
FISCAL TOPICS

Fiscal Services Division

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Des Moines, Iowa 50319

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Criminal Fine Revenue and Surcharge Distribution

Unless otherwise specified in statute, all fines, court costs, surcharges, penalties, and fees related to a criminal conviction are deposited in the State General Fund. In criminal cases, filing fees and court costs are assessed once the case is decided; however, these fees may be waived (Iowa Code §[602.8106\(1\)\(a\)](#)). At the time of imposing sentence, the judge informs the offender of the amount of the fine and that the judgment includes the imposition of a criminal penalty surcharge, court costs, and applicable fees. If the defendant receives a deferred judgment, a civil penalty is assessed in an amount equal to the minimum amount of the criminal fine (Iowa Code §[907.14](#)).

Cities and Counties

Violations of municipal infractions and county ordinances are civil offenses (Iowa Code §§[331.307\(1\)](#), [364.22\(1\)\(a\)](#)). However, cities and counties can establish ordinances that provide criminal penalties for violations not to exceed 30 days in jail or a fine of \$625 (Iowa Code §§[331.302\(2\)](#), [364.3\(2\)](#)). If the State has already set a fine amount in statute, the city or county cannot exceed the State fine amount (Iowa Code §§[321.236](#), [364.3\(3\)\(a\)](#)).

Cities and counties cannot impose an infraction if the violation is a serious or aggravated misdemeanor, a felony under State law, or a simple misdemeanor under Iowa Code chapters 687 through 747 (Iowa Code §§[331.307\(3\)](#), [364.22\(3\)](#)).

Fines and forfeitures collected as a result of county infractions are remitted to the county (Iowa Code §[331.307\(6\)](#)). Revenue for county ordinance violations is credited to the county treasurer. However, revenue from violations of roadway weight and speed ordinances is remitted to the clerk of court for deposit in the Road Use Tax Fund and the State General Fund, respectively (Iowa Code §§[602.8108\(10\)](#), [602.8106\(3\)](#)). Revenue from fines and forfeited bail generated by county ordinances that provide for a penalty for a violation that is also penalized under State law, is forwarded to the State Court Administrator for deposit in the State General Fund (Iowa Code §[602.8106\(3\)](#)). Counties may not adopt criminal violations of the motor vehicle code (Iowa Code chapter [321](#)) as county civil infractions, except as specified in Iowa Code section [321.236](#).

All penalties or forfeitures collected by the Judicial Branch for municipal infractions are remitted to the city in the same manner as fines and forfeitures for criminal violations under Iowa Code sections [602.8106\(2\)](#) and [364.22\(7\)](#). The clerks of court remit 90.0% of all fines and forfeited bail to the city that was the plaintiff in any action, and the remaining 10.0% is remitted to the State Court Administrator for deposit in the State General Fund.

Parking fines collected by a city or a county are retained by the city or county (Iowa Code §[321.236\(1\)\(b\)](#)).

Criminal Penalty Surcharge

When the court imposes a fine or forfeiture for a violation of State law or a city or county ordinance, except a parking ordinance, the clerk of court imposes an additional penalty in the form of a Criminal Penalty Surcharge equal to 35.0% of the fine or forfeiture imposed by the Court. This Surcharge does not apply to civil penalties (Iowa Code §[911.1](#)).

Of the Criminal Penalty Surcharge revenue, 95.0% is remitted to the State, and the remaining 5.0% is remitted to the county treasurer of the county or the city clerk of the city that was the plaintiff in the action. Of the amount remitted to the State, 17.0% is deposited in the Victim Compensation Fund and 83.0% is deposited in the State General Fund (Iowa Code §[602.8108\(3\)](#)).

When the city issues a ticket for violation of a local ordinance, the city receives 5.0% of the Criminal Penalty Surcharge. However, if the city has not adopted a local ordinance and issues a ticket per State statute, the city does

More Information

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not receive 5.0% of the Surcharge and the State receives 100.0% of the fine and Surcharge revenue. If the county or a State trooper issues a ticket for a violation of State statute, the county where the ticket was issued receives 5.0% of the Criminal Penalty Surcharge and the State receives 100.0% of the fine revenue. **Attachment A** demonstrates the distribution of fine revenue, and **Attachment B** provides an example of the distribution of a \$200 scheduled fine based on the type of citation (Municipal, County, and State).

