

Reprint 3/29

MAR 16 1982

Place On Calendar

HOUSE FILE 2457

BY COMMITTEE ON COUNTY GOVERNMENT

(Formerly Study Bill 697)

Passed House, Date 3-25-82 (p. 1006) Passed Senate, Date 4-8-82 (p. 1116)

Vote: Ayes 96 Nays 0 Vote: Ayes 43 Nays 2

Approved _____

motion to reconsider - voted 3/25 (p. 1015)

A BILL FOR

1 An Act relating to the disposition of fines and forfeited bail
2 for violations of county ordinances.

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

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HOUSE FILE 2457

H-5529

1 Amend House File 2457 as follows:

2 1. Page 1, line 31, by inserting after the word
3 "judge" the words "for violation of a county ordinance
4 except an ordinance relating to vehicle speed or
5 weight restrictions,".

6 2. Page 2, line 1, by inserting after the word
7 "dismissed." the words "However, if a county ordinance
8 provides a penalty for a violation which is also
9 penalized under state law, all fines and forfeited
10 bail collected for the violation of that ordinance
11 shall be deposited in the school fund."

H-5529 FILED MARCH 23, 1982

BY HANSEN of O'Brien

Adopted 3/25 (p. 1005)

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2457

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 1981, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of
4 a fine not exceeding five dollars payable to the city clerk
5 or clerk of the district court, if authorized by ordinance.
6 No costs or other charges shall be assessed. ~~One-hundred~~
7 ~~percent-of-all~~ All fines collected by a city pursuant to this
8 paragraph shall be retained by the city and all fines collected
9 by a county pursuant to this paragraph shall be retained by
10 the county.

11 Sec. 2. Section 602.55, unnumbered paragraph 1, Code 1981,
12 as amended by Acts of the Sixty-ninth General Assembly, 1981
13 Session, chapter 49, section 13, is amended to read as follows:

14 Each month each judicial magistrate and district associate
15 judge shall file with the clerk of the district court of the
16 proper county a sworn, itemized statement, of all cases
17 disposed of and all funds received and disbursed per case,
18 and at least monthly shall remit to the clerk all funds
19 received. The clerk shall provide adequate clerical assistance
20 to judicial magistrates and district associate judges to carry
21 out this section. The clerk shall remit ninety percent of
22 all fines and forfeited bail received from a magistrate or
23 district associate judge to the city that was the plaintiff
24 in any action, shall remit to the city ~~or county~~ ninety percent
25 of all fines and forfeited bail received for improper use
26 of handicapped parking spaces in violation of section 601E.6,
27 subsection 2, when the violations occurred within the city
28 ~~or-the-county-when-the-violations-occurred-in-the~~
29 ~~unincorporated-area-of-the-county~~, shall remit all fines and
30 forfeited bail received from a magistrate or district associate
31 judge to the county treasurer of the county that was the
32 plaintiff in any action for deposit in the general fund of
33 the county, and shall provide that city or county with a
34 statement showing the total number of ~~such~~ the cases, the
35 total of all fines and forfeited bail collected and the total

1 of all cases dismissed. The clerk shall remit the remaining
2 ten percent of city fines and forfeited bail to the county
3 treasurer for deposit in the county general fund. The clerk
4 shall remit to the treasurer of the county, for the benefit
5 of the school fund, all other fines and forfeited bail received
6 from a magistrate. All fees and costs for the filing of a
7 complaint or information or upon forfeiture of bail received
8 from a magistrate shall be remitted monthly by the clerk as
9 follows:

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EXPLANATION

11 This bill provides that the county retains the fines and
12 forfeited bail received for violations of county ordinances.

REPRESENTATIVE IAGWER HANSEN

STATE OF IOWA

FISCAL NOTE

Request No. 82-314

In compliance with a written request received March 15, 19 82, there is hereby submitted a Fiscal Note for House File 2457 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 2457 provides that fines and forfeited bail associated with the violation of county ordinances be deposited in the county general fund. Current law provides that these monies be deposited in the school fund and then allocated as miscellaneous income to schools based on school population.

At this time few county ordinances exist that impose fines or penalties. However, county home rule allows county boards of supervisors to adopt such ordinances as long as they are not inconsistent with state laws, are no more severe than a charge of simple misdemeanor, and do not impose fines or penalties in excess of \$100 or thirty days in jail. The exact fiscal impact of H.F. 2457 cannot be estimated because information on current fine and forfeited bail revenues associated with county ordinances is not available and the future adoption and subsequent violation of such ordinances cannot be accurately predicted. It is known however that during FY 1983 Iowa schools are expected to receive approximately \$16 million from all fines and forfeited bail. The reduction in this amount and the increase in county general fund money due to passage of H.F. 2457 depend upon the existence of, adoption of and prosecution under county ordinances.

