

House File 2569

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HOUSE FILE 2569

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1 3 AN ACT
1 4 ESTABLISHING A COUNTY ENFORCEMENT SURCHARGE FOR CITATIONS
1 5 ISSUED BY THE COUNTY SHERIFF.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 331.301, Code 2003, is amended by
1 10 adding the following new subsection:
1 11 NEW SUBSECTION. 16. The board of supervisors may by
1 12 resolution allow a five dollar county enforcement surcharge to
1 13 be assessed pursuant to section 911.4.
1 14 Sec. 2. Section 602.8102, subsection 135A, Code Supplement
1 15 2003, is amended to read as follows:
1 16 135A. Assess the ~~drug abuse resistance education surcharge~~
1 17 ~~as provided by section 911.2, and 911.3, and 911.4.~~ surcharges provided by sections 911.2,
1 18 911.3, and 911.4.
1 19 Sec. 3. Section 602.8102, subsection 135B, Code Supplement
1 20 2003, is amended by striking the subsection.
1 21 Sec. 4. Section 602.8107, subsection 4, unnumbered
1 22 paragraph 2, Code Supplement 2003, is amended to read as
1 23 follows:
1 24 This subsection does not apply to amounts collected for
1 25 victim restitution, the victim compensation fund, criminal
1 26 penalty surcharge, law enforcement initiative surcharge,
1 27 county enforcement surcharge, amounts collected as a result of
1 28 procedures initiated under subsection 5 or under section
1 29 8A.504, or sheriff's room and board fees.
1 30 Sec. 5. Section 602.8108, Code Supplement 2003, is amended
1 31 by adding the following new subsection:
1 32 NEW SUBSECTION. 4A. The clerk of the district court shall
1 33 remit all moneys collected from the county enforcement
1 34 surcharge to the county where the citation was issued for
1 35 deposit in the county general fund no later than the fifteenth
2 1 day of each month.
2 2 Sec. 6. Section 805.8, subsection 1, Code 2003, is amended
2 3 to read as follows:
2 4 1. APPLICATION. Except as otherwise indicated, violations
2 5 of sections of the Code specified in sections 805.8A, 805.8B,
2 6 and 805.8C are scheduled violations, and the scheduled fine
2 7 for each of those violations is as provided in those sections,
2 8 whether the violation is of state law or of a county or city
2 9 ordinance. The criminal penalty surcharge required by section
2 10 911.2 and the county enforcement surcharge required by section
2 11 911.4, if applicable, shall be added to the scheduled fine.
2 12 Sec. 7. Section 903.1, subsection 4, Code 2003, is amended
2 13 to read as follows:
2 14 4. The ~~criminal penalty surcharge~~ surcharges required by
2 15 sections 911.2, and 911.3, and 911.4 shall be added to a fine
2 16 imposed on a misdemeanor, and ~~is~~ are not a part of or subject
2 17 to the maximums set in this section.
2 18 Sec. 8. Section 909.8, Code 2003, is amended to read as
2 19 follows:
2 20 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
2 21 SURCHARGE.
2 22 The provisions of this chapter governing the payment and
2 23 collection of a fine, except section 909.3A, also apply to the
2 24 payment and collection of surcharges imposed pursuant to
2 25 chapter 911. However, section 909.10 shall not apply to
2 26 surcharges assessed under ~~section~~ sections 911.3 and 911.4.
2 27 Sec. 9. NEW SECTION. 911.4 COUNTY ENFORCEMENT SURCHARGE.
2 28 1. If the county has adopted a resolution pursuant to
2 29 section 331.301, subsection 16, and a court imposes a fine or
2 30 forfeiture for any simple misdemeanor punishable as a
2 31 scheduled violation pursuant to a citation issued by the
2 32 sheriff as defined in section 331.101, the court or the clerk
2 33 of the district court shall assess a surcharge in the amount
2 34 of five dollars for each applicable violation in addition to
2 35 any fine, forfeiture, or other surcharge.
3 1 2. Pursuant to section 602.8108, subsection 4A, the
3 2 surcharge shall be deposited in the county general fund of the
3 3 county where the citation was issued.
3 4 3. The surcharge is subject to the provisions of chapter
3 5 909 governing the payment and collection of fines, as provided

3 6 in section 909.8.

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CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

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I hereby certify that this bill originated in the House and
is known as House File 2569, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

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Approved _____, 2004

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THOMAS J. VILSACK

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Governor