Iowa Code Chapter 911 — Additional Criminal Surcharges

In addition to the 35.0% Criminal Penalty Surcharge, there are several other criminal surcharges depending on the offense. Several of these additional criminal surcharges were implemented within the last three years. During the 2014 Legislative Session, the General Assembly authorized the \$1,000 Human Trafficking Victim Surcharge, which is applied upon the adjudication of guilt or a deferred judgment for a criminal violation of domestic abuse assault, stalking, human trafficking, or sexual abuse. During the 2015 Legislative Session, the Domestic Abuse Surcharge and the Domestic Abuse Protective Order Contempt Surcharge were authorized. The \$100 Domestic Abuse Surcharge is applied upon adjudication of guilt or a deferred judgment for a criminal violation of domestic abuse assault, stalking, human trafficking, or sexual abuse. The \$50 Domestic Abuse Protective Order Contempt Surcharge is assessed against a defendant who is held in contempt of court for violating a domestic abuse protective order.

The following table shows each of the criminal surcharges that may be applied in addition to the 35.0% Criminal Penalty Surcharge:

Surcharges	Applicable Offenses	Surcharge Amt.	Fund Deposited Into/Purpose
Drug Abuse Resistance Education (DARE) Surcharge	Ch. 321J ; Ch. 124, Division V	\$10/offense	State General Fund/Appropriated to the Governor's Office of Drug Control Policy for use by the DARE Program and other programs for a similar purpose, as directed
Human Trafficking Victim Surcharge	§§ 725.1(2) , 710A.2 , 725.2 , 725.3	\$1,000/offense	Human Trafficking Victim Fund
Domestic Abuse Assault, Sexual Abuse, Stalking, and Human Trafficking Victim Surcharge	§§ 708.2A , 708.11 , 710A.2 , or ch. 709	\$100/offense	Address Confidentiality Program Revolving Fund
Domestic Abuse Protective Order Contempt Surcharge	Contempt of court for violation of protective order issued pursuant to Ch. 236	\$50/offense	Address Confidentiality Program Revolving Fund
Law Enforcement Initiative Surcharge	Chs. 124 , 155A , 453A , 713 , 714 , 715A , 716 ; §§ 719.8 , 725.1 , 725.2 , 725.3	\$125/offense	State General Fund
County Enforcement Surcharge	N/A; only applied if county has adopted a resolution pursuant to §331.301(16)	\$5/violation written by a county sheriff	County General Fund (where the citation was written)

Unsecured Appearance Bond

Iowa Code section [805.6](#) provides for the use of an unsecured appearance bond for State or local traffic violations,

and for scheduled violations under Iowa Code sections [805.8A](#), [805.8B](#), and [805.8C](#). An unsecured appearance bond is an agreement by the defendant that if the defendant fails to appear in person or by counsel to defend against a charge, the court is authorized to enter a conviction and render judgment against the defendant for the amount of the appearance bond in satisfaction of the penalty, plus court costs. The unsecured appearance bond amount is equal to one and one-half times the minimum fine and the Criminal Penalty Surcharge, plus court costs. If the County Enforcement Surcharge is applicable, then the amount would be equal to one and one-half times the minimum fine, the Criminal Penalty Surcharge, and the County Enforcement Surcharge, plus court costs.

Priority Order of Payment

According to Iowa Code section [602.8107](#), restitution and all other fines, penalties, fees, court costs, and surcharges are paid to the clerk of district court. The payments are applied in the following priority order:

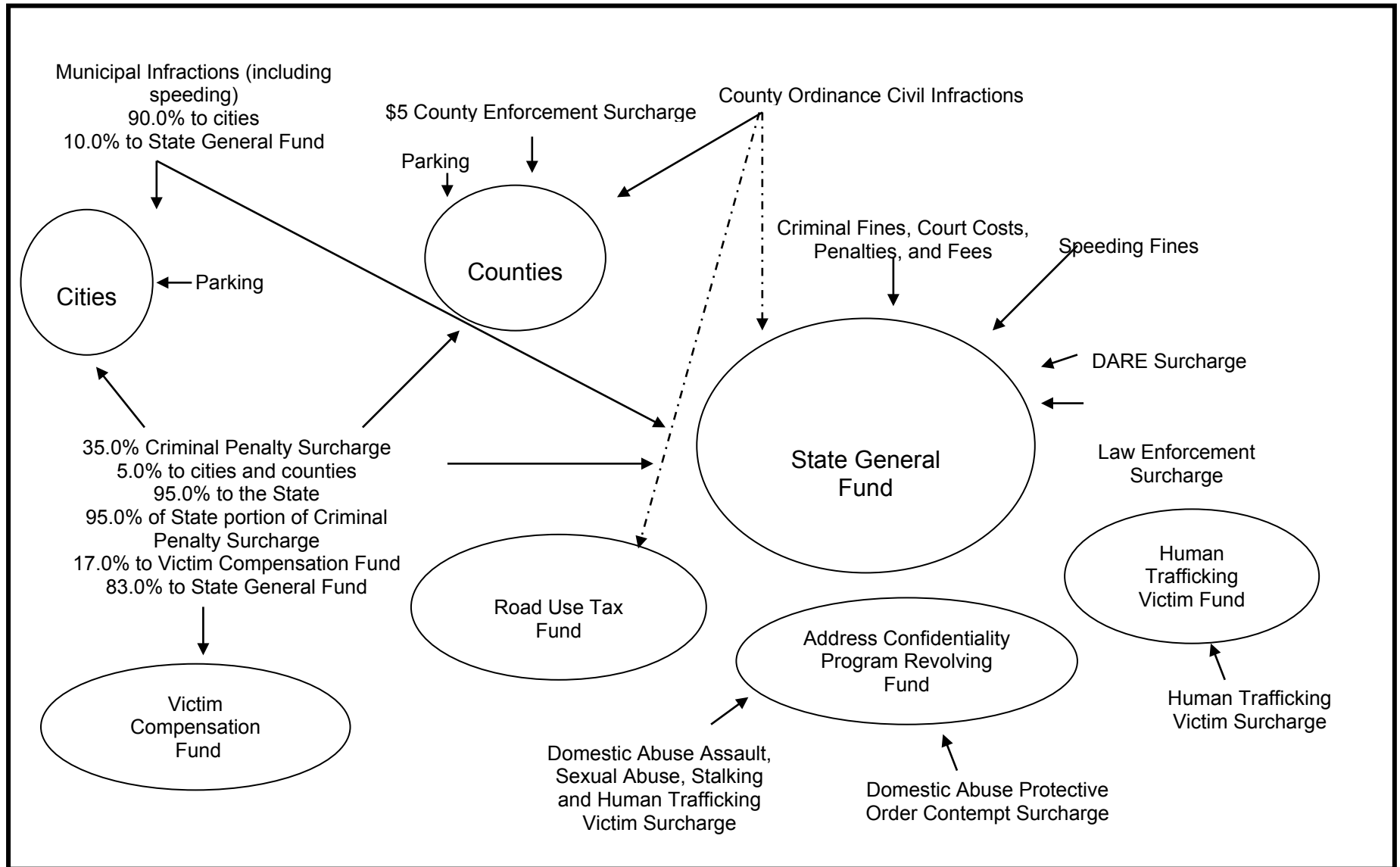
- Pecuniary damages as defined in Iowa Code section [910.1\(3\)](#).
- Fines or penalties and the 35.0% Criminal Penalty Surcharge and Law Enforcement Initiative Surcharges.
- Reimbursement to the Crime Victim Compensation Program.
- Court costs, county sheriff administrative costs and room and board, Department of Corrections administrative costs and room and board, court-appointed attorney fees or public defender expenses, and any other court orders.

Judicial Revenue

General Fund receipts include a category titled "other miscellaneous receipts." In FY 2017, other receipts comprised approximately 3.8% of total General Fund revenue. Of this amount, Judicial Branch revenue was approximately 30.4% of the total miscellaneous receipts deposited in the General Fund.

