

Angelo
Hansen
Redfern

SSB-1150
Judiciary

Succeeded By
SF HF 486

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

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

A BILL FOR

1 An Act relating to the assessment of a law enforcement initiative
2 surcharge on certain criminal offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 602.8102, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 135B. Assess the law enforcement
4 initiative surcharge as provided by section 911.3.

5 Sec. 2. Section 602.8107, subsection 4, unnumbered
6 paragraph 2, Code 2001, is amended to read as follows:

7 This subsection does not apply to amounts collected for
8 victim restitution, the victim compensation fund, criminal
9 penalty surcharge, law enforcement initiative surcharge,
10 amounts collected as a result of procedures initiated under
11 subsection 5 or under section 421.17, subsection 25, or
12 sheriff's room and board fees.

13 Sec. 3. Section 602.8108, Code 2001, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3A. When a court assesses the law
16 enforcement initiative surcharge under section 911.3, the
17 clerk of court shall remit to the treasurer of the state, no
18 later than the fifteenth day of each month, all the moneys
19 collected during the preceding month, for deposit in the
20 general fund of the state.

21 Sec. 4. Section 902.9, subsection 5, unnumbered paragraph
22 2, Code 2001, is amended to read as follows:

23 The criminal penalty surcharge required by section sections
24 911.2 and 911.3 shall be added to a fine imposed on a class
25 "C" or class "D" felon, as provided by that section, and is
26 not a part of or subject to the maximums set in this section.

27 Sec. 5. Section 903.1, subsection 4, Code 2001, is amended
28 to read as follows:

29 4. The criminal penalty surcharge required by section
30 sections 911.2 and 911.3 shall be added to a fine imposed on a
31 misdemeanor, and is not a part of or subject to the maximums
32 set in this section.

33 Sec. 6. Section 909.8, Code 2001, is amended to read as
34 follows:

35 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL

1 PENALTY SURCHARGE.

2 The provisions of this chapter governing the payment and
3 collection of a fine, except section 909.3A, also apply to the
4 payment and collection of ~~a-criminal-penalty-surcharge~~
5 surcharges imposed pursuant to chapter 911. However, section
6 909.10 shall not apply to surcharges assessed under section
7 911.3.

8 Sec. 7. NEW SECTION. 911.3 LAW ENFORCEMENT INITIATIVE
9 SURCHARGE.

10 1. In addition to the surcharge assessed in section 911.2,
11 a law enforcement initiative surcharge of one hundred and
12 twenty-five dollars shall be assessed by the clerk of the
13 district court if an adjudication of guilt or a deferred
14 judgment has been entered for a criminal violation under any
15 of the following:

- 16 a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.
- 17 b. Section 719.8, 725.1, 725.2, or 725.3.

18 2. The surcharge shall be deposited in the general fund of
19 the state.

20 3. The surcharge is subject to the provisions of chapter
21 909 governing the payment and collection of fines, as provided
22 in section 909.8.

23 EXPLANATION

24 This bill provides for the assessment of a \$125 surcharge
25 for convictions of certain criminal offenses in addition to
26 any other fine, surcharge, or court cost assessed in a
27 criminal case.

28 The bill adds the surcharge to any drug-related criminal
29 offense under Code chapter 124, 155, or 453B. The surcharge
30 is added to any burglary, forgery, credit card, or theft-
31 related offense. The bill also adds the surcharge on any
32 offense involving damage to property or trespass upon property
33 under Code chapter 716. The surcharge is added to offenses
34 involving prostitution, pandering, pimping, or furnishing
35 drugs to an inmate.

1 The bill provides that the surcharge shall also apply to a
2 person who receives a deferred judgment for any offense listed
3 in the bill.

4 The bill further provides that the surcharge assessed shall
5 be remitted by the clerk of district court to the treasurer of
6 the state, for deposit in the general fund.

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H. 3/29/01 Judiciary
H. 4/6/01 Do Pass
H. 4/6/01 Referred to W+M
A. 5/8/01 Do Pass

FILED MAR 19 2001

486

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1150)

Passed Senate, Date ^(P. 895) 3-28-01 Passed House, ^(P. 1979) Date 5/8/01
Vote: Ayes 41 Nays 7 Vote: Ayes 94 Nays 4
Approved June 1, 2001

A BILL FOR

1 An Act relating to the assessment of a law enforcement initiative
2 surcharge on certain criminal offenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 486

1 Section 1. Section 602.8102, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 135B. Assess the law enforcement
4 initiative surcharge as provided by section 911.3.

