

Fiscal Services Division

Legislative Services Agency

Fiscal Note

SF 395 - Court Costs (LSB 1374 SV)

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Fiscal Note Version - New

Description

Senate File 395 provides that the Clerk of District Court will collect a fee upon the filing of a motion to show cause in a probation revocation proceeding equal to the fee for filing and docketing a complaint, information, or citation in the underlying case from which the motion arises. The Bill also increases the fee for filing and indexing a transcript in a probate proceeding from \$5 to \$50. Also, under the Bill, if the Judicial Branch revokes the probation of a defendant who receives a deferred judgment and imposes a fine, the Judicial Branch will reduce the amount of the fine by an amount equal to the amount of the civil penalty previously assessed against the defendant.

Background

- Currently, the Judicial Branch does not charge a filing fee for a motion to show cause in a probation revocation proceeding.
- The current filing fee for a simple misdemeanor is \$50 and for an indictable misdemeanor is \$100.
- In FY 2006, there were 329 probation revocation petitions for simple misdemeanors and 9,481 petitions for indictable misdemeanors.
- Under current practice, the criminal fine can also be revoked and the civil fine imposed. If the probation is revoked, the suspension of the criminal fine can also be revoked and the fine imposed.

Assumptions

- The number of deferred judgments that are revoked in a year cannot be determined.
- The first year collection rate for simple misdemeanor probation revocation proceedings would be 72.9% and the second and on-going collection rate would be 83.8%.
- The first year collection rate for indictable misdemeanor probation revocation proceedings would be 25.8% and the second and on-going collection rate would be 49.8%.
- The current one-year collection rate for civil penalties for deferred judgments is 26.3%.
- The 32.0% criminal surcharge would be added to the criminal fine.

Fiscal Impact

The revenue impact for adding a filing fee to the motion to show cause in a probation revocation proceeding would be an estimated \$257,000 in FY 2008 and \$486,000 in FY 2009.

The revenue impact for increasing the filing and indexing a transcript fee from \$5 to \$50 cannot be determined.

The revenue impact for reducing a deferred judgment fine by an amount equal to the amount of the civil penalty previously assessed against the defendant cannot be determined.

Sources

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

/s/ Holly M. Lyons

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
