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FILED APR 20 1993

SENATE FILE 413
BY COMMITTEE ON WAYS AND MEANS

(COMPANION TO HF 516 BY HOUSE
OF REPRESENTATIVES)

(p. 1465)

Passed Senate, Date 4/29/93 Passed House, Date _____
Vote: Ayes 47 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the collection and disposition of civil and
2 criminal fees and fines, distribution of court revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 413

1 Section 1. Section 144.46, Code 1993, is amended to read
2 as follows:

3 144.46 FEE FOR COPY OF RECORD.

4 The department by rule shall establish fees based on the
5 average administrative cost which shall be collected by the
6 state registrar or the clerk of the district court for each
7 certified copy or short form certification of certificates or
8 records, or for a search of the files or records when no copy
9 is made, or when no record is found on file. Fees collected
10 by the state registrar under this section shall be deposited
11 in the general fund of the state. Fees collected by the clerk
12 of the district court shall be deposited in the court-revenue
13 distribution account established under section 602.8108. A
14 fee shall not be collected from a political subdivision or
15 agency of this state.

16 Sec. 2. Section 331.427, subsection 1, unnumbered
17 paragraph 1, Code 1993, is amended to read as follows:

18 Except as otherwise provided by state law, county revenues
19 from taxes and other sources for general county services shall
20 be credited to the general fund of the county, including
21 revenues received under sections 101A.3, 101A.7, 123.36,
22 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, 331.554,
23 subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8,
24 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12,
25 533.24, 556B.1, 567.10, 583.6, 602.8108, 904.908, and 906.17,
26 ~~and-911-37~~ and chapter 405A, and the following:

27 Sec. 3. Section 331.756, subsection 5, unnumbered
28 paragraph 3, Code 1993, is amended to read as follows:

29 Before a county attorney designates another county official
30 or agency to assist with collection of debts, revenues,
31 moneys, fines, penalties, restitution of court-appointed
32 attorney fees or expense of a public defender, and
33 forfeitures, the board of supervisors of the county must
34 approve the designation. Notwithstanding the disposition
35 provisions of ~~sections~~ section 602.8106 ~~and-911-37~~, the county

1 may retain up to thirty-five percent of all moneys collected,
2 excluding amounts collected for victim restitution, as
3 compensation for collection services. The county attorney
4 shall enter on the appropriate record of the clerk of the
5 district court an indication of the satisfaction of each
6 obligation, including the amount retained by the county for
7 collection services and not paid into the office of the clerk.

8 Sec. 4. Section 364.3, subsection 2, Code 1993, is amended
9 to read as follows:

10 2. A city shall not provide a penalty in excess of a one
11 hundred dollar fine or in excess of thirty days imprisonment
12 for the violation of an ordinance. An amount equal to ten
13 percent of all fines collected by cities shall be deposited in
14 the ~~court-revenue-distribution~~ account established in section
15 602.8108. However, one hundred percent of all fines collected
16 by a city pursuant to section 321.236, subsection 1, shall be
17 retained by the city. The criminal penalty surcharge required
18 by section 911.2 shall be added to a city fine and is not a
19 part of the city's penalty.

20 Sec. 5. Section 602.8102, subsection 99, Code 1993, is
21 amended by striking the subsection.

22 Sec. 6. Section 602.8105, Code 1993, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 602.8105 FEES FOR CIVIL CASES AND OTHER SERVICES --
26 COLLECTION AND DISPOSITION.

27 1. The clerk of the district court shall collect the
28 following fees:

29 a. For filing and docketing a petition, other than a
30 modification of a dissolution decree to which a written
31 stipulation is attached at the time of filing containing the
32 agreement of the parties to the terms of modification, eighty
33 dollars. In counties having a population of ninety-eight
34 thousand or over, an additional five dollars shall be charged
35 and collected to be known as the journal publication fee and

1 used for the purposes provided for in section 618.13.

2 b. For filing and docketing an application for
3 modification of a dissolution decree to which a written
4 stipulation is attached at the time of filing containing the
5 agreement of the parties to the terms of modification, twenty-
6 five dollars.

