

APR 11 1974

Ways & Means
Unlimited
See " " " 4-26, Pass per 2466 5/1

HOUSE FILE 1490

By COMMITTEE ON WAYS AND MEANS

Passed House, Date 4-16-74 (1795) Passed Senate, Date 5-3-74 (1799)

Vote: Ayes 75 Nays 17 Vote: Ayes 44 Nays 0

Approved 5-27-74

Motion to reconsider filed 4/16 (1795) Passed 4/25

Passed House 4-25-74 (2097)

73-18

Passed House in committee by Senate - 5-4-74 - 60-15

A BILL FOR

1 An Act relating to the collection and disposition of fines and
 2 forfeited bail in actions based upon municipal ordinance,
 3 and providing clerical assistance to judicial officers to
 4 simplify collections by and dispositions from district
 5 court.

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

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1 Section 1. Section six hundred two point fifty-five
2 (602.55), unnumbered paragraph one (1), Code 1973, as amended
3 by Acts of the Sixty-fifth General Assembly, 1973 Session,
4 chapter two hundred eighty-two (282), section forty-two (42),
5 is amended to read as follows:

6 Each month each judicial magistrate and district associate
7 judge shall file with the clerk of the district court of the
8 proper county a sworn, itemized statement, ~~by-case,~~ of all
9 cases disposed of and all funds received and disbursed per
10 case, and at least monthly shall remit to the clerk all funds
11 received by him. The clerk shall provide adequate clerical
12 assistance to judicial magistrates ~~servng-pursuant-to-section~~
13 ~~six-hundred-two-point-fifty-one-(602.54)-of-the-Code~~ and district
14 associate judges to carry out this section. The clerk shall
15 remit ~~ninety~~ seventy percent of all fines and forfeited bail
16 received from a magistrate or district associate judge to the
17 city or town that was the plaintiff in any action, and shall
18 provide that city or town with a statement showing the disposi-
19 tion of each case, including dismissals, and the fines and
20 costs imposed. The clerk shall remit the remaining ~~ten~~ thirty
21 percent to the county treasurer for deposit in the county general
22 fund. The clerk shall remit to the treasurer of the county, for
23 the benefit of the school fund, all other fines and forfeited
24 bail received from a magistrate. All fees and costs for the
25 filing of a complaint or information or upon forfeiture of bail
26 received from a magistrate shall be remitted monthly by the
27 clerk as follows:

28 Sec. 2. Section three hundred twenty-one point two hundred
29 thirty-six (321.236), subsection one (1), paragraph a, Code
30 1973, as amended by Acts of the Sixty-fifth General Assembly,
31 1973 Session, chapter two hundred eighty-two (282), section
32 nineteen (19), is amended to read as follows:

33 a. May be charged and collected upon a simple notice of a
34 fine not exceeding five dollars payable to the city or town
35 clerk, if authorized by ordinance. No costs or other charges

1 shall be assessed.

2 Sec. 3. Acts of the Sixty-fourth General Assembly, 1972
3 Session, chapter one thousand eighty-eight (1088), section
4 twelve (12), subsection two (2), is amended to read as fol-
5 lows:

6 2. A city may not provide a penalty in excess of a one
7 hundred dollar fine or in excess of thirty days imprisonment
8 for the violation of an ordinance. An amount equal to thirty
9 percent of all fines collected by municipal corporations shall
10 be remitted quarterly to the county treasurer of the county
11 in which the municipal corporation is located for deposit
12 in the county general fund. However, one hundred percent of
13 all fines collected by a city or town pursuant to subsection
14 one (1) of section three hundred twenty-one point two hundred
15 thirty-six (321.236) of the Code, shall be retained by the
16 city or town.

17 Sec. 4. Section three hundred sixty-six point one (366.1),
18 Code 1973, as amended by Acts of the Sixty-fifth General
19 Assembly, 1973 Session, chapter two hundred eighty-two (282),
20 section twenty-seven (27), is amended to read as follows:

21 366.1 POWER TO PASS. Municipal corporations shall have
22 power to make and publish, from time to time, ordinances,
23 not inconsistent with the laws of the state, for carrying
24 into effect or discharging the powers and duties conferred
25 by this title, and such as shall seem necessary and proper to
26 provide for the safety, preserve the health, promote the
27 prosperity, improve the morals, order, comfort, and convenience
28 of such corporations and the inhabitants thereof, and to enforce
29 obedience to such ordinances by fine not exceeding one hun-
30 dred dollars, or by imprisonment not exceeding thirty days.
31 An amount equal to ~~ten~~ thirty percent of all fines collected
32 by municipal corporations shall be remitted quarterly to the
33 county treasurer of the county in which the municipal corpora-
34 tion is located for deposit in the county general fund.
35 However, one hundred percent of all fines collected by a city

1 or town pursuant to subsection one (1) of section three
2 hundred twenty-one point two hundred thirty-six (321.236)
3 of the Code, shall be retained by the city or town.

