

Senate Amendment 5465

Amendment Text

PAG LIN

1 1 Amend [House File 2472](#), as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 "DIVISION I - JUSTICE SYSTEM APPROPRIATIONS".
1 6 #2. Page 1, by striking line 11 and inserting the
1 7 following:
1 8 "..... FTES 178.50
1 9 It is the intent of the general assembly that of
1 10 the funds appropriated in this subsection, not more
1 11 than \$50,000 shall be used to establish an office of
1 12 veterans advocate as provided in section 13.22, as
1 13 enacted by this Act."
1 14 #3. Page 1, by striking lines 12 through 19 and
1 15 inserting the following:
1 16 "2. a. The attorney general shall provide up to".
1 17 #4. Page 1, by striking lines 25 through 27 and
1 18 inserting the following:
1 19 "b. In addition to the moneys retained by the
1 20 attorney".
1 21 #5. Page 2, line 2, by striking the words "in this
1 22 subsection" and inserting the following: "to the
1 23 prosecuting attorneys training coordinator pursuant to
1 24 section 321.218A, as enacted in this Act,".
1 25 #6. Page 2, line 25, by striking the figure
1 26 "125,000" and inserting the following: "150,000".
1 27 #7. Page 3, line 2, by striking the figure
1 28 "200,000" and inserting the following: "225,000".
1 29 #8. Page 4, by inserting after line 17 the
1 30 following:
1 31 "c. The office of the attorney general shall carry
1 32 out a study of concentration in the livestock industry
1 33 in Iowa. The findings of the study may include
1 34 recommendations for legislation or other actions, and
1 35 shall be reported to the general assembly on or before
1 36 February 7, 1997.
1 37 10. For legal services for persons in poverty
1 38 grants as provided in section 13.34, as enacted in
1 39 this Act:
1 40 \$ 1,000,000
1 41 The appropriation in this subsection is reduced to
1 42 the extent of the amounts appropriated to the office
1 43 of the attorney general for legal services grants as
1 44 provided in section 321.218A, as enacted by this Act.
1 45 Sec. _____. DEPARTMENT OF JUSTICE - ENVIRONMENTAL
1 46 CRIMES INVESTIGATION AND PROSECUTION - FUNDING.
1 47 There is appropriated from the environmental crime
1 48 fund of the department of justice, consisting of
1 49 court-ordered fines and penalties awarded to the
1 50 department arising out of the prosecution of
2 1 environmental crimes, to the department of justice for
2 2 the fiscal year beginning July 1, 1996, and ending
2 3 June 30, 1997, an amount not exceeding \$20,000 to be
2 4 used by the department, at the discretion of the
2 5 attorney general, for the investigation and
2 6 prosecution of environmental crimes, including the
2 7 reimbursement of expenses incurred by county,

2 8 municipal, and other local governmental agencies
 2 9 cooperating with the department in the investigation
 2 10 and prosecution of environmental crimes.
 2 11 The expenditure of the funds appropriated in this
 2 12 section is contingent upon receipt by the
 2 13 environmental crime fund of the department of justice
 2 14 of an amount at least equal to the appropriations made
 2 15 in this section and received from contributions,
 2 16 court-ordered restitution as part of judgments in
 2 17 criminal cases, and consent decrees entered into as
 2 18 part of civil or regulatory enforcement actions.
 2 19 However, if the funds received during the fiscal year
 2 20 are in excess of \$20,000, the excess funds shall be
 2 21 deposited in the general fund of the state.
 2 22 Notwithstanding section 8.33, moneys appropriated
 2 23 in this section which remain unexpended or unobligated
 2 24 at the close of the fiscal year shall not revert to
 2 25 the general fund of the state but shall remain
 2 26 available for expenditure for the designated purpose
 2 27 in the succeeding fiscal year."
 2 28 #9. Page 4, by striking lines 18 through 32.
 2 29 #10. By striking page 5, line 35, through page 6,
 2 30 line 1, and inserting the following:
 2 31 "..... \$ 26,220,099
 2 32 FTEs 496.00"
 2 33 #11. Page 6, line 6, by inserting after the word
 2 34 "purposes," the following: "including not more than
 2 35 \$500,000 for necessary expenses in planning for the
 2 36 construction of a 150 bed super maximum security
 2 37 correctional facility during the fiscal year beginning
 2 38 July 1, 1997, at a location determined by the
 2 39 department of corrections,".
 2 40 #12. Page 6, by striking lines 8 and 9 and
 2 41 inserting the following:
 2 42 "..... \$ 1,149,089
 2 43 FTEs 9.50"
 2 44 #13. Page 6, by striking lines 16 and 17 and
 2 45 inserting the following:
 2 46 "..... \$ 20,125,506
 2 47 FTEs 376.75"
 2 48 #14. Page 6, by striking lines 26 and 27 and
 2 49 inserting the following:
 2 50 "..... \$ 16,635,631
 3 1 FTEs 328.30"
 3 2 #15. Page 6, by striking lines 32 and 33 and
 3 3 inserting the following:
 3 4 "..... \$ 10,333,775
 3 5 FTEs 156.28"
 3 6 #16. Page 7, by striking lines 5 and 6 and
 3 7 inserting the following:
 3 8 "..... \$ 14,909,042
 3 9 FTEs 285.32"
 3 10 #17. Page 7, by striking lines 11 and 12 and
 3 11 inserting the following:
 3 12 "..... \$ 5,791,219
 3 13 FTEs 114.00"
 3 14 #18. Page 7, by striking lines 17 and 18 and
 3 15 inserting the following:
 3 16 "..... \$ 14,537,836
 3 17 FTEs 248.00"
 3 18 #19. Page 7, by striking lines 28 and 29 and
 3 19 inserting the following:
 3 20 "..... \$ 6,612,098
 3 21 FTEs 135.00"
 3 22 #20. Page 10, by striking line 13 and inserting
 3 23 the following:
 3 24 "..... \$ 2,450,600"

