



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL


Dear Mr. Secretary:

I hereby transmit:

House File 2789, an Act relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations, to the judicial branch, attorney general, department of corrections and department of inspections and appeals.

The above House File is hereby approved this date.

Sincerely,


Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2789

AN ACT

RELATING TO ASSESSING COURT COSTS AND MODIFYING FINES,
PROVIDING FOR INDIGENT DEFENSE, AND MAKING APPROPRIATIONS
TO THE JUDICIAL BRANCH, ATTORNEY GENERAL, DEPARTMENT OF
CORRECTIONS, AND DEPARTMENT OF INSPECTIONS AND APPEALS.

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

Section 1. Section 321J.2, subsection 2, paragraph a,
subparagraph (2), Code 2005, is amended to read as follows:

(2) Assessment of a fine of one thousand two hundred fifty
dollars. However, in the discretion of the court, if no
personal or property injury has resulted from the defendant's
actions, the court may waive up to five six hundred
twenty-five dollars of the fine when the defendant presents to
the court at the end of the minimum period of ineligibility, a
temporary restricted license issued pursuant to section
321J.20. As an alternative to a portion or all of the fine,
the court may order the person to perform unpaid community
service.

Sec. 2. Section 321J.2, subsection 2, paragraph b, Code
2005, is amended to read as follows:

b. An aggravated misdemeanor for a second offense, and
shall be imprisoned in the county jail or community-based
correctional facility not less than seven days, and assessed a
fine of not less than one thousand five eight hundred
seventy-five dollars nor more than five six thousand two
hundred fifty dollars.

Sec. 3. Section 321J.2, subsection 2, paragraph c, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A class "D" felony for a third offense and each subsequent offense, and shall be committed to the custody of the director of the department of corrections for an indeterminate term not to exceed five years, shall be confined for a mandatory minimum term of thirty days, and shall be assessed a fine of not less than ~~two~~ three thousand ~~five~~ one hundred ~~twenty-five~~ dollars nor more than ~~seven~~ nine thousand ~~five~~ three hundred ~~seventy-five~~ dollars.

Sec. 4. Section 602.1304, subsection 2, paragraph b, Code Supplement 2005, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, subsection 7, the judicial branch pursuant to section 602.8108, subsection 8, the department of inspections and appeals pursuant to section 602.8108, subsection 8A, the office of attorney general pursuant to section 602.8108, subsection 8B, the department of corrections pursuant to section 602.8108, subsection 8C, and the road use tax fund pursuant to section 602.8108, subsection 9, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A and into the court technology and modernization fund pursuant to section 602.8108, subsection 7,

and after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 8, and after the required amount is allocated to the department of inspections and appeals pursuant to section 602.8108, subsection 8A, the office of attorney general pursuant to section 602.8108, subsection 8B, and the department of corrections pursuant to section 602.8108, subsection 8C, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 5. Section 602.8106, subsection 1, paragraphs a, b, d, and e, Code Supplement 2005, are amended to read as follows:

a. Except as otherwise provided in paragraphs "b" and "c", for filing and docketing a criminal case to be paid by the county or city which has the duty to prosecute the criminal action, payable as provided in section 602.8109, thirty one hundred dollars. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for

fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.

b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, ~~thirty~~ fifty dollars.

d. The court costs in scheduled violation cases where a court appearance is required, ~~thirty~~ fifty dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, ~~thirty~~ fifty dollars.

Sec. 6. Section 602.8108, subsection 2, Code Supplement 2005, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, 8A, 8B, 8C, and 9, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 7. Section 602.8108, subsection 8, Code Supplement 2005, is amended to read as follows:

8. The state court administrator shall allocate to the judicial branch for the fiscal year beginning July 1, ~~2005~~ 2006, and for each fiscal year thereafter, ~~seven~~ fourteen million dollars of the moneys received annually under subsection 2, to be used for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications

commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year, and maintenance, equipment, and miscellaneous purposes.

Sec. 8. Section 602.8108, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. The state court administrator shall allocate to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, three million dollars of the moneys received annually under subsection 2, to be used for fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815.