7 c. For entering a final decree of dissolution of marriage,
8 thirty dollars. It is the intent of the general assembly that
9 the funds generated from the dissolution fees be appropriated
10 and used for sexual assault and domestic violence centers.

11 d. For filing and docketing a small claims action, the
12 amounts specified in section 631.6.

13 e. For an appeal from a judgment in small claims or for a
14 writ of error, fifty dollars.

15 2. The clerk of the district court shall collect the
16 following fees for miscellaneous services:

17 a. For filing an application for a license to marry,
18 thirty dollars. For issuing an application for an order of
19 the district court authorizing the issuance of a license to
20 marry prior to the expiration of three days from the date of
21 filing the application for the license, five dollars. The
22 court shall authorize the issuance of a marriage license
23 without the payment of any fees imposed by this paragraph upon
24 a showing that the applicant is unable to pay the fees.

25 b. For filing, entering, and endorsing a mechanic's lien,
26 ten dollars, and if a suit is brought, the fee is taxable as
27 other costs in the action.

28 c. For filing and entering an agricultural supply dealer's
29 lien and any other statutory lien, ten dollars.

30 d. For a certificate and seal, ten dollars. However,
31 there shall be no charge for a certificate and seal to an
32 application to procure a pension, bounty, or back pay for a
33 soldier or other person.

34 e. For certifying a change in title of real estate, ten
35 dollars.

1 f. For a copy of any document, fifty cents per page.

2 g. Other fees provided by law.

3 3. The clerk of the district court shall pay to the
4 treasurer of state all fees which have come into the clerk's
5 possession and which are unclaimed pursuant to section 556.8
6 accompanied by a form prescribed by the treasurer. Claims for
7 payment of the moneys must be filed pursuant to chapter 556.

8 Sec. 7. Section 602.8106, Code 1993, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 602.8106 COLLECTION OF FEES IN CRIMINAL CASES AND
12 DISPOSITION OF FEES AND FINES.

13 1. The clerk of the district court shall collect the
14 following fees:

15 a. Except as otherwise provided in paragraphs "b" and "c",
16 for filing and docketing a criminal case to be paid by the
17 county or city which has the duty to prosecute the criminal
18 action, payable as provided in section 602.8109, thirty
19 dollars. When judgment is rendered against the defendant,
20 costs collected from the defendant shall be paid to the county
21 or city which has the duty to prosecute the criminal action to
22 the extent necessary for reimbursement for fees paid.
23 However, the fees which are payable by the county to the clerk
24 of the district court for services rendered in criminal
25 actions prosecuted under state law and in habitual offender
26 actions pursuant to section 321.556, and the court costs taxed
27 in connection with the trial of those actions or appeals from
28 the judgments in those actions are waived.

29 b. For the filing and docketing of a complaint or
30 information for a simple misdemeanor, twenty-five dollars,
31 except that the filing and docketing of a complaint or
32 information for a nonscheduled simple misdemeanor under
33 chapter 321 is twenty dollars.

34 c. For filing and docketing a complaint or information or
35 uniform citation and complaint for parking violations under

1 sections 321.236, 321.239, 321.358, 321.360, and 321.361, one
2 dollar, effective January 1, 1991. The court costs in cases
3 of parking meter and overtime parking violations which are
4 denied, and charged and collected pursuant to section 321.236,
5 subsection 1, or pursuant to a uniform citation and complaint,
6 are eight dollars per information or complaint or per uniform
7 citation and complaint effective January 1, 1991.

8 d. The court costs in scheduled violation cases where a
9 court appearance is required are fifteen dollars.

10 e. For an appeal of a simple misdemeanor to the district
11 court, fifty dollars.

12 2. The clerk of the district court shall remit ninety
13 percent of all fines and forfeited bail to the city that was
14 the plaintiff in any action, and shall provide that city with
15 a statement showing the total number of cases, the total of
16 all fines and forfeited bail collected, and the total of all
17 cases dismissed. The remaining ten percent shall be submitted
18 to the state court administrator.