In FY 2017, \$128.0 million in judicial receipts was received by the State. This is a decrease of 3.0% compared to FY 2016. Fees to cities and counties totaled \$18.8 million. This is a decrease of 14.0% compared to FY 2016. All moneys processed by the Judicial Branch for FY 2017 totaled \$436.0 million. This is a decrease of 1.0% compared to FY 2016. The total amount processed by the Judicial Branch includes the Department of Human Services disbursement collections, child support, jury and witness fees, and miscellaneous trusts and bonds.

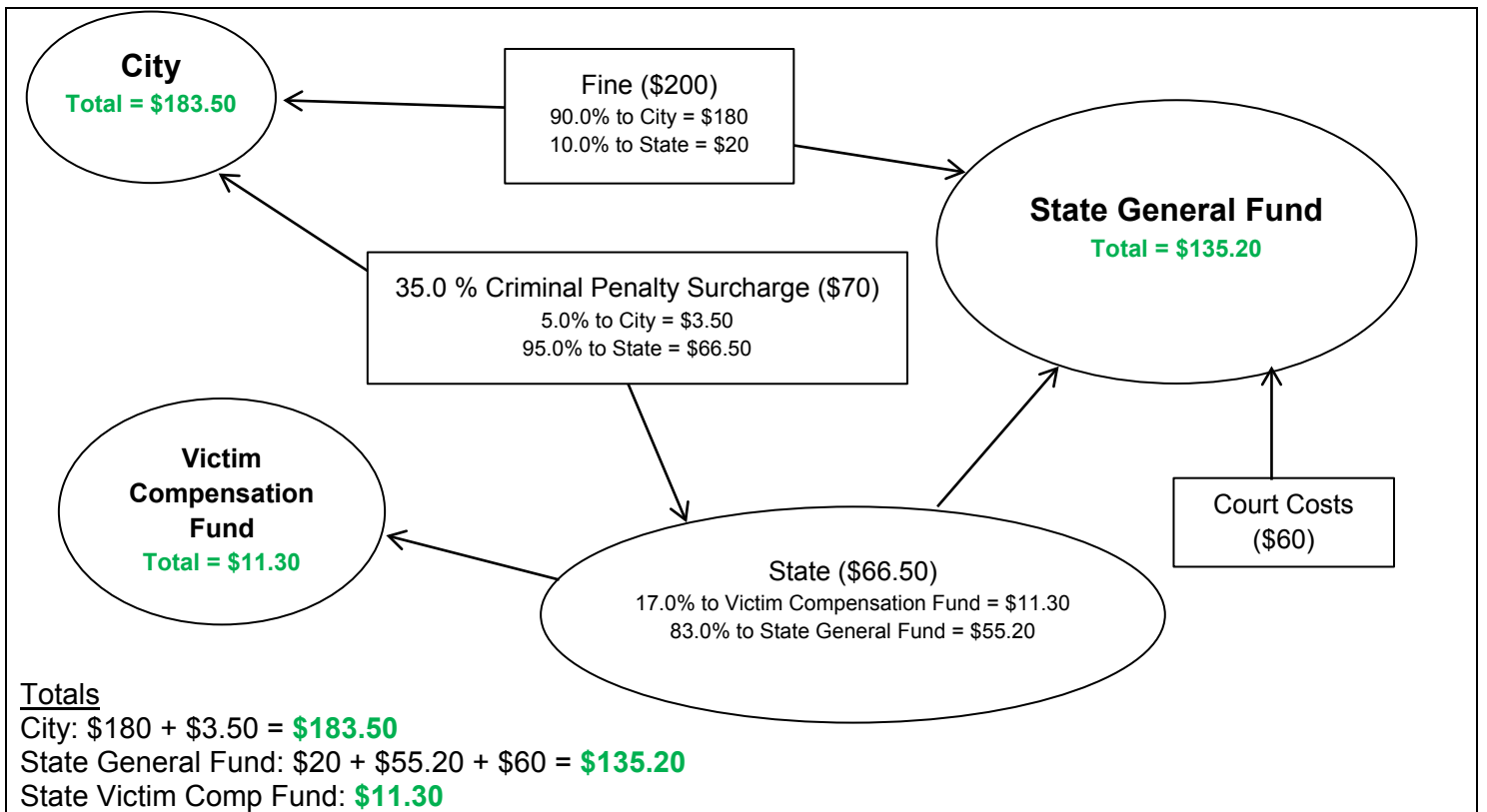
Distribution of Fine and Surcharge Revenue