3 25 #21. Page 10, line 17, by inserting after the word
 3 26 "purpose." the following: "In addition, it is the
 3 27 intent of the general assembly that the department
 3 28 shall coordinate with the community colleges in the
 3 29 areas in which the institutions are located to utilize
 3 30 moneys appropriated in this subsection to fund the
 3 31 high school completion, high school equivalency
 3 32 diploma, adult literacy, and adult basic education
 3 33 programs in a manner so as to maintain these programs
 3 34 at the institutions."
 3 35 #22. Page 10, by inserting after line 22 the
 3 36 following:
 3 37 "____. For funding of the Ford Associates'
 3 38 successful training empowerment process (STEP) inmate
 3 39 education program:
 3 40 \$ 60,000
 3 41 _____. For funding of the criminal justice program
 3 42 at the University of Northern Iowa:
 3 43 \$ 175,000"
 3 44 #23. Page 10, by striking line 35 and inserting
 3 45 the following:
 3 46 "..... \$ 7,257,414"
 3 47 #24. Page 11, by striking line 16 and inserting
 3 48 the following:
 3 49 "..... \$ 5,744,594"
 3 50 #25. Page 12, by striking line 11 and inserting
 4 1 the following:
 4 2 "..... \$ 2,551,754"
 4 3 #26. Page 12, by striking line 25 and inserting
 4 4 the following:
 4 5 "..... \$ 9,248,170"
 4 6 #27. Page 13, line 3, by inserting after the word
 4 7 "program," the following: "and for not more than
 4 8 \$200,000 to be used for an addition to the Fasches
 4 9 Center in Cedar Rapids,".
 4 10 #28. Page 13, by striking line 5 and inserting the
 4 11 following:
 4 12 "..... \$ 7,725,401"
 4 13 #29. Page 13, by inserting after line 20 the
 4 14 following:
 4 15 "(4) The district department is authorized to
 4 16 enter into financial arrangements for and to construct
 4 17 an addition to the Fasches Center for the purposes of
 4 18 adding staff offices."
 4 19 #30. Page 14, by striking line 11 and inserting
 4 20 the following:
 4 21 "..... \$ 4,243,087"
 4 22 #31. Page 14, by inserting after line 26 the
 4 23 following:
 4 24 "(1) If funds are appropriated for the purposes
 4 25 of this lettered paragraph, the first and second
 4 26 judicial district departments of correctional services
 4 27 shall establish a pilot project in each judicial
 4 28 district department of correctional services to
 4 29 provide targeted services to offenders convicted of a
 4 30 serious or aggravated misdemeanor. The moneys
 4 31 appropriated for the pilot project shall be evenly
 4 32 divided between the first and second judicial district
 4 33 departments of correctional services.
 4 34 (2) It is the intent of the general assembly that
 4 35 the projects will target offenders who are at high
 4 36 risk to recidivate and will evaluate the progress of
 4 37 participants. The district court and the department
 4 38 of corrections shall cooperate with the first and
 4 39 second judicial district departments of correctional
 4 40 services in carrying out the pilot projects and shall
 4 41 assist in obtaining grants and private resources to

4 42 supplement this appropriation. The district
4 43 departments of correctional services shall file a
4 44 report to the legislative fiscal bureau by January 15,
4 45 1998, on the result of the pilot project in their
4 46 judicial district."

