appropriated  
7 from the general fund of the state to the department of  
8 economic development for the fiscal year beginning July 1,  
9 1997, and ending June 30, 1998, the following amount, or so  
10 much thereof as is necessary, to be used for the purposes  
11 designated:

12 For continuing the juvenile crime prevention summer youth  
13 employment program through the job training partnership Act  
14 service delivery areas:

15 .....	\$	800,000
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16 Sec. 7. EFFECTIVE DATE. This division of this Act, being  
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION II

19 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

20 Sec. 8. NEW SECTION. 321.218A CIVIL PENALTY --  
21 DISPOSITION -- REINSTATEMENT.

22 When the department revokes a person's motor vehicle  
23 license or nonresident operating privilege under this chapter  
24 upon receipt of a record of conviction of the person, the  
25 department shall assess the person a civil penalty of two  
26 hundred dollars. The money collected by the department under  
27 this section shall be transmitted to the treasurer of state  
28 who shall deposit one-half of the money in the victim  
29 compensation fund established in section 912.14. Of the  
30 remaining moneys collected during any fiscal year, the  
31 treasurer shall transmit the first three hundred thousand  
32 dollars to the office of the prosecuting attorneys training  
33 coordinator as established in chapter 13A, and shall deposit  
34 any additional moneys collected during that fiscal year in the  
35 general fund of the state. A temporary restricted license

1 shall not be issued or a motor vehicle license or nonresident  
2 operating privilege reinstated until the civil penalty has  
3 been paid.

4 Sec. 9. NEW SECTION. 321A.32A CIVIL PENALTY --  
5 DISPOSITION -- REINSTATEMENT.

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

18 Sec. 10. Section 331.302, subsection 2, Code 1997, is  
19 amended to read as follows:

20 2. A county shall not provide a penalty in excess of a one  
21 hundred dollar fine or in excess of thirty days imprisonment  
22 for the violation of an ordinance. The criminal penalty  
23 surcharge required by section 911.2 and the jail, courthouse  
24 security, and detention facility surcharge required by section  
25 911A.2 shall be added to a county fine and ~~is~~ are not a part  
26 of the county's penalty.

27 Sec. 11. Section 364.3, subsection 2, Code 1997, is  
28 amended to read as follows:

29 2. A city shall not provide a penalty in excess of a one  
30 hundred dollar fine or in excess of thirty days imprisonment  
31 for the violation of an ordinance. An amount equal to ten  
32 percent of all fines collected by cities shall be deposited in  
33 the account established in section 602.8108. However, one  
34 hundred percent of all fines collected by a city pursuant to  
35 section 321.236, subsection 1, shall be retained by the city.

1 The criminal penalty surcharge required by section 911.2 and  
2 the jail, courthouse security, and detention facility  
3 surcharge required by section 911A.2 shall be added to a city  
4 fine and is are not a part of the city's penalty.

5 Sec. 12. Section 602.8107, subsection 2, paragraph b, Code  
6 1997, is amended to read as follows:

7 b. Fines or penalties and ~~criminal-penalty~~ surcharges.

8 Sec. 13. Section 602.8107, subsection 4, unnumbered  
9 paragraph 2, Code 1997, is amended to read as follows:

10 This subsection does not apply to amounts collected for  
11 victim restitution, the victim compensation fund, criminal  
12 penalty surcharge, jail, courthouse security, and detention  
13 facility surcharge, or amounts collected as a result of  
14 procedures initiated under subsection 5 or under section  
15 421.17, subsection 25.

16 Sec. 14. Section 805.8, subsection 1, Code 1997, is  
17 amended to read as follows:

18 1. APPLICATION. Except as otherwise indicated, violations  
19 of sections of the Code specified in this section are  
20 scheduled violations, and the scheduled fine for each of those  
21 violations is as provided in this section, whether the  
22 violation is of state law or of a county or city ordinance.  
23 The criminal penalty surcharge required by section 911.2 and  
24 the jail, courthouse security, and detention facility  
25 surcharge required by section 911A.2 shall be added to the  
26 scheduled fine.

27 Sec. 15. Section 805.8, subsection 11, unnumbered  
28 paragraph 1, Code 1997, is amended to read as follows:

29 For violations of section 142B.6 or 453A.2, subsection 2,  
30 the scheduled fine is twenty-five dollars, and is a civil  
31 penalty, and the criminal penalty surcharge under section  
32 911.2 and the jail, courthouse security, and detention  
33 facility surcharge under section 911A.2 shall not be added to  
34 the penalty, and the court costs pursuant to section 805.9,  
35 subsection 6, shall not be imposed. If the civil penalty

1 assessed for a violation of section 142B.6 is not paid in a  
2 timely manner, a citation shall be issued for the violation in  
3 the manner provided in section 804.1. However, a person under  
4 age eighteen shall not be detained in a secure facility for  
5 failure to pay the civil penalty. The complainant shall not  
6 be charged a filing fee.

