



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 3, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 440, an Act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

House File 674, an Act relating to distribution of secondary and farm-to-market road funds.

House File 682, an Act relating to the assessment of a civil penalty and criminal penalty surcharge, and creating a criminalistics laboratory fund.

House File 739, an Act relating to education technology, including the creation of an Iowa Learning Technology Commission and pilot programs, and the establishment of a research triangle and clearinghouse, and providing for contingent effectiveness.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 682

AN ACT

RELATING TO THE ASSESSMENT OF A CIVIL PENALTY AND CRIMINAL PENALTY SURCHARGE, AND CREATING A CRIMINALISTICS LABORATORY FUND.

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

Section 1. Section 602.8108, subsection 3, Code 2005, is amended to read as follows:

3. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ninety-five percent of all moneys collected from the criminal penalty surcharge provided in section 911.1 during the preceding calendar month. The clerk shall remit the remainder to the county treasurer of the county that was the plaintiff in the action or to the city that was the plaintiff in the action. Of the amount received from the clerk, the state court administrator shall allocate eighteen seventeen percent to be deposited in the victim compensation fund established in section 915.94, and eighty-two eighty-three percent to be deposited in the general fund.

Sec. 2. Section 602.8108, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment purchasing, maintenance, depreciation, and training. Any balance in the

fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this subsection.

Sec. 3. Section 907.1, subsection 1, Code 2005, is amended to read as follows:

1. "Deferred judgment" means a sentencing option whereby both the adjudication of guilt and the imposition of a sentence are deferred by the court and whereby the court assesses a civil penalty as provided in section 907.14 upon the entry of the deferred judgment. The court retains the power to pronounce judgment and impose sentence subject to the defendant's compliance with conditions set by the court as a requirement of the deferred judgment.

Sec. 4. Section 907.3, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon conditions as it may require. However, a civil penalty shall be assessed as provided in section 907.14 upon the entry of a deferred judgment. Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. 5. NEW SECTION. 907.14 DEFERRED JUDGMENT -- CIVIL PENALTY -- DISTRIBUTION.

1. Upon the entry of a deferred judgment pursuant to section 907.3, a defendant shall be assessed a civil penalty of an amount not less than the amount of any criminal fine authorized by law for the offense under section 902.9 or section 903.1.

2. The clerk of the district court shall collect and remit the civil penalty to the state court administrator for deposit in the general fund of the state as provided in section 602.8108.

Sec. 6. Section 911.1, subsection 1, Code 2005, is amended to read as follows:

1. A criminal penalty surcharge shall be levied against law violators as provided in this section. When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance, except an ordinance regulating the parking of motor vehicles, the court or the clerk of the district court shall assess an additional penalty in the form of a criminal penalty surcharge equal to ~~thirty~~ thirty-two percent of the fine or forfeiture imposed.



CHRISTOPHER C. RANTS
Speaker of the House



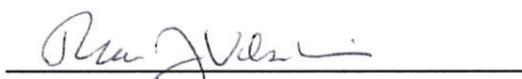
JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 682, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved June 3, 2005



THOMAS J. VILSACK
Governor