4 47 #32. Page 16, by striking line 8 and inserting the
4 48 following:
4 49 "..... \$ 91,769,430"

4 50 #33. Page 18, by inserting after line 4 the
5 1 following:
5 2 "j. Of the funds appropriated in this subsection,
5 3 the judicial department shall use not more than
5 4 \$1,056,000 for an additional 6.00 district court
5 5 judges, and an additional 10.75 full-time equivalent
5 6 court reporters and court attendants. Of the
5 7 additional district court judges, 1.00 additional
5 8 district court judge shall be assigned to judicial
5 9 election districts 2A, 2B, 3B, and 5C and 2.00
5 10 additional district court judges shall be assigned to
5 11 judicial election district 5A, notwithstanding the
5 12 provisions of section 602.6201, subsection 3.
5 13 k. Of the funds appropriated in this subsection,
5 14 the judicial department shall use \$262,989 for an
5 15 additional 3 juvenile court officers, 3 juvenile court
5 16 specialists, and clerical workers.
5 17 l. Of the funds appropriated in this subsection,
5 18 the judicial department shall use \$140,154 to increase
5 19 the salary of all associate juvenile judges and
5 20 associate probate judges to the same salary level as a
5 21 district associate judge.
5 22 m. Of the funds appropriated in this subsection,
5 23 the judicial department shall use \$216,000 to increase
5 24 the salary of district associate judges by \$4,000."

5 25 #34. Page 18, by striking lines 7 through 19 and
5 26 inserting the following:
5 27 "Sec. ____ IOWA COURT INFORMATION SYSTEM. There
5 28 is appropriated from the general fund of the state to
5 29 the judicial department for the fiscal year beginning
5 30 July 1, 1996, and ending June 30, 1997, the following
5 31 amount, or so much thereof as is necessary, to be used
5 32 for the purpose designated:
5 33 For the Iowa court information system:
5 34 \$ 857,500"

5 35 #35. Page 18, by striking line 29 and inserting
5 36 the following:
5 37 "..... \$ 3,150,915"

5 38 #36. Page 20, line 10, by striking the words "make
5 39 all reasonable efforts to" and inserting the
5 40 following: "shall maintain, in coordination with
5 41 local community colleges".

5 42 #37. Page 20, by striking lines 11 and 12 and
5 43 inserting the following: "the vocational education
5 44 programs for inmates in each institution."

5 45 #38. Page 22, by striking lines 4 and 5 and
5 46 inserting the following:
5 47 "..... \$ 9,926,841
5 48 FTEs 174.65"

5 49 #39. Page 22, by striking line 9 and inserting the
5 50 following:
6 1 "..... \$ 14,420,000"

6 2 #40. Page 22, by striking line 20 and inserting
6 3 the following:
6 4 "..... \$ 1,038,418"

6 5 #41. Page 23, by striking lines 26 and 27 and
6 6 inserting the following:
6 7 "..... \$ 574,137
6 8 FTEs 15.60"

6 9 #42. Page 24, by striking lines 3 and 4 and
6 10 inserting the following:
6 11 "..... \$ 2,171,438
6 12 FTEs 38.80"
6 13 #43. Page 25, by inserting after line 35 the
6 14 following:
6 15 "____. For costs associated with the training of
6 16 fire fighters:
6 17 \$ 1,000,000
6 18 _____. For the state medical examiner, for the
6 19 purpose of establishing an office of the state medical
6 20 examiner within the department of public safety, and
6 21 for not more than the following full-time equivalent
6 22 positions:
6 23 \$ 332,500
6 24 FTEs 4.00"
6 25 #44. Page 26, by striking lines 15 and 16 and
6 26 inserting the following:
6 27 "..... \$ 34,396,129
6 28 FTEs 566.00
6 29 It is the intent of the general assembly that, of
6 30 the funds appropriated in this subsection, the
6 31 division shall expend the amount necessary to provide
6 32 the state match for adding twelve state troopers
6 33 through the federal community-oriented policing
6 34 services program. It is the intent of the general
6 35 assembly that once federal moneys for this program
6 36 end, the division shall present proposals to the
6 37 governor and the general assembly for continued
6 38 funding of the state troopers described in this
6 39 paragraph and for consideration of reducing the number
6 40 of state troopers through attrition, by the same
6 41 number as the number of troopers added through the
6 42 federal program."
6 43 #45. Page 27, line 9, by inserting after the word
6 44 "into" the following: "professional services".
6 45 #46. Page 27, by inserting after line 18 the
6 46 following:
6 47 "Sec. _____. NEW SECTION. 13.32 VETERANS ADVOCATE.
6 48 The attorney general shall appoint a competent
6 49 attorney to the office of veterans advocate. The
6 50 veterans advocate is to be housed in the office of the
7 1 attorney general. The advocate shall be an honorably
7 2 discharged member of the armed forces of the United
7 3 States. The advocate's term of office is for four
7 4 years. The term begins and ends in the same manner as
7 5 set forth in section 69.19.
7 6 Sec. _____. NEW SECTION. 13.33 DUTIES OF VETERANS
7 7 ADVOCATE.
7 8 The veterans advocate shall do all of the
7 9 following:
7 10 1. Assist the commission of veterans affairs
7 11 created in section 35A.2 in the carrying out of its
7 12 duties.
7 13 2. Assist the veterans of the state in obtaining
7 14 the benefits to which they are entitled.
7 15 3. Assist the veterans of the state in gaining
7 16 admission to the Iowa veterans home in a timely
7 17 manner.
7 18 4. Provide assistance to the county commissions of
7 19 veterans affairs created in chapter 35B in the
7 20 carrying out of their duties.
7 21 Sec. _____. Section 37.10, unnumbered paragraph 1,
7 22 Code 1995, is amended to read as follows:
7 23 Each commissioner shall be