19 3. The clerk of the district court shall remit all fines
20 and forfeited bail for violation of a county ordinance, except
21 an ordinance relating to vehicle speed or weight restrictions,
22 to the county treasurer of the county that was the plaintiff
23 in the action, and shall provide that county with a statement
24 showing the total number of cases, the total of all fines and
25 forfeited bail collected, and the total of all cases
26 dismissed. However, if a county ordinance provides a penalty
27 for a violation which is also penalized under state law, the
28 fines and forfeited bail collected for the violation shall be
29 submitted to the state court administrator.

30 4. The clerk of the district court shall submit all other
31 fines, fees, costs, and forfeited bail received from a
32 magistrate to the state court administrator.

33 Sec. 8. Section 602.8108, Code 1993, is amended by
34 striking the section and inserting in lieu thereof the
35 following:

1 602.8108 DISTRIBUTION OF COURT REVENUE.

2 1. The clerk of the district court shall establish an
3 account and deposit in this account all revenue and other
4 receipts. Not later than the fifteenth day of each month, the
5 clerk shall distribute all revenues received during the
6 preceding calendar month. Each distribution shall be
7 accompanied by a statement disclosing the total amount of
8 revenue received during the accounting period and any
9 adjustments of gross revenue figures that are necessary to
10 reflect changes in the balance of the account, including but
11 not limited to reductions resulting from the dishonor of
12 checks previously accepted by the clerk.

13 2. Except as otherwise provided, the clerk of the district
14 court shall report and submit to the state court
15 administrator, not later than the fifteenth day of each month,
16 the fines and fees received during the preceding calendar
17 month. The state court administrator shall deposit the
18 amounts received with the treasurer of state.

19 3. Of the amounts submitted, the state court administrator
20 shall allocate the following amounts or the equivalent
21 percentage of the amounts which shall be deposited in the
22 judicial retirement fund established in section 602.9104:

23 a. One dollar of each fee collected pursuant to section
24 602.8105, subsection 1, paragraph "a", section 602.8105,
25 subsection 1, paragraph "e", section 602.8106, subsection 1,
26 paragraph "e", and section 631.6, subsection 1, paragraph "a".

27 b. Four dollars and fifty cents of each fee collected for
28 filing and docketing a complaint or information for a
29 nonscheduled simple misdemeanor under chapter 321.

30 c. Six dollars of each fee collected for filing and
31 docketing a complaint or information for a simple misdemeanor.

32 d. Thirty percent of the fees collected pursuant to
33 section 602.8106, subsection 1, paragraph "c", section
34 602.8106, subsection 1, paragraph "d", and section 805.6.

35 4. When a court assesses a criminal surcharge under

1 section 911.2, the amounts collected shall be distributed as
2 follows:

3 a. The clerk of the district court shall submit to the
4 state court administrator, not later than the fifteenth day of
5 each month, ninety-five percent of the surcharge collected
6 during the preceding calendar month. The clerk shall remit
7 the remainder to the county treasurer of the county that was
8 the plaintiff in the action or to the city that was the
9 plaintiff in the action.

10 b. Of the amount received from the clerk, the state court
11 administrator shall allocate eighteen percent to be deposited
12 in the fund established in section 912.14 and eighty-two
13 percent to be deposited in the general fund.

14 Sec. 9. Section 626A.5, Code 1993, is amended by striking
15 the section and inserting in lieu thereof the following:

16 626A.5 FEE.

17 For filing a foreign judgment, the clerk shall collect a
18 fee in the amount collected for filing and docketing a
19 petition under section 602.8105, subsection 1, paragraph "a".

20 Sec. 10. Section 631.6, Code 1993, is amended by striking
21 the section and inserting in lieu thereof the following:

22 631.6 FEES AND COSTS.

23 1. The clerk of the district court shall collect the
24 following fees and costs in small claims actions, which shall
25 be paid in advance and assessed as costs in the action:

26 a. Fees for filing and docketing shall be thirty dollars.

27 b. Fees for service of notice on nonresidents are as
28 provided in section 617.3.

29 c. Postage charged for the mailing of original notice
30 shall be the actual costs of the postage.

31 d. Fees for personal service by peace officers or other
32 officials of the state are the amounts specified by law.

33 2. The amounts collected for filing and docketing shall be
34 distributed as provided in section 602.8108.

