

Senate Amendment 5243

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1 1 Amend House File 2789, 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 <Section 1. Section 321J.2, subsection 2,
1 6 paragraph a, subparagraph (2), Code 2005, is amended
1 7 to read as follows:
1 8 (2) Assessment of a fine of one thousand two
1 9 hundred fifty dollars. However, in the discretion of
1 10 the court, if no personal or property injury has
1 11 resulted from the defendant's actions, the court may
1 12 waive up to five six hundred twenty=five dollars of
1 13 the fine when the defendant presents to the court at
1 14 the end of the minimum period of ineligibility, a
1 15 temporary restricted license issued pursuant to
1 16 section 321J.20. As an alternative to a portion or
1 17 all of the fine, the court may order the person to
1 18 perform unpaid community service.
1 19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
1 20 Code 2005, is amended to read as follows:
1 21 b. An aggravated misdemeanor for a second offense,
1 22 and shall be imprisoned in the county jail or
1 23 community-based correctional facility not less than
1 24 seven days, and assessed a fine of not less than one
1 25 thousand five eight hundred seventy=five dollars nor
1 26 more than five six thousand two hundred fifty dollars.
1 27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
1 28 unnumbered paragraph 1, Code 2005, is amended to read
1 29 as follows:
1 30 A class "D" felony for a third offense and each
1 31 subsequent offense, and shall be committed to the
1 32 custody of the director of the department of
1 33 corrections for an indeterminate term not to exceed
1 34 five years, shall be confined for a mandatory minimum
1 35 term of thirty days, and shall be assessed a fine of
1 36 not less than two three thousand five one hundred
1 37 twenty=five dollars nor more than seven nine thousand
1 38 five three hundred seventy=five dollars.>
1 39 #2. Page 1, line 18, by inserting after the figure
1 40 <8A,> the following: <the office of attorney general
1 41 pursuant to section 602.8108, subsection 8B, the
1 42 department of corrections pursuant to section
1 43 602.8108, subsection 8C.>.
1 44 #3. Page 1, line 31, by inserting after the figure
1 45 <8A,> the following: <the office of attorney general
1 46 pursuant to section 602.8108, subsection 8B, and the
1 47 department of corrections pursuant to section
1 48 602.8108, subsection 8C.>.
1 49 #4. Page 3, line 14, by inserting after the figure
1 50 <8A,> the following: <8B, 8C.>.
2 1 #5. Page 3, line 26, by striking the word
2 2 <thirteen> and inserting the following: <fourteen>.
2 3 #6. Page 4, line 6, by striking the word
2 4 <subsection> and inserting the following:
2 5 <subsections>.
2 6 #7. Page 4, line 11, by striking the words <two
2 7 million eight hundred thousand> and inserting the
2 8 following: <three million>.
2 9 #8. Page 4, by inserting after line 14 the
2 10 following:
2 11 <NEW SUBSECTION. 8B. The state court
2 12 administrator shall allocate to the office of attorney
2 13 general for the fiscal year beginning July 1, 2006,
2 14 and for each fiscal year thereafter, three hundred
2 15 thousand dollars of the moneys received annually under
2 16 subsection 2, to be used for legal services for
2 17 persons in poverty grants as provided in section
2 18 13.34.
2 19 <NEW SUBSECTION. 8C. The state court administrator
2 20 shall allocate to the department of corrections for
2 21 the fiscal year beginning July 1, 2006, and for each
2 22 fiscal year thereafter, five hundred sixty thousand
2 23 dollars of the moneys received annually under
2 24 subsection 2, to be used for offenders transferred to

2 25 the department pursuant to section 229A.5, subsection
2 26 5.>
2 27 #9. By striking page 4, line 35, through page 5,
2 28 line 1, and inserting the following: <class "A"
2 29 felonies, sixty dollars per hour for all other
2 30 felonies, sixty dollars per hour for misdemeanors, and
2 31 fifty-five dollars per hour for all other cases.>
2 32 #10. Page 5, by inserting after line 11 the
2 33 following:
2 34 <Sec. _____. Section 903.1, subsection 1, paragraphs
2 35 a and b, Code 2005, are amended to read as follows:
2 36 a. For a simple misdemeanor, there shall be a fine
2 37 of at least ~~fifty~~ sixty-five dollars but not to exceed
2 38 ~~five six~~ hundred ~~twenty-five~~ dollars. The court may
2 39 order imprisonment not to exceed thirty days in lieu
2 40 of a fine or in addition to a fine.
2 41 b. For a serious misdemeanor, there shall be a
2 42 fine of at least ~~two three~~ hundred ~~fifty fifteen~~
2 43 dollars but not to exceed one thousand ~~five eight~~
2 44 hundred ~~seventy-five~~ dollars. In addition, the court
2 45 may also order imprisonment not to exceed one year.
2 46 Sec. _____. Section 903.1, subsection 2, Code 2005,
2 47 is amended to read as follows:
2 48 2. When a person is convicted of an aggravated
2 49 misdemeanor, and a specific penalty is not provided
2 50 for, the maximum penalty shall be imprisonment not to
3 1 exceed two years. There shall be a fine of at least
3 2 ~~five six~~ hundred ~~twenty-five~~ dollars but not to exceed
3 3 ~~five six~~ thousand ~~two hundred fifty~~ dollars. When a
3 4 judgment of conviction of an aggravated misdemeanor is
3 5 entered against any person and the court imposes a
3 6 sentence of confinement for a period of more than one
3 7 year the term shall be an indeterminate term.>
3 8 #11. Title page, line 1, by inserting after the
3 9 word <costs> the following: <and modifying fines>.
3 10 #12. Title page, line 2, by inserting after the
3 11 word <branch> the following: <, attorney general,
3 12 department of corrections,>.
3 13 #13. By renumbering as necessary.
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3 15
3 16 _____
3 17 JEFF ANGELO
3 18
3 19
3 20 _____
3 21 ROBERT E. DVORSKY
3 22 HF 2789.502 81
3 23 jm/je/5943