7 Sec. 16. Section 902.9, unnumbered paragraph 2, Code 1997,  
8 is amended to read as follows:

9 The criminal penalty surcharge required by section 911.2  
10 and the jail, courthouse security, and detention facility  
11 surcharge required by section 911A.2 shall be added to a fine  
12 imposed on a class "C" or class "D" felon, as provided by that  
13 section those sections, and is are not a part of or subject to  
14 the maximums set in this section.

15 Sec. 17. Section 903.1, subsection 4, Code 1997, is  
16 amended to read as follows:

17 4. The criminal penalty surcharge required by section  
18 911.2 and the jail, courthouse security, and detention  
19 facility surcharge required by section 911A.2 shall be added  
20 to a fine imposed on a misdemeanor, and is are not a part of  
21 or subject to the maximums set in this section.

22 Sec. 18. NEW SECTION. 907.14 PAYMENT IN LIEU OF FINE.

23 When the court has deferred judgment the court may order  
24 the defendant to pay an amount in lieu of a fine in a case  
25 where a minimum fine would otherwise be ordered. Payments in  
26 lieu of fines shall be ordered, enforced, and administered as  
27 fines under chapter 909.

28 Sec. 19. Section 909.3, Code 1997, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 3. If the court orders a fine to be paid  
31 as provided by subsection 2, the court shall require the  
32 defendant to execute a mandatory wage assignment that would  
33 ensure payment of the fine within twelve months of the date  
34 the wage assignment becomes effective. The wage assignment  
35 shall be enforced if the defendant fails to make payment as

1 provided in subsection 2.

2 A mandatory wage assignment executed pursuant to this  
3 section is not subject to the limitation on garnishment  
4 provided in sections 537.5105 and 642.21, and is not subject  
5 to the limitation on assignment of benefits under chapter 96  
6 as provided in section 96.15. However, a wage assignment  
7 executed under this subsection shall be enforced only after an  
8 order for income withholding pursuant to chapter 252D or a  
9 court-ordered wage assignment for purposes of support is  
10 entered and enforced. A wage assignment executed under this  
11 subsection shall be limited as specified in 15 U.S.C. §  
12 1673(b).

13 Sec. 20. Section 909.8, Code 1997, is amended to read as  
14 follows:

15 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO ~~CRIMINAL~~  
16 ~~PENALTY-SURCHARGE~~ SURCHARGES.

17 The provisions of this chapter governing the payment and  
18 collection of a fine, except section 909.3A, also apply to the  
19 payment and collection of a criminal penalty surcharge imposed  
20 pursuant to chapter 911 and the jail, courthouse security, and  
21 detention facility surcharge imposed pursuant to section  
22 911A.2.

23 Sec. 21. Section 909.10, subsection 1, Code 1997, is  
24 amended to read as follows:

25 1. As used in this section, unless the context otherwise  
26 requires, "delinquent amounts" means a fine, court-imposed  
27 court costs in a criminal proceeding, ~~or~~ criminal surcharge  
28 imposed pursuant to section 911.2, or jail, courthouse  
29 security, and detention facility surcharge imposed pursuant to  
30 section 911A.2, which remains unpaid after two years from the  
31 date that the fine, court costs, or surcharge was imposed, and  
32 which is not collected by the county attorney pursuant to  
33 section 602.8107. However, if the fine may be paid in  
34 installments pursuant to section 909.3, the fine is not a  
35 delinquent amount unless the installment remains unpaid after

1 two years from the date the installment was due.

2 Sec. 22. NEW SECTION. 911A.1 JAIL, COURTHOUSE SECURITY,  
3 AND DETENTION FACILITY SURCHARGE ESTABLISHED.

4 A jail, courthouse security, and detention facility  
5 surcharge shall be levied against certain law violators as  
6 provided in section 911A.2. The surcharge shall be used as  
7 provided in section 911A.3.

8 Sec. 23. NEW SECTION. 911A.2 SURCHARGE.

9 When a court imposes a fine or forfeiture for a violation  
10 of a state law, or of a city or county ordinance except an  
11 ordinance regulating the parking of motor vehicles, the court  
12 shall assess an additional penalty in the form of a surcharge  
13 equal to ten dollars. In the event of multiple offenses, the  
14 surcharge shall be based upon the total number of offenses.  
15 When a fine or forfeiture is suspended in whole or in part,  
16 the surcharge shall not be reduced.