35 Sec. 11. Section 633.20, subsection 2, Code 1993, is

1 amended to read as follows:

2 2. The court may appoint the clerk as referee in probate.
3 In such cases, the fees received by the clerk for serving in
4 the capacity of referee are fees of the office of the clerk of
5 court and shall be deposited in the ~~court-revenue-distribution~~
6 account established under section 602.8108.

7 Sec. 12. Section 633.31, subsection 2, unnumbered
8 paragraph 1, Code 1993, is amended to read as follows:

9 The clerk shall charge and collect the following fees in
10 connection with probate matters, which shall be deposited in
11 the ~~court-revenue-distribution~~ account established under
12 section 602.8108:

13 Sec. 13. Section 633.31, subsection 2, paragraph i, Code
14 1993, is amended to read as follows:

15 i. For certifying change of title 5-00
16 10.00

17 Sec. 14. Section 674.10, Code 1993, is amended by striking
18 the section and inserting in lieu thereof the following:

19 674.10 FEE.

20 For filing a petition for change of name, the clerk shall
21 collect a fee in the amount collected for filing and docketing
22 a petition under section 602.8105, subsection 1, paragraph
23 "a".

24 Sec. 15. Section 909.9, Code 1993, is amended to read as
25 follows:

26 909.9 COLLECTION OF DELINQUENT FINES AND COURT COSTS --
27 DISPOSITION.

28 A fine or court costs remaining unpaid after six months
29 from the date the fine or court costs were imposed may be
30 collected in accordance with section 331.756 by the county
31 attorney. Of the amount collected, after payment of court
32 costs, sixty-five percent shall be remitted to the treasurer
33 of state for deposit and disposition as otherwise provided by
34 law. The remaining thirty-five percent shall be retained by
35 the county and deposited in the general fund of the county,

1 notwithstanding the disposition provisions of sections section
2 602.8106 and 911.3.

3 Sec. 16. Section 911.1, Code 1993, is amended to read as
4 follows:

5 911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

6 A criminal penalty surcharge shall be levied against
7 certain law violators as provided in section 911.2. The
8 surcharge shall be deposited as provided in section 911.3
9 602.8108, subsection 4, and shall be used for the maintenance
10 and improvement of criminal justice programs, law enforcement
11 efforts, victim compensation, crime prevention, and
12 improvement of the professional training of personnel, and the
13 planning and support services of the criminal justice system.

14 Sec. 17. Sections 625.8 and 911.3, Code 1993, are
15 repealed.

16 EXPLANATION

17 This bill consolidates and increases certain fees in civil
18 cases, for miscellaneous services, and in criminal cases,
19 including the following:

20 Filing a petition in most cases, filing a foreign judgment,
21 or filing change of name petition, \$80, currently \$50, \$5, and
22 \$10, respectively.

23 Filing and docketing an application for modification of a
24 dissolution decree with written stipulation, \$25.

25 Filing mechanics', agricultural supply, and other statutory
26 liens, \$10, currently \$3.

27 For certificate and seal, in most cases \$10, currently \$2.

28 For certifying a change in title of real estate, \$10,
29 currently \$2.

30 For filing criminal actions other than simple misdemeanors,
31 \$30.

32 For filing most simple misdemeanors, \$25, nonscheduled
33 misdemeanors under chapter 321, \$20.

34 For certifying a change of title, \$10, currently \$5.

35 The bill eliminates the court revenue distribution account

1 in favor of accounts established by each clerk of the district
2 court, from which the clerk will make distributions to the
3 state court administrator, counties, and cities. Also, the
4 distribution provisions of the criminal surcharge imposed in
5 chapter 911 are moved to section 602.8108. The bill changes
6 the amount of the surcharge which is submitted to the state to
7 95 percent, and changes where it is submitted from the
8 treasurer of state to the state court administrator. Five
9 percent is distributed to counties or cities, and the state
10 court administrator allocates 18 percent of the moneys
11 received to the victim reparation program and 82 percent to
12 the general fund of the state.

13 The bill also consolidates and changes fees in small claims
14 actions, including increasing the filing fee to \$30 from \$25.