~~an honorably discharged~~

7 24

~~soldier, sailor, marine, airman, or coast guard member~~

7 25 a veteran, as defined in section 35.1, and be a
7 26 resident of the

~~city~~

~~county~~ in which the memorial hall
7 27 or monument is located

~~or live within the county if~~

7 28

~~the memorial hall or monument is located outside of a~~

7 29

~~city or is a joint memorial as provided in this~~

7 30

~~chapter~~

~~."~~

7 31 #47. Page 27, by striking lines 19 through 34.

7 32 #48. Page 28, by inserting after line 12 the

7 33 following:

7 34 "Sec. ____ Section 602.6201, subsection 10, Code
7 35 Supplement 1995, is amended to read as follows:

7 36 10. Notwithstanding the formula for determining
7 37 the number of judgeships in this section, the number
7 38 of district judges shall not exceed one hundred

~~eight~~

7 39 fourteen during the period commencing July 1,

~~1995~~

7 40 1996."

7 41 #49. Page 30, by striking lines 14 through 17.

7 42 #50. Page 31, by inserting after line 15 the

7 43 following:

7 44 "DIVISION II

7 45 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

7 46 Sec. ____ NEW SECTION. 905A.1 DEFINITIONS.

7 47 For the purposes of this chapter, unless the
7 48 context otherwise requires:

7 49 1. "Division" means the division of criminal and
7 50 juvenile justice planning of the department of human
8 1 rights.

8 2 2. "Government" means a community-based
8 3 correctional program as defined in section 905.1, or a
8 4 city, school district or accredited nonpublic school,
8 5 or county which expends funds for incarceration or
8 6 supervision of individuals charged with or convicted
8 7 of a felony, an aggravated misdemeanor, or a serious
8 8 misdemeanor, or for crime prevention activities.

8 9 3. "Judicial election district" means a judicial
8 10 election district described in section 602.6109.

8 11 Sec. ____ NEW SECTION. 905A.2 LOCAL CORRECTIONS
8 12 INFRASTRUCTURE GRANT PROGRAM.

8 13 1. A local corrections infrastructure grant
8 14 program is created in the division. The division
8 15 shall adopt administrative rules pursuant to chapter

8 16 17A as necessary to administer the program in
8 17 accordance with this chapter. The rules shall include
8 18 but are not limited to provisions for auditing of
8 19 grant expenditures.

8 20 2. The division shall develop a request for
8 21 proposals for the grant program and assist judicial
8 22 election districts in developing proposals in response
8 23 to the request. The division shall not accept more
8 24 than one proposal from a judicial election district
8 25 for each of the grant groupings. For the fiscal year
8 26 beginning July 1, 1997, grants shall be awarded in
8 27 accordance with this chapter in the following two
8 28 groupings:

8 29 a. Twenty-five million dollars to one or more
8 30 governments or groups of governments in judicial
8 31 election districts, divided proportionately according
8 32 to the judicial election districts' relative
8 33 proportion of the state's general population.
8 34 b. Nine million dollars to one or more governments
8 35 or groups of governments representing judicial
8 36 election districts, awarded according to criteria
8 37 developed by the task force based upon the relative
8 38 amount of criminal activity in the judicial election
8 39 district, the innovative nature of the proposal
8 40 submitted by the government or group of governments,
8 41 and the statewide need for the project proposed to be
8 42 developed.

8 43 3. A proposal for a grant under this chapter is
8 44 subject to all of the following conditions:

8 45 a. A judicial election district may combine with
8 46 one or more other judicial election districts in
8 47 developing a proposal or may propose a joint project
8 48 in separate proposals.

8 49 b. A proposal shall be for one or more
8 50 infrastructure or school-based crime prevention
9 1 projects or combination of projects relating to one or
9 2 more of the following purposes:

9 3 (1) A county jail.

9 4 (2) A regional or multicounty jail.

9 5 (3) A county juvenile detention or shelter care
9 6 home, including retirement of outstanding debt for
9 7 such a home.

9 8 (4) A regional or multicounty juvenile detention
9 9 or shelter care home.

9 10 (5) A community-based correctional program
9 11 facility.

9 12 (6) A school-based crime prevention program.

9 13 c. Grant moneys under this chapter shall not be
9 14 used for purposes other than infrastructure.

9 15 d. The division may accept or reject a proposal in
9 16 whole or in part.

9 17 e. A proposal must address the need for the
9 18 proposed project, degree of urgency for the project,
9 19 location of the project, provisions for the
9 20 governments within the judicial election district to
9 21 access the project, and the performance measures to be
9 22 used to evaluate the project.