FILED MARCH 22, 1982

BY GERRY RANKIN, Fiscal Director

J. ... 2/29 Do Pass 3/31 (p. 971)
HOUSE FILE 2457

County Government
Wells, Chair
Hester
Goodwin

HOUSE FILE 2457

BY COMMITTEE ON COUNTY
GOVERNMENT

(As Amended and Passed by the House

Passed House, Date 3-25-82 (p. 1006) Passed Senate, Date 4-8-82 (p. 116)
Vote: Ayes 96 Nays 0 Vote: Ayes 43 Nays 2
Approved April 30, 1982

A BILL FOR

1 An Act relating to the disposition of fines and forfeited bail
2 for violations of county ordinances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2457

S-5409

1 Amend House File 2457 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 321.236, Code 1981, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. Enforcing a city ordinance
8 requiring alternate side parking during periods of
9 snow removal. In order for the ordinance to be
10 effective, signs giving notice of the ordinance shall
11 be posted on primary roads not part of the national
12 interstate highway system at or near their points
13 of intersection with the corporate limits of the city,
14 and on exit ramps of interstate highways within the
15 corporate limits of the city. The signs shall read
16 "ALTERNATE SIDE PARKING REQUIRED DURING SNOW REMOVAL".
17 2. Renumber sections as necessary.

S-5409 FILED
MARCH 30, 1982

BY CLARENCE S. CARNEY
DONALD V. DOYLE

Filed not germane 4/8 (p. 1115)

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 1981, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of
4 a fine not exceeding five dollars payable to the city clerk
5 or clerk of the district court, if authorized by ordinance.
6 No costs or other charges shall be assessed. ~~One-hundred~~
7 ~~percent-of-all~~ All fines collected by a city pursuant to this
8 paragraph shall be retained by the city and all fines collected
9 by a county pursuant to this paragraph shall be retained by
10 the county.

52097

11 Sec. 2. Section 602.55, unnumbered paragraph 1, Code 1981,
12 as amended by Acts of the Sixty-ninth General Assembly, 1981
13 Session, chapter 49, section 13, is amended to read as follows:

14 Each month each judicial magistrate and district associate
15 judge shall file with the clerk of the district court of the
16 proper county a sworn, itemized statement, of all cases
17 disposed of and all funds received and disbursed per case,
18 and at least monthly shall remit to the clerk all funds
19 received. The clerk shall provide adequate clerical assistance
20 to judicial magistrates and district associate judges to carry
21 out this section. The clerk shall remit ninety percent of
22 all fines and forfeited bail received from a magistrate or
23 district associate judge to the city that was the plaintiff
24 in any action, shall remit to the city ~~or county~~ ninety percent
25 of all fines and forfeited bail received for improper use
26 of handicapped parking spaces in violation of section 601E.6,
27 subsection 2, when the violations occurred within the city
28 ~~or the county when the violations occurred in the~~
29 ~~unincorporated area of the county~~, shall remit all fines and
30 forfeited bail received from a magistrate or district associate
31 judge for violation of a county ordinance except an ordinance
32 relating to vehicle speed or weight restrictions, to the
33 county treasurer of the county that was the plaintiff in any
34 action for deposit in the general fund of the county, and
35 shall provide that city or county with a statement showing

1 the total number of such the cases, the total of all fines
2 and forfeited bail collected and the total of all cases
3 dismissed. However, if a county ordinance provides a penalty
4 for a violation which is also penalized under state law, all
5 fines and forfeited bail collected for the violation of that
6 ordinance shall be deposited in the school fund. The clerk
7 shall remit the remaining ten percent of city fines and
8 forfeited bail to the county treasurer for deposit in the
9 county general fund. The clerk shall remit to the treasurer
10 of the county, for the benefit of the school fund, all other
11 fines and forfeited bail received from a magistrate. All
12 fees and costs for the filing of a complaint or information
13 or upon forfeiture of bail received from a magistrate shall
14 be remitted monthly by the clerk as follows:

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HOUSE FILE 2457

AN ACT

RELATING TO THE DISPOSITION OF FINES AND FORFEITED BAIL FOR VIOLATIONS OF COUNTY ORDINANCES.

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

Section 1. Section 321.236, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine not exceeding five dollars payable to the city clerk or clerk of the district court, if authorized by ordinance. No costs or other charges shall be assessed. ~~One-hundred percent-of-all~~ All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 2. Section 602.55, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 49, section 13, is amended to read as follows:

Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city ~~or county~~ ninety percent of all fines and forfeited bail received for improper use of handicapped parking spaces in violation of section 601E.6, subsection 2, when the violations occurred within the city ~~or the county when the violations occurred in the unincorporated area of the county~~, shall remit all fines and forfeited bail received from a magistrate or district associate judge for violation of a county ordinance except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the plaintiff in any action for deposit in the general fund of the county, and shall provide that city or county with a statement showing the total number of such the cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, all fines and forfeited bail collected for the violation of that ordinance shall be deposited in the school fund. The clerk shall remit the remaining ten percent of city fines and forfeited bail to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information

or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2457, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 4/30, 1982

ROBERT D. RAY
Governor