5 Sec. 2. Section 602.8107, subsection 4, unnumbered
6 paragraph 2, Code 2001, is amended to read as follows:

7 This subsection does not apply to amounts collected for
8 victim restitution, the victim compensation fund, criminal
9 penalty surcharge, law enforcement initiative surcharge,
10 amounts collected as a result of procedures initiated under
11 subsection 5 or under section 421.17, subsection 25, or
12 sheriff's room and board fees.

13 Sec. 3. Section 602.8108, Code 2001, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3A. When a court assesses the law
16 enforcement initiative surcharge under section 911.3, the
17 clerk of court shall remit to the treasurer of the state, no
18 later than the fifteenth day of each month, all the moneys
19 collected during the preceding month, for deposit in the
20 general fund of the state.

21 Sec. 4. Section 902.9, subsection 5, unnumbered paragraph
22 2, Code 2001, is amended to read as follows:

23 The criminal penalty surcharge required by ~~section~~ sections
24 911.2 and 911.3 shall be added to a fine imposed on a class
25 "C" or class "D" felon, as provided by that section, and is
26 not a part of or subject to the maximums set in this section.

27 Sec. 5. Section 903.1, subsection 4, Code 2001, is amended
28 to read as follows:

29 4. The criminal penalty surcharge required by ~~section~~
30 sections 911.2 and 911.3 shall be added to a fine imposed on a
31 misdemeanor, and is not a part of or subject to the maximums
32 set in this section.

33 Sec. 6. Section 909.8, Code 2001, is amended to read as
34 follows:

35 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL

1 PENALTY SURCHARGE.

2 The provisions of this chapter governing the payment and
3 collection of a fine, except section 909.3A, also apply to the
4 payment and collection of ~~a-criminal-penalty-surcharge~~
5 surcharges imposed pursuant to chapter 911. However, section
6 909.10 shall not apply to surcharges assessed under section
7 911.3.

8 Sec. 7. NEW SECTION. 911.3 LAW ENFORCEMENT INITIATIVE
9 SURCHARGE.

10 1. In addition to the surcharge assessed in section 911.2,
11 a law enforcement initiative surcharge of one hundred and
12 twenty-five dollars shall be assessed by the clerk of the
13 district court if an adjudication of guilt or a deferred
14 judgment has been entered for a criminal violation under any
15 of the following:

- 16 a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.
- 17 b. Section 719.8, 725.1, 725.2, or 725.3.

18 2. The surcharge shall be deposited in the general fund of
19 the state.

20 3. The surcharge is subject to the provisions of chapter
21 909 governing the payment and collection of fines, as provided
22 in section 909.8.

23 EXPLANATION

24 This bill provides for the assessment of a \$125 surcharge
25 for convictions of certain criminal offenses in addition to
26 any other fine, surcharge, or court cost assessed in a
27 criminal case.

28 The bill adds the surcharge to any drug-related criminal
29 offense under Code chapter 124, 155, or 453B. The surcharge
30 is added to any burglary, forgery, credit card, or theft-
31 related offense. The bill also adds the surcharge on any
32 offense involving damage to property or trespass upon property
33 under Code chapter 716. The surcharge is added to offenses
34 involving prostitution, pandering, pimping, or furnishing
35 drugs to an inmate.

1 The bill provides that the surcharge shall also apply to a
2 person who receives a deferred judgment for any offense listed
3 in the bill.

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5 be remitted by the clerk of district court to the treasurer of
6 the state, for deposit in the general fund.

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**SENATE FILE 486
FISCAL NOTE****REQUESTED BY:
SENATOR ANGELO**

A fiscal note for **Senate File 486** 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 486 provides for the assessment of \$125 surcharge for convictions of certain criminal offenses in addition to any other fine, surcharge, or court cost assessed in a criminal case.