NEW SUBSECTION. 8B. The state court administrator shall allocate to the office of attorney general for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, three hundred thousand dollars of the moneys received annually under subsection 2, to be used for legal services for persons in poverty grants as provided in section 13.34.

NEW SUBSECTION. 8C. The state court administrator shall allocate to the department of corrections for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, five hundred sixty thousand dollars of the moneys received annually under subsection 2, to be used for offenders transferred to the department pursuant to section 229A.5, subsection 5.

Sec. 9. Section 815.7, Code 2005, is amended to read as follows:

815.7 FEES TO ATTORNEYS.

An attorney who has not entered into a contract authorized under section 13B.4 and who is appointed by the court to represent any person ~~charged with a crime in this state,~~ seeking ~~postconviction relief,~~ against whom a contempt action is pending, ~~appealing a criminal conviction,~~ appealing a denial of ~~postconviction relief,~~ or subject to a proceeding under ~~section 811.1A or chapter 229A or 812,~~ or to serve as counsel for any person or guardian ad litem for any child in juvenile court, pursuant to section 814.11 or 815.10 shall be

entitled to reasonable compensation and expenses. For appointments made on or after July 1, 1999, through June 30, 2006, the reasonable compensation shall be calculated on the basis of sixty dollars per hour for class "A" felonies, fifty-five dollars per hour for class "B" felonies, and fifty dollars per hour for all other cases. For appointments made on or after July 1, 2006, the reasonable compensation shall be calculated on the basis of sixty-five dollars per hour for class "A" felonies, sixty dollars per hour for all other felonies, sixty dollars per hour for misdemeanors, and fifty-five dollars per hour for all other cases. The expenses shall include any sums as are necessary for investigations in the interest of justice, and the cost of obtaining the transcript of the trial record and briefs if an appeal is filed. The attorney need not follow the case into another county or into the appellate court unless so directed by the court. If the attorney follows the case into another county or into the appellate court, the attorney shall be entitled to compensation as provided in this section. Only one attorney fee shall be so awarded in any one case except that in class "A" felony cases, two may be authorized.

Sec. 10. Section 903.1, subsection 1, paragraphs a and b, Code 2005, are amended to read as follows:

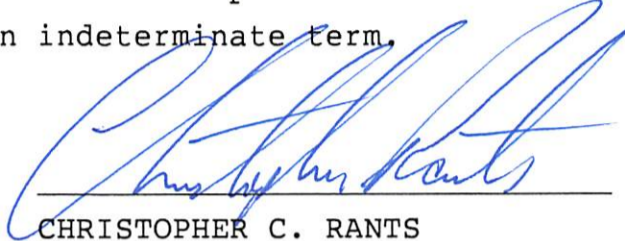
a. For a simple misdemeanor, there shall be a fine of at least ~~fifty~~ sixty-five dollars but not to exceed ~~five~~ six hundred ~~twenty-five~~ dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

b. For a serious misdemeanor, there shall be a fine of at least ~~two~~ three hundred ~~fifty~~ fifteen dollars but not to exceed one thousand ~~five~~ eight hundred ~~seventy-five~~ dollars. In addition, the court may also order imprisonment not to exceed one year.

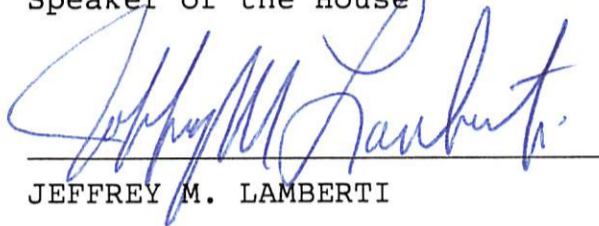
Sec. 11. Section 903.1, subsection 2, Code 2005, is amended to read as follows:

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least ~~five~~ six hundred ~~twenty-five~~ dollars but not to exceed ~~five~~ six thousand ~~two hundred~~ fifty

dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.



CHRISTOPHER C. RANTS
Speaker of the House



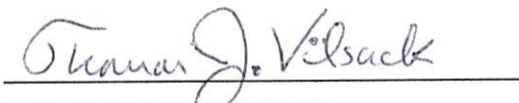
JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2789, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved June 2, 2006



THOMAS J. VILSACK
Governor