9 23 f. The submission date for proposals under
9 24 subsection 2, paragraph "a" shall be on or before
9 25 February 17, 1997, and the submission date for
9 26 proposals under subsection 2, paragraph "b" shall be
9 27 on or before April 18, 1997. However, for good cause
9 28 shown, the division may extend the submission date for
9 29 proposals under subsection 2, paragraph "a". It is
9 30 the intent of the general assembly that the grant
9 31 award process be complete by June 30, 1997, and awards
9 32 made in the fiscal year beginning July 1, 1997.

9 33 However, the division may delay final approval of a
9 34 grant proposal which is approved in part while full
9 35 approval of the proposal is pending.

9 36 4. The office of the attorney general, the
9 37 department of education, and the university of
9 38 northern Iowa's criminology program shall work with
9 39 the division in implementing a public planning process
9 40 to assist the governments in judicial election
9 41 districts in developing a proposal, developing
9 42 technical assistance materials for the grant program,
9 43 developing the request for proposals, developing
9 44 proposed scoring tools, and producing model
9 45 performance measures and other evaluation processes
9 46 for grant program projects. The public planning
9 47 process shall include but is not limited to public
9 48 meetings in each of the judicial election districts.

9 49 Sec. _____. NEW SECTION. 905A.3 TASK FORCE.

9 50 1. The division shall establish and convene a
10 1 local corrections infrastructure grant program task
10 2 force to assist the division in scoring and evaluating
10 3 grant proposals and other assistance deemed necessary
10 4 by the division.

10 5 2. The membership of the task force shall include
10 6 but is not limited to representatives of the
10 7 following:

10 8 a. County sheriffs.
10 9 b. Police chiefs.
10 10 c. Office of the attorney general.
10 11 d. District judges.
10 12 e. Juvenile court judges.
10 13 f. Probation officers.
10 14 g. Juvenile court officers.
10 15 h. County supervisors.
10 16 i. City council members.
10 17 j. Criminal and juvenile justice planning advisory
10 18 council.
10 19 k. Juvenile services providers.
10 20 l. Community-based correctional programs.
10 21 m. County attorneys.
10 22 n. The Iowa state police association.
10 23 o. Local school officials.
10 24 p. Other members deemed necessary by the division
10 25 or task force.

10 26 3. Members of the task force are eligible for
10 27 reimbursement of actual and necessary expenses
10 28 incurred in the performance of their official duties.
10 29 The task force shall elect a chairperson and other
10 30 officers deemed necessary by the task force.

10 31 Sec. _____. NEW SECTION. 905A.4 PAYMENT OF GRANTS.

10 32 A grant awarded under section 905A.2 shall be paid
10 33 from the proceeds of bonds issued under section 16.177
10 34 or other moneys available to the division. A project
10 35 approved by the division for a grant under this
10 36 chapter is deemed to be approved by the general
10 37 assembly for purposes of issuing bonds under section
10 38 16.177. The department of corrections shall pledge
10 39 amounts in the Iowa prison infrastructure fund
10 40 established under section 602.8108A as security for
10 41 the payment of principal of, premium, if any, and
10 42 interest on the bonds.

10 43 Sec. _____. GRANT PROGRAM IMPLEMENTATION. There is
10 44 appropriated from the general fund of the state to the
10 45 department of human rights, division of criminal and
10 46 juvenile justice planning, for the fiscal year
10 47 beginning July 1, 1996, and ending June 30, 1997, the
10 48 following amount, or so much thereof as is necessary,
10 49 to be used for the purposes designated:

10 50 For technical assistance and staffing associated
11 1 with the development of the local corrections
11 2 infrastructure grant program enacted by this Act,
11 3 including salaries, support, maintenance,
11 4 miscellaneous purposes, and for not more than the
11 5 following full-time equivalent positions:
11 6 \$ 200,000
11 7 FTEs 2.00

11 8 Sec. ____ JUVENILE CRIME PREVENTION. There is
11 9 appropriated from the general fund of the state to the
11 10 department of economic development for the fiscal year
11 11 beginning July 1, 1996, and ending June 30, 1997, the
11 12 following amount, or so much thereof as is necessary,
11 13 to be used for the purposes designated:

11 14 For continuing the juvenile crime prevention summer
11 15 youth employment program through the job training
11 16 partnership Act service delivery areas:
11 17 \$ 800,000

11 18 Sec. ____ EFFECTIVE DATE. This division of this
11 19 Act, being deemed of immediate importance, takes
11 20 effect upon enactment.

11 21 DIVISION III

11 22 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

11 23 Sec. ____ NEW SECTION. 13.34 LEGAL SERVICES FOR
11 24 PERSONS IN POVERTY GRANT PROGRAM.