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**SENATE FILE 413
FISCAL NOTE**

A fiscal note for Senate File 413 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 413 consolidates and increases certain fees in civil cases, for miscellaneous services, and in criminal cases.

The bill also eliminates the court revenue distribution account and requires each Clerk of District Court to establish a separate account from which the Clerk will make distributions to the State Court Administrator, counties, and cities.

Additionally, the bill moves the distribution provisions of the criminal surcharge from Chapter 911 to Section 602.8108. Ninety-five percent of the surcharge will be submitted to the State Court Administrator rather than the State Treasurer, and 5% is distributed to counties or cities. The State Court Administrator allocates 18% of the money received to the victims reparation program and 82% to the General Fund of the State.

FISCAL EFFECT

The following revenue increases and decreases are estimated to result from the changes in the bill.

1. Increased Revenues

- A. Civil filing fee ($\$5.00 \times 50,000$) $\times .75 = \$187,500$.
- B. Certificate and seal ($\$8.00 \times 15,000$) = $\$120,000$.
- C. Liens: From ($\$7.00 \times 100,000$ to $125,000$) = $\$700,000$ to $\$875,000$.
- D. Foreign Judgements ($\$75.00 \times 300$) = $\$22,500$.
- E. Name Change ($\$70.00 \times 900$) = $\$63,000$.
- F. Change in title of real estate ($\$8.00 \times 3,000$) = $\$24,000$.
- G. Total Increased Revenues = $\$1,117,000$ to $\$1,292,000$.

2. Decreased Revenues

- A. Fee for jury trial ($\$10.00 \times 1,760$) = $\$-17,600$.
- B. Fee for court reporters ($\$15.00 \times 75,000$) = $\$-1,125,000$.
- C. Fee for making a record (unknown).
- D. Fee for filing a transcript from another county ($\$2.00 \times 500$) = $\$-1,000$.
- E. Fee for transcript on appeal and recording (unknown).
- F. Total Decreased Revenues = $\$-1,143,600$.

3. Net Change in Revenues = $\$-26,000$ to $\$148,400$.

4. Additionally, the Judicial Retirement System would gain $\$1,200$ per year

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due to receiving \$1.00 per filing for each foreign judgement and name change.

The overall impact to the General Fund at 82% of 95% of revenues will be \$-20,254 to \$115,604 annually.

(SOURCE: Judicial Department)

(LSB 1194sv, DPW)

FILED APRIL 26, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 413

S-3688

1 Amend Senate File 413 as follows:

2 1. Page 4, by striking lines 29 through 33 and
3 inserting the following:

4 "b. For filing and docketing of a complaint or
5 information for a simple misdemeanor and a complaint
6 or information for a nonscheduled simple misdemeanor
7 under chapter 321, twenty-five dollars."

8 2. Page 5, line 9, by striking the word "fifteen"
9 and inserting the following: "twenty-five".

10 3. Page 5, by striking lines 10 and 11 and
11 inserting the following:

12 "e. For court costs in scheduled violation cases
13 where a court appearance is not required, fifteen
14 dollars.

15 f. For an appeal of a simple misdemeanor to the
16 district court, fifty dollars.

17 g. A five dollar administrative fee to be paid by
18 the defendant for each notice issued pursuant to
19 section 321.40 or 321.210A."

20 4. Page 6, line 26, by striking the words
21 "paragraph "e"" and inserting the following:
22 "paragraph "f"".

23 5. Page 6, line 27, by inserting after the word
24 "collected" the following: "pursuant to section
25 602.8106, subsection 1, paragraph "b",".

26 6. Page 6, line 30, by inserting after the word
27 "collected" the following: "pursuant to section
28 602.8106, subsection 1, paragraph "b",".

29 7. Page 6, by striking lines 33 and 34 and
30 inserting the following: "section 602.8106,
31 subsection 1, paragraph "c".

32 e. Five dollars of the court costs collected
33 pursuant to section 602.8106, subsection 1, paragraph
34 "e", for court costs in scheduled violation cases
35 where a court appearance is not required.

36 f. Four dollars and fifty cents of the court costs
37 collected pursuant to section 602.8106, subsection 1,
38 paragraph "d", for court costs in scheduled violation
39 cases where a court appearance is required."