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

20 Sec. 24. NEW SECTION. 911A.3 DISPOSITION OF SURCHARGE.

21 1. When a court assesses a surcharge under section 911A.2,  
22 notwithstanding any other provision of the Code to the  
23 contrary, proceeds from the surcharge shall be appropriated  
24 and transferred to the treasurer of the county in which the  
25 citation was issued to be deposited in the county general fund  
26 and used only for courthouse security and the improvement,  
27 expansion, operation, or construction of a jail or juvenile  
28 detention facility.

29 2. At any time and for the purposes specified in  
30 subsection 1, a county may transfer proceeds received and  
31 deposited pursuant to this section to a contiguous county or a  
32 county that has a relationship with the transferring county  
33 concerning the use of a jail or juvenile detention facility in  
34 the recipient county.

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EXPLANATION

1 Division I of this bill relates to corrections and crime  
2 prevention by creating a local corrections infrastructure  
3 grant program and making an appropriation to the department of  
4 human rights, division of criminal and juvenile justice  
5 planning for costs to develop the program and an appropriation  
6 to the department of economic development for a juvenile crime  
7 prevention summer youth employment program.

8 New Code section 905A.1 provides definitions. New Code  
9 section 905A.2 directs the division to adopt rules to create  
10 the infrastructure grant program and to issue a request for  
11 proposals from the 14 judicial election districts in the  
12 state. The grants are to be available in two groupings: a  
13 grouping dividing \$25 million based upon the proportion a  
14 judicial election district bears to the state general  
15 population, and a grouping for \$9 million in grants based upon  
16 other criteria including crime, innovation, and statewide  
17 need. A proposal may incorporate more than one project. Each  
18 judicial election district is limited to one proposal for each  
19 grouping. The proposals are limited to infrastructure  
20 projects for county or regional jails, county or regional  
21 juvenile detention or shelter care homes, and community-based  
22 correctional program facilities or school-based crime  
23 prevention projects. The bill provides proposal submission  
24 deadlines but allows the division to extend the deadlines for  
25 good cause. The office of the attorney general and the  
26 university of northern Iowa's criminology program are to work  
27 with the division in developing evaluation procedures and  
28 other components of the grant program.

29 Under new Code section 905A.3, a task force is to be  
30 created by the division and is required to assist the division  
31 in scoring and evaluating proposals. The membership is to  
32 include various representatives of law enforcement, the  
33 judicial system, local governments, schools, and corrections  
34 services, and others deemed necessary by the division or the  
35 task force.

1 New Code section 905A.4 provides that the funding for the  
2 grants is provided from prison infrastructure revenue bonds  
3 issued by the Iowa finance authority under Code section  
4 16.177. Upon direction by the division, the department of  
5 corrections is directed to pledge amounts in the Iowa prison  
6 infrastructure fund to pay the bonds.

7 This division of the bill includes a \$200,000 appropriation  
8 to the division and a \$800,000 appropriation to the department  
9 of economic development for the fiscal year beginning July 1,  
10 1997. Division I of the bill takes effect upon enactment.

11 Division II of the bill imposes a \$200 civil penalty when  
12 motor vehicle licenses are revoked for violations of chapter  
13 321 or 321A (financial responsibility). Proceeds from the  
14 civil penalty are to be split equally between the crime victim  
15 compensation fund and the state general fund except that, for  
16 each fiscal year, the first \$300,000 of the amount designated  
17 for the state general fund shall be remitted to the  
18 prosecuting attorneys training coordinator.

19 Division II of the bill also provides that a payment in  
20 lieu of a fine may be assessed against a person who receives a  
21 deferred judgment in a case where a minimum fine would  
22 otherwise be ordered.

23 Division II of the bill also establishes a mandatory wage  
24 assignment for payment of fines in installments or on a fixed  
25 date that remain unpaid. The garnishment limits of the state  
26 do not apply but the wage assignment will be subject to first  
27 priority enforcement of support orders.

28 Division II of the bill also provides for the assessment of  
29 a \$10 surcharge on criminal fines and forfeitures imposed for  
30 the violation of state law or city or county ordinance. The  
31 \$10 surcharge would be transferred to the county in which the  
32 citation was issued for use in providing courthouse security  
33 and financing the improvement, expansion, operation, or  
34 construction of county jail and juvenile detention facilities.  
35 The bill provides that the surcharge proceeds shall be

1 deposited in the county general fund. The bill also provides  
2 that the county may transfer, at any time, the funds to a  
3 contiguous county or a county in which it has a relationship  
4 concerning the use of its jail or juvenile detention facility  
5 for the purposes authorized by this bill. The surcharge is  
6 not considered part of a county penalty for purposes of the  
7 maximum amount authorized counties for penalties.

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