11 25 1. For the purposes of this section, "eligible
11 26 individual" means an individual or household with an
11 27 annual income which is less than one hundred twenty-
11 28 five percent of the poverty guidelines established by
11 29 the United States office of management and budget.
11 30 The attorney general shall contract with an eligible
11 31 nonprofit organization to provide legal assistance to
11 32 eligible individuals in poverty. The contract shall
11 33 be awarded within thirty days after May 30, 1996. The
11 34 contract may be terminated by the attorney general
11 35 after a hearing upon written notice and for good
11 36 cause.

11 37 2. A nonprofit organization must comply with all
11 38 of the following to be eligible for a contract under
11 39 this section:

11 40 a. Be a nonprofit organization incorporated in
11 41 this state.

11 42 b. Has lost or will lose funding due to a
11 43 reduction in federal funding for the legal services
11 44 corporation for federal fiscal year 1995-1996.

11 45 c. Employ attorneys admitted to practice before
11 46 the Iowa supreme court and the United States district
11 47 courts.

11 48 d. Employ attorneys and staff qualified to address
11 49 legal problems experienced by eligible individuals.

11 50 3. The contracting nonprofit organization shall do
12 1 all of the following:

12 2 a. Offer direct representation of eligible
12 3 individuals in litigation and administrative cases, in
12 4 accordance with priorities established by the
12 5 organizations board.

12 6 b. Offer technical support to eligible
12 7 individuals.

12 8 c. Involve private attorneys through volunteer
12 9 lawyer projects to represent eligible individuals.

12 10 d. Utilize, to the fullest extent feasible,
12 11 existing resources of accredited law schools within
12 12 this state to provide consulting assistance to
12 13 attorneys in the practice of law in their
12 14 representation of persons in poverty.

12 15 e. Assist, to the fullest extent feasible,
12 16 accredited law schools within this state in enhancing

12 17 the schools' expertise in the practice of law
12 18 representing persons in poverty so that all attorneys
12 19 within the state will have a resource available to
12 20 provide training and experience in the practice of law
12 21 representing persons in poverty.

12 22 f. Cooperate, to the fullest extent feasible, with
12 23 existing informational and referral networks among
12 24 persons in poverty, providers of assistance to persons
12 25 in poverty, and others concerned with assistance to
12 26 persons in poverty.

12 27 4. The contracting nonprofit organization is not a
12 28 state agency for the purposes of chapters 19A, 20, and
12 29 669.

12 30 5. An individual is eligible to obtain legal
12 31 representation and legal assistance from the
12 32 contracting nonprofit organization if the eligible
12 33 individual meets all of the following criteria:

12 34 a. The eligible individual is a resident of this
12 35 state.

12 36 b. The eligible individual is financially unable
12 37 to acquire legal assistance, in accordance with
12 38 criteria established by the organization's board.

12 39 Sec. _____. NEW SECTION. 321.218A CIVIL PENALTY -
12 40 DISPOSITION - REINSTATEMENT.

12 41 When the department revokes a person's motor
12 42 vehicle license or nonresident operating privilege
12 43 under this chapter upon receipt of a record of
12 44 conviction of the person, the department shall assess
12 45 the person a civil penalty of two hundred dollars.
12 46 The money collected by the department under this
12 47 section shall be transmitted to the treasurer of state
12 48 who shall deposit one-half of the money in the victim
12 49 compensation fund established in section 912.14. Of
12 50 the remaining moneys collected during any fiscal year,
13 1 the treasurer shall transmit the first three hundred
13 2 thousand dollars to the office of the prosecuting
13 3 attorneys training coordinator as established in
13 4 chapter 13A, shall transmit the next seven hundred
13 5 thousand dollars to the office of the attorney general
13 6 to be used to implement the contract to provide legal
13 7 services to persons in poverty in accordance with
13 8 section 13.34, and shall deposit any additional moneys
13 9 collected during that fiscal year in the general fund
13 10 of the state. A temporary restricted license shall
13 11 not be issued or a motor vehicle license or
13 12 nonresident operating privilege reinstated until the
13 13 civil penalty has been paid.

13 14 Sec. _____. NEW SECTION. 321A.32A CIVIL PENALTY -
13 15 DISPOSITION - REINSTATEMENT.

13 16 When the department revokes a person's motor
13 17 vehicle license or nonresident operating privilege
13 18 under this chapter upon receipt of a record of
13 19 conviction of the person, the department shall assess
13 20 the person a civil penalty of two hundred dollars.
13 21 The money collected by the department under this
13 22 section shall be transmitted to the treasurer of state
13 23 who shall deposit one-half of the money in the victim
13 24 compensation fund established in section 912.14 and
13 25 one-half of the money shall be deposited in the
13 26 general fund of the state. A temporary restricted
13 27 license shall not be issued or a motor vehicle license
13 28 or nonresident operating privilege reinstated until
13 29 the civil penalty has been paid.