Fine Revenue Distribution by Citation Type

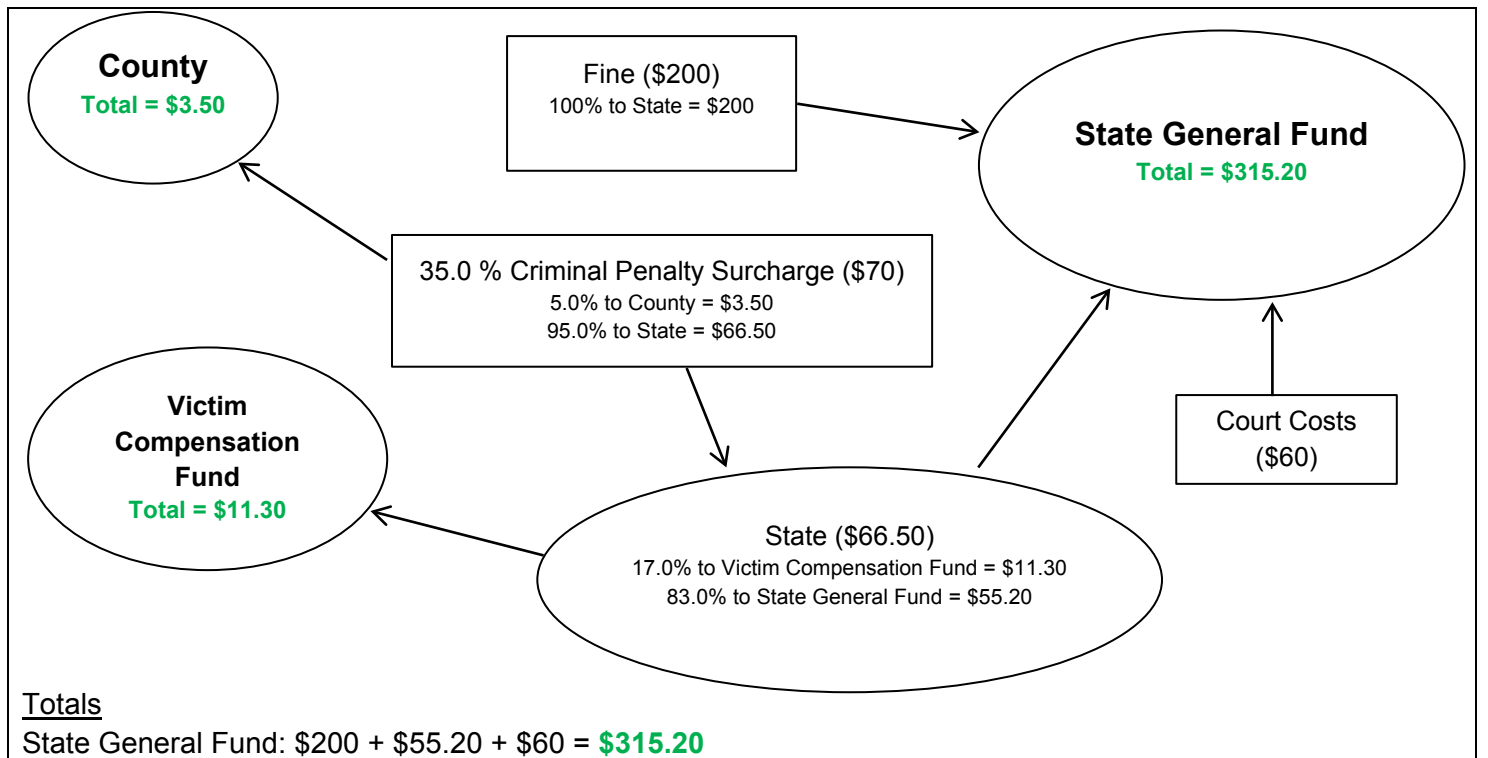
Municipal Citation

(using the example of a \$200 fine)



State Citation

(using the example of a \$200 fine)



County Citation
(using the example of a \$200 fine)