4 EXPLANATION

5 This bill reduces from 90 to 70 the percentage of fines
6 and forfeited bail paid by the district court to municipalities,
7 and provides for clerical assistance to magistrates in order
8 to facilitate bookkeeping and reporting of all dispositions
9 of cases affected by the percentage distribution.

10 H-2877

11 1 Amend House File 1490, page 2, by striking lines 18
12 2 through 20 and inserting in lieu thereof the follow-
13 3 ing: "provide that city or town with a statement
14 4 showing the total number of such cases, the total of
15 5 all fines and forfeited bail collected and the total
16 6 of all cases dismissed. The clerk shall remit the
17 7 remaining ~~ten~~ thirty".

16 H-2877 Filed - *Adopted 4/16* By KNOKE of Pottawattamie
17 April 15, 1974

H-2878

1 Amend House File 1490 as follows:
2 1. Page 2, by striking lines 1 through 27.
3 2. Page 3, line 8, by striking the word
4 "thirty" and inserting in lieu thereof the word
5 "ten".
6 3. Page 3, line 31, by striking the words
7 "ten thirty" and inserting in lieu thereof the
8 word "ten".

H-2878 Filed - *Adopted 4/16* By HILL of Polk
April 15, 1974 CONNORS of Polk
HARVEY of Scott
FREEMAN of Buena Vista
BROCKETT of Marshall
CUSACK of Scott
WOODS of Polk

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H-2947

1 Amend House File 1490, page 4, by inserting after
2 line 3 the following:
3 Sec. 5. Section two (2) of this Act shall take
4 effect on July 1, 1974. Sections one (1), three (3)
5 and four (4) shall take effect on July 1, 1975.

H-2947 Filed - *Withdrawn 4/25* By HOLDEN of Scott
April 22, 1974

H-2994

1 Amend House File 1490, as follows:
2 1. Page 3, line 1, by inserting after "assessed."
3 the following new sentence:
4 "One hundred percent of all fines collected by a
5 city or town pursuant to this paragraph shall be re-
6 tained by the city or town."
7 2. Page 4, by inserting after line 3, the follow-
8 ing:
9 Sec. 5. Section two (2) of this Act shall take
10 effect on July 1, 1974. Sections one (1), three (3)
11 and four (4) shall take effect on July 1, 1975.

H-2994 Filed - *Adopted 4/25* By DOYLE of Woodbury
April 24, 1974

SENATE AMENDMENT TO HOUSE FILE 1490

1 Amend House File 1490, as amended and passed by the
2 House as follows:
3 1. Page 2, line 15, by striking "ninety seventy"
4 and inserting in lieu thereof "ninety".
5 2. Page 2, lines 21 and 22, by striking "ten
6 thirty" and inserting in lieu thereof "ten".
7 3. Page 3, line 10, by striking "thirty" and
8 inserting in lieu thereof "ten".
9 4. Page 3, line 33, by striking "ten thirty" and
10 inserting in lieu thereof "ten".

Received from the Senate
May 3, 1974

House concurred 5/3

S-2904

1 Amend House File 1490, as amended and passed by the
2 House as follows:
3 1. Page 2, line 15, by striking "ninety seventy"
4 and inserting in lieu thereof "ninety".
5 2. Page 2, lines 21 and 22, by striking "ten
6 thirty" and inserting in lieu thereof "ten".
7 3. Page 3, line 10, by striking "thirty" and
8 inserting in lieu thereof "ten".
9 4. Page 3, line 33, by striking "ten thirty"
10 and inserting in lieu thereof "ten".

S-2904 Filed - *Referred out of order by* By DE KOSTER
April 26, 1974 *Adopted 5-29-74* *5/3*

S—2966

- 1 Amend House File 1490, as amended and passed by the
- 2 House as follows:
- 3 1. Page 2, line 15, by striking "~~ninety~~ seventy"
- 4 and inserting in lieu thereof "ninety".
- 5 2. Page 2, lines 21 and 22, by striking "~~ten~~ thirty" and
- 6 inserting in lieu thereof "ten".
- 7 3. Page 3, line 10, by striking "thirty" and inserting in
- 8 lieu thereof "ten".
- 9 4. Page 3, line 33, by striking "~~ten~~ thirty" and inserting
- 10 in lieu thereof "ten".

S—2966 Filed - *Adopted 5-3*
May 1, 1974

By COMMITTEE ON WAYS AND MEANS