13 30 Sec. _____. Section 331.302, subsection 2, Code
13 31 1995, is amended to read as follows:

13 32 2. A county shall not provide a penalty in excess
13 33 of a one hundred dollar fine or in excess of thirty

13 34 days imprisonment for the violation of an ordinance.
13 35 The criminal penalty surcharge required by section
13 36 911.2 and the jail, courthouse security, and detention
13 37 facility surcharge required by section 911A.2 shall be
13 38 added to a county fine and

~~is~~

- are not a part of the

13 39 county's penalty.

13 40 Sec. _____. Section [364.3](#), subsection 2, Code 1995,
13 41 is amended to read as follows:

13 42 2. A city shall not provide a penalty in excess of
13 43 a one hundred dollar fine or in excess of thirty days
13 44 imprisonment for the violation of an ordinance. An
13 45 amount equal to ten percent of all fines collected by
13 46 cities shall be deposited in the account established
13 47 in section 602.8108. However, one hundred percent of
13 48 all fines collected by a city pursuant to section
13 49 321.236, subsection 1, shall be retained by the city.
13 50 The criminal penalty surcharge required by section
14 1 911.2 and the jail, courthouse security, and detention
14 2 facility surcharge required by section 911A.2 shall be
14 3 added to a city fine and

~~is~~

- are not a part of the

14 4 city's penalty.

14 5 Sec. _____. Section [602.8107](#), subsection 2,
14 6 paragraph b, Code Supplement 1995, is amended to read
14 7 as follows:

14 8 b. Fines or penalties and

~~criminal penalty~~

-

14 9 surcharges.

14 10 Sec. _____. Section [602.8107](#), subsection 4,
14 11 unnumbered paragraph 2, Code Supplement 1995, is
14 12 amended to read as follows:

14 13 This subsection does not apply to amounts collected
14 14 for victim restitution, the victim compensation fund,
14 15 criminal penalty surcharge, jail, courthouse security,
14 16 and detention facility surcharge, or amounts collected
14 17 as a result of procedures initiated under subsection 5
14 18 or under section 421.17, subsection 25.

14 19 Sec. _____. Section [805.8](#), subsection 1, Code
14 20 Supplement 1995, is amended to read as follows:

14 21 1. APPLICATION. Except as otherwise indicated,
14 22 violations of sections of the Code specified in this
14 23 section are scheduled violations, and the scheduled
14 24 fine for each of those violations is as provided in
14 25 this section, whether the violation is of state law or
14 26 of a county or city ordinance. The criminal penalty
14 27 surcharge required by section 911.2 and the jail,
14 28 courthouse security, and detention facility surcharge
14 29 required by section 911A.2 shall be added to the
14 30 scheduled fine.

14 31 Sec. _____. Section [805.8](#), subsection 11, unnumbered
14 32 paragraph 1, Code Supplement 1995, is amended to read
14 33 as follows:

14 34 For violations of section 142B.6 or 453A.2,
14 35 subsection 2, the scheduled fine is twenty-five
14 36 dollars, and is a civil penalty, and the criminal
14 37 penalty surcharge under section 911.2 and the jail,
14 38 courthouse security, and detention facility surcharge
14 39 under section 911A.2 shall not be added to the
14 40 penalty, and the court costs pursuant to section
14 41 805.9, subsection 6, shall not be imposed. If the

14 42 civil penalty assessed for a violation of section
14 43 142B.6 is not paid in a timely manner, a citation
14 44 shall be issued for the violation in the manner
14 45 provided in section 804.1. However, a person under
14 46 age eighteen shall not be detained in a secure
14 47 facility for failure to pay the civil penalty. The
14 48 complainant shall not be charged a filing fee.

14 49 Sec. _____. Section 902.9, unnumbered paragraph 2,
14 50 Code 1995, is amended to read as follows:

15 1 The criminal penalty surcharge required by section
15 2 911.2 and the jail, courthouse security, and detention
15 3 facility surcharge required by section 911A.2 shall be
15 4 added to a fine imposed on a class "C" or class "D"
15 5 felon, as provided by

~~that section~~

~~those sections, and~~

15 6

~~is~~

~~are~~ not a part of or subject to the maximums set in
15 7 this section.

15 8 Sec. _____. Section 903.1, subsection 4, Code 1995,
15 9 is amended to read as follows:

15 10 4. The criminal penalty surcharge required by
15 11 section 911.2 and the jail, courthouse security, and
15 12 detention facility surcharge required by section
15 13 911A.2 shall be added to a fine imposed on a
15 14 misdemeanor, and

~~is~~

~~are~~ not a part of or subject to

15 15 the maximums set in this section.

15 16 Sec. _____. NEW SECTION. 907.14 PAYMENT IN LIEU OF
15 17 FINE.

15 18 When the court has deferred judgment the court may
15 19 order the defendant to pay an amount in lieu of a fine
15 20 in a case where a minimum fine would otherwise be
15 21 ordered. Payments in lieu of fines shall be ordered,
15 22 enforced, and administered as fines under chapter 909.