ASSUMPTIONS

1. The following convictions would have the \$125 surcharge imposed: drug offenses (all Chapters 124, 155A, and 453B); burglary (all Chapter 713); theft (all Chapter 714); forgery/credit cards (all Chapter 715A); furnishing drugs to inmates (Section 719.8); vandalism (all Chapter 716); and prostitution/pimping/pandering (within Chapter 725).
2. The \$125 fee would be imposed even if no other fine is ordered as part of the sentence.
3. According to the Iowa Justice Data Warehouse, there were 38,805 convictions during FY 2000.
4. The collection rate is based on fines totaling between \$100 and \$150 that were imposed during calendar year 1998 for the following case types: felony, aggravated misdemeanor, and serious misdemeanor.
5. Fine collections were tracked through October 2000. The overall collection rate through this period was 70.3%.
6. Estimated revenues are based on no change in annual convictions for the targeted offenses over the period, and no change in the collection rate.
7. A lag effect of six months is assumed during the first year, to account for the time between the law's effective date and the date of conviction for affected offenders.

FISCAL IMPACT

Senate File 486 would result in increased revenue to the General Fund as follows:

Year 1	\$1,162,000
Year 2	\$2,685,000
Year 3	\$3,205,000
Year 4	\$3,365,000
Year 5	\$3,365,000

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Public Safety
Judicial Branch

(LSB 1476SV, JDD)

FILED MARCH 21, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 486**H-2043**

1 Amend Senate File 486, as passed by the Senate, as
2 follows:
3 1. Page 2, line 17, by striking the figure
4 "725.1,".
5 2. Page 2, by inserting after line 17 the
6 following:
7 "1A. The surcharge assessed in this section shall
8 also be assessed against a person who sells or offers
9 for sale the person's services as a partner in a sex
10 act, or who purchases or offers to purchase such
11 services in violation of section 725.1."
12 3. By renumbering as necessary.

By FALLON of Polk**H-2043 FILED MAY 8, 2001***5/8/01 Lost***SENATE FILE 486****H-2044**

1 Amend Senate File 486, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 14 through 17, and
4 inserting the following: "judgment has been entered
5 for a criminal violation under section 321J.2."

By FALLON of Polk**H-2044 FILED MAY 8, 2001***5/8/01 Lost*

SENATE FILE 486

AN ACT

RELATING TO THE ASSESSMENT OF A LAW ENFORCEMENT INITIATIVE
SURCHARGE ON CERTAIN CRIMINAL OFFENSES.

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

Section 1. Section 602.8102, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 135B. Assess the law enforcement initiative surcharge as provided by section 911.3.

Sec. 2. Section 602.8107, subsection 4, unnumbered paragraph 2, Code 2001, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, law enforcement initiative surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 421.17, subsection 25, or sheriff's room and board fees.

Sec. 3. Section 602.8108, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. When a court assesses the law enforcement initiative surcharge under section 911.3, the clerk of court shall remit to the treasurer of the state, no later than the fifteenth day of each month, all the moneys collected during the preceding month, for deposit in the general fund of the state.

Sec. 4. Section 902.9, subsection 5, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The criminal penalty surcharge required by section sections 911.2 and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by that section, and is not a part of or subject to the maximums set in this section.

Sec. 5. Section 903.1, subsection 4, Code 2001, is amended to read as follows:

4. The criminal penalty surcharge required by section sections 911.2 and 911.3 shall be added to a fine imposed on a misdemeanor, and is not a part of or subject to the maximums set in this section.

Sec. 6. Section 909.8, Code 2001, is amended to read as follows:

909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL PENALTY SURCHARGE.

The provisions of this chapter governing the payment and collection of a fine, except section 909.3A, also apply to the payment and collection of a criminal penalty surcharge surcharges imposed pursuant to chapter 911. However, section 909.10 shall not apply to surcharges assessed under section 911.3.

Sec. 7. NEW SECTION. 911.3 LAW ENFORCEMENT INITIATIVE SURCHARGE.

1. In addition to the surcharge assessed in section 911.2, a law enforcement initiative surcharge of one hundred and twenty-five dollars shall be assessed by the clerk of the district court if an adjudication of guilt or a deferred judgment has been entered for a criminal violation under any of the following:

- a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.
- b. Section 719.8, 725.1, 725.2, or 725.3.

2. The surcharge shall be deposited in the general fund of the state.

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

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 486, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 6/1, 2001

THOMAS J. VILSACK
Governor