40 8. Page 7, by inserting after line 13 the
41 following:

42 "5. A court technology and modernization fund is
43 established as a separate fund in the state treasury.
44 Moneys deposited in the fund shall be administered by
45 the supreme court and shall be used as follows:

46 a. Eighty-five percent shall be used to enhance
47 the ability of the judicial department to process
48 cases and information.

49 b. Fifteen percent shall be used to facilitate
50 alternative dispute resolution, methods to resolve

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1 domestic abuse cases, which may include personnel for
2 hearings under section 236.4.
3 6. Of the following amounts or the equivalent
4 percentage of the amounts, the state court
5 administrator shall allocate eighty percent to be
6 deposited into the emergency medical services fund
7 established in section 135.25, if enacted in 1993 Iowa
8 Acts, Senate File 48, and twenty percent to be
9 deposited into the court technology and modernization
10 fund established in subsection 5.
11 a. Five dollars of each fee collected pursuant to
12 section 602.8106, subsection 1, paragraph "b", for
13 filing and docketing a complaint or information for a
14 simple misdemeanor or for a nonscheduled simple
15 misdemeanor under chapter 321.
16 b. Ten dollars of the court costs collected
17 pursuant to section 602.8106, subsection 1, paragraph
18 "d", for court costs in scheduled violation cases
19 where a court appearance is required.
20 c. Three dollars of the court costs collected
21 pursuant to section 602.8106, subsection 1, paragraph
22 "e", for court costs in scheduled violation cases
23 where a court appearance is not required."
24 9. Page 8, by inserting after line 23 the
25 following:
26 "Sec. ____ . Section 805.6, subsection 1, paragraph
27 a, unnumbered paragraph 1, Code 1993, is amended to
28 read as follows:
29 The commissioner of public safety, the director of
30 transportation, and the director of natural resources,
31 acting jointly, shall adopt a uniform, combined
32 citation and complaint which shall be used for
33 charging all traffic violations in Iowa under state
34 law or local regulation or ordinance, and which shall
35 be used for charging all other violations which are
36 designated by section 805.8 to be scheduled
37 violations. The filing fees and court costs in cases
38 of parking meter and overtime parking violations which
39 are denied are as stated in section 602.8106,
40 subsection 1. The court costs in scheduled violation
41 cases where a court appearance is not required are ~~ten~~
42 ~~dollars~~ as stated in section 602.8106, subsection 1.
43 The court costs in scheduled violation cases where a
44 court appearance is required are ~~fifteen-dollars~~ as
45 stated in section 602.8106, subsection 1. This
46 subsection does not prevent the charging of any of
47 those violations by information, by private complaint
48 filed under chapter 804, or by a simple notice of fine
49 where permitted by section 321.236, subsection 1.
50 Each uniform citation and complaint shall be serially

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1 numbered and shall be in quintuplicate, and the
2 officer shall deliver the original and a copy to the
3 court where the defendant is to appear, two copies to
4 the defendant, and a copy to the law enforcement
5 agency of the officer. The court shall forward an
6 abstract of the uniform citation and complaint in
7 accordance with section 321.491 when applicable."

8 10. Page 9, by inserting after line 13 the
9 following:

10 "Sec. _____. The first nine hundred fifty-six
11 thousand four hundred forty dollars deposited in the
12 emergency medical services fund established in section
13 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
14 shall be transferred to the general fund of the state.
15 Amounts in excess of that amount shall be retained in
16 the fund for the purposes of the fund."

By RALPH ROSENBERG
JOHN W. JENSEN
EMIL J. HUSAK

S-3688 FILED APRIL 29, 1993
WITHDRAWN

SENATE FILE 413

S-3690

1 Amend the amendment, S-3688, to Senate File 413 as
2 follows:

3 1. Page 3, line 10, by inserting after the word
4 "first" the following: "sixty-eight thousand three
5 hundred thirty-eight dollars deposited in the
6 emergency medical services fund established in section
7 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
8 shall be transferred to the Iowa law enforcement
9 academy for training purposes. The next".