15 23 Sec. _____. Section 909.3, Code 1995, is amended by
15 24 adding the following new subsection:

15 25 NEW SUBSECTION. 3. If the court orders a fine to
15 26 be paid as provided by subsection 2, the court shall
15 27 require the defendant to execute a mandatory wage
15 28 assignment that would ensure payment of the fine
15 29 within twelve months of the date the wage assignment
15 30 becomes effective. The wage assignment shall be
15 31 enforced if the defendant fails to make payment as
15 32 provided in subsection 2.

15 33 A mandatory wage assignment executed pursuant to
15 34 this section is not subject to the limitation on
15 35 garnishment provided in sections 537.5105 and 642.21,
15 36 and is not subject to the limitation on assignment of
15 37 benefits under chapter 96 as provided in section
15 38 96.15. However, a wage assignment executed under this
15 39 subsection shall be enforced only after an order for
15 40 income withholding pursuant to chapter 252D or a
15 41 court-ordered wage assignment for purposes of support
15 42 is entered and enforced. A wage assignment executed
15 43 under this subsection shall be limited as specified in
15 44 15 U.S.C. } 1673(b).

15 45 Sec. _____. Section 909.8, Code 1995, is amended to
15 46 read as follows:

15 47 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
15 48

~~— CRIMINAL PENALTY SURCHARGE~~

~~— SURCHARGES.~~

15 49 The provisions of this chapter governing the
15 50 payment and collection of a fine, except section
16 1 909.3A, also apply to the payment and collection of a
16 2 criminal penalty surcharge imposed pursuant to chapter
16 3 911 and the jail, courthouse security, and detention
16 4 facility surcharge imposed pursuant to section 911A.2.
16 5 Sec. _____. Section 909.10, subsection 1, Code 1995,
16 6 is amended to read as follows:
16 7 1. As used in this section, unless the context
16 8 otherwise requires, "delinquent amounts" means a fine,
16 9 court-imposed court costs in a criminal proceeding,

~~— or~~

16 10 criminal surcharge imposed pursuant to section 911.2,
16 11 or jail, courthouse security, and detention facility
16 12 surcharge imposed pursuant to section 911A.2, which
16 13 remains unpaid after two years from the date that the
16 14 fine, court costs, or surcharge was imposed, and which
16 15 is not collected by the county attorney pursuant to
16 16 section 602.8107. However, if the fine may be paid in
16 17 installments pursuant to section 909.3, the fine is
16 18 not a delinquent amount unless the installment remains
16 19 unpaid after two years from the date the installment
16 20 was due.

16 21 Sec. _____. NEW SECTION. 911A.1 JAIL, COURTHOUSE
16 22 SECURITY, AND DETENTION FACILITY SURCHARGE
16 23 ESTABLISHED.

16 24 A jail, courthouse security, and detention facility
16 25 surcharge shall be levied against certain law
16 26 violators as provided in section 911A.2. The
16 27 surcharge shall be used as provided in section 911A.3.

16 28 Sec. _____. NEW SECTION. 911A.2 SURCHARGE.

16 29 When a court imposes a fine or forfeiture for a
16 30 violation of a state law, or of a city or county
16 31 ordinance except an ordinance regulating the parking
16 32 of motor vehicles, the court shall assess an
16 33 additional penalty in the form of a surcharge equal to
16 34 ten dollars. In the event of multiple offenses, the
16 35 surcharge shall be based upon the total number of
16 36 offenses. When a fine or forfeiture is suspended in
16 37 whole or in part, the surcharge shall not be reduced.

16 38 The surcharge is subject to the provisions of
16 39 chapter 909 governing the payment and collection of
16 40 fines, as provided in section 909.8.

16 41 Sec. _____. NEW SECTION. 911A.3 DISPOSITION OF
16 42 SURCHARGE.

16 43 1. When a court assesses a surcharge under section
16 44 911A.2, notwithstanding any other provision of the
16 45 Code to the contrary, proceeds from the surcharge
16 46 shall be appropriated and transferred to the treasurer
16 47 of the county in which the citation was issued to be
16 48 deposited in the county general fund and used only for
16 49 courthouse security and the improvement, expansion,
16 50 operation, or construction of a jail or juvenile
17 1 detention facility.

17 2 2. At any time and for the purposes specified in
17 3 subsection 1, a county may transfer proceeds received
17 4 and deposited pursuant to this section to a contiguous
17 5 county or a county that has a relationship with the
17 6 transferring county concerning the use of a jail or
17 7 juvenile detention facility in the recipient county."

17 8 #51. Title page, line 2, by inserting after the
17 9 word "system," the following: "imposing civil
17 10 penalties and surcharges on criminal fines and

17 11 forfeitures,".
17 12 #52. By renumbering, relettering, or redesignating
17 13 and correcting internal references as necessary.
17 14
17 15
17 16 _____
17 17 COMMITTEE ON [APPROPRIATIONS](#)
17 18 LARRY MURPHY, Chairperson
17 19 [HF 2472.2](#)13 76
17 20 ec/jj