



HOUSE FILE 2569

AN ACT

ESTABLISHING A COUNTY ENFORCEMENT SURCHARGE FOR CITATIONS
ISSUED BY THE COUNTY SHERIFF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.301, Code 2003, is amended by
adding the following new subsection:

NEW SUBSECTION. 16. The board of supervisors may by
resolution allow a five dollar county enforcement surcharge to
be assessed pursuant to section 911.4.

Sec. 2. Section 602.8102, subsection 135A, Code Supplement
2003, is amended to read as follows:

135A. Assess the ~~drug-abuse-resistance-education-surcharge~~
~~as-provided-by-section~~ surcharges provided by sections 911.2,
911.3, and 911.4.

Sec. 3. Section 602.8102, subsection 135B, Code Supplement
2003, is amended by striking the subsection.

Sec. 4. Section 602.8107, subsection 4, unnumbered
paragraph 2, Code Supplement 2003, is amended to read as
follows:

This subsection does not apply to amounts collected for
victim restitution, the victim compensation fund, criminal
penalty surcharge, law enforcement initiative surcharge,
county enforcement surcharge, amounts collected as a result of
procedures initiated under subsection 5 or under section
8A.504, or sheriff's room and board fees.

Sec. 5. Section 602.8108, Code Supplement 2003, is amended
by adding the following new subsection:

NEW SUBSECTION. 4A. The clerk of the district court shall
remit all moneys collected from the county enforcement

surcharge to the county where the citation was issued for deposit in the county general fund no later than the fifteenth day of each month.

Sec. 6. Section 805.8, subsection 1, Code 2003, is amended to read as follows:

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.2 and the county enforcement surcharge required by section 911.4, if applicable, shall be added to the scheduled fine.

Sec. 7. Section 903.1, subsection 4, Code 2003, is amended to read as follows:

4. The ~~criminal-penalty-surcharge~~ surcharges required by sections 911.2, and 911.3, and 911.4 shall be added to a fine imposed on a misdemeanor, and ~~is~~ are not a part of or subject to the maximums set in this section.

Sec. 8. Section 909.8, Code 2003, is amended to read as follows:

909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO SURCHARGE.

The provisions of this chapter governing the payment and collection of a fine, except section 909.3A, also apply to the payment and collection of surcharges imposed pursuant to chapter 911. However, section 909.10 shall not apply to surcharges assessed under ~~section~~ sections 911.3 and 911.4.

Sec. 9. NEW SECTION. 911.4 COUNTY ENFORCEMENT SURCHARGE.

1. If the county has adopted a resolution pursuant to section 331.301, subsection 16, and a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff as defined in section 331.101, the court or the clerk of the district court shall assess a surcharge in the amount of five dollars for each applicable violation in addition to any fine, forfeiture, or other surcharge.

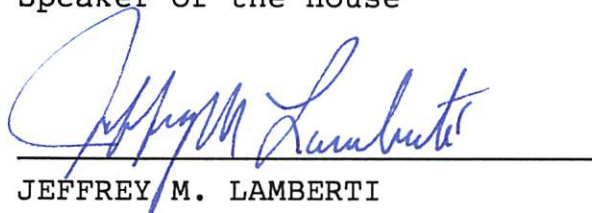
2. Pursuant to section 602.8108, subsection 4A, the surcharge shall be deposited in the county general fund of the county where the citation was issued.

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



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

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



MARGARET THOMSON

Chief Clerk of the House

Approved April 28, 2004



THOMAS J. VILSACK

Governor