By DON E. GETTINGS

S-3690 FILED APRIL 29, 1993
RULED OUT OF ORDER

SENATE FILE 413

S-3692

1 Amend Senate File 413 as follows:

2 1. Page 4, line 1, by striking the word "fifty"
3 and inserting the following: "twenty".

By AL STURGEON

S-3692 FILED APRIL 29, 1993
LOST

SENATE FILE 413

S-3695

- 1 Amend Senate File 413 as follows:
2 1. Page 4, by striking lines 29 through 33 and
3 inserting the following:
4 "b. For filing and docketing of a complaint or
5 information for a simple misdemeanor and a complaint
6 or information for a nonscheduled simple misdemeanor
7 under chapter 321, twenty-five dollars."
8 2. Page 5, line 9, by striking the word "fifteen"
9 and inserting the following: "twenty-five".
10 3. Page 5, by striking lines 10 and 11 and
11 inserting the following:
12 "e. For court costs in scheduled violation cases
13 where a court appearance is not required, fifteen
14 dollars.
15 f. For an appeal of a simple misdemeanor to the
16 district court, fifty dollars.
17 g. A five dollar administrative fee to be paid by
18 the defendant for each notice issued pursuant to
19 section 321.40 or 321.210A."
20 4. Page 6, line 26, by striking the words
21 "paragraph "e"" and inserting the following:
22 "paragraph "f"".
23 5. Page 6, line 27, by inserting after the word
24 "collected" the following: "pursuant to section
25 602.8106, subsection 1, paragraph "b",".
26 6. Page 6, line 30, by inserting after the word
27 "collected" the following: "pursuant to section
28 602.8106, subsection 1, paragraph "b",".
29 7. Page 6, by striking lines 33 and 34 and
30 inserting the following: "section 602.8106,
31 subsection 1, paragraph "c".
32 e. Five dollars of the court costs collected
33 pursuant to section 602.8106, subsection 1, paragraph
34 "e", for court costs in scheduled violation cases
35 where a court appearance is not required.
36 f. Four dollars and fifty cents of the court costs
37 collected pursuant to section 602.8106, subsection 1,
38 paragraph "d", for court costs in scheduled violation
39 cases where a court appearance is required."
40 8. Page 7, by inserting after line 13 the
41 following:
42 "5. A court technology and modernization fund is
43 established as a separate fund in the state treasury.
44 Moneys deposited in the fund shall be administered by
45 the supreme court and shall be used as follows:
46 a. Eighty percent shall be used to enhance the
47 ability of the judicial department to process cases
48 and information.
49 b. Twenty percent shall be used in equal amounts
50 to facilitate alternative dispute resolution and

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1 methods to resolve domestic abuse cases, which may
2 include personnel for hearings under section 236.4.
3 6. Of the following amounts or the equivalent
4 percentage of the amounts, the state court
5 administrator shall allocate eighty percent to be
6 deposited into the emergency medical services fund
7 established in section 135.25, if enacted in 1993 Iowa
8 Acts, Senate File 48, and twenty percent to be
9 deposited into the court technology and modernization
10 fund established in subsection 5.

11 a. Five dollars of each fee collected pursuant to
12 section 602.8106, subsection 1, paragraph "b", for
13 filing and docketing a complaint or information for a
14 simple misdemeanor or for a nonscheduled simple
15 misdemeanor under chapter 321.

16 b. Ten dollars of the court costs collected
17 pursuant to section 602.8106, subsection 1, paragraph
18 "d", for court costs in scheduled violation cases
19 where a court appearance is required.

20 c. Three dollars of the court costs collected
21 pursuant to section 602.8106, subsection 1, paragraph
22 "e", for court costs in scheduled violation cases
23 where a court appearance is not required."

24 9. Page 8, by inserting after line 23 the
25 following:

26 "Sec. _____. Section 805.6, subsection 1, paragraph
27 a, unnumbered paragraph 1, Code 1993, is amended to
28 read as follows:

29 The commissioner of public safety, the director of
30 transportation, and the director of natural resources,
31 acting jointly, shall adopt a uniform, combined
32 citation and complaint which shall be used for
33 charging all traffic violations in Iowa under state
34 law or local regulation or ordinance, and which shall
35 be used for charging all other violations which are
36 designated by section 805.8 to be scheduled
37 violations. The filing fees and court costs in cases
38 of parking meter and overtime parking violations which
39 are denied are as stated in section 602.8106,
40 subsection 1. The court costs in scheduled violation
41 cases where a court appearance is not required are ~~ten~~
42 dollars as stated in section 602.8106, subsection 1.
43 The court costs in scheduled violation cases where a
44 court appearance is required are ~~fifteen-dollars as~~
45 stated in section 602.8106, subsection 1. This
46 subsection does not prevent the charging of any of
47 those violations by information, by private complaint
48 filed under chapter 804, or by a simple notice of fine
49 where permitted by section 321.236, subsection 1.
50 Each uniform citation and complaint shall be serially

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1 numbered and shall be in quintuplicate, and the
2 officer shall deliver the original and a copy to the
3 court where the defendant is to appear, two copies to
4 the defendant, and a copy to the law enforcement
5 agency of the officer. The court shall forward an
6 abstract of the uniform citation and complaint in
7 accordance with section 321.491 when applicable."

8 10. Page 9, by inserting after line 13 the
9 following:

10 "Sec. ____ . The first nine hundred fifty-six
11 thousand four hundred forty dollars deposited in the
12 emergency medical services fund established in section
13 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
14 shall be transferred to the general fund of the state.
15 Amounts in excess of that amount shall be retained in
16 the fund for the purposes of the fund."

By RALPH ROSENBERG

EMIL J. HUSAK

JOHN W. JENSEN

S-3695 FILED APRIL 29, 1993

ADOPTED, RECONSIDERED & ADOPTED

SENATE FILE 413

S-3700

1 Amend the amendment, S-3695, to Senate File 413, as
2 follows:

3 1. Page 2, by striking lines 6 through 8 and
4 inserting the following: "deposited in a court
5 personnel fund established as a separate fund in the
6 state treasury under the control of the judicial
7 department which shall be used for the hiring of
8 essential court personnel, including judges, and
9 twenty percent to be".

10 2. Page 3, by striking lines 10 through 16.

By AL STURGEON

S-3700 FILED APRIL 29, 1993

LOST

SENATE FILE 413

S-3701

1 Amend the amendment, S-3695, to Senate File 413 as
2 follows:
3 1. Page 3, by inserting after line 9 the
4 following:
5 "Sec. _____. The first sixty-eight thousand three
6 hundred thirty-eight dollars deposited in the court
7 personnel fund established in section 602.8108,
8 subsection 6, shall be transferred to the Iowa law
9 enforcement academy for training purposes."
10 2. Page 3, by striking line 10 and inserting the
11 following: "The next nine hundred fifty-six".
By DON E. GETTINGS

S-3701 FILED APRIL 29, 1993
WITHDRAWN

SENATE FILE 413

S-3704

1 Amend the amendment, S-3695, to Senate File 413 as
2 follows:
3 1. Page 3, line 10, by inserting after the word
4 "first" the following: "sixty-eight thousand three
5 hundred thirty-eight dollars deposited in the
6 emergency medical services fund established in section
7 135.25, if enacted in 1993 Iowa Acts, Senate File 48,
8 shall be transferred to the Iowa law enforcement
9 academy for training purposes."
By DON E. GETTINGS

S-3704 FILED APRIL 29, 1993
ADOPTED

SENATE FILE 413

S-3707

1 Amend Senate File 413 as follows:
2 1. Page 4, line 1, by inserting after the word
3 "page" the following: "for the first twenty copies,
4 twenty cents per page for more than twenty but not
5 more than fifty copies, and ten cents per page for
6 more than fifty copies".
By LINN FUHRMAN
AL STURGEON

S-3707 FILED APRIL 29, 1993
ADOPTED

SENATE FILE 413

S-3708

1 Amend the amendment, S-3695, to Senate File 413 as
2 follows:
3 1. Page 3, line 10, by inserting before the word
4 "nine" the following: "The next".
By RALPH ROSENBERG

S-3708 FILED APRIL 29, 1993
ADOPTED

SENATE FILE 413

S-3562

1 Amend Senate File 413 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. NEW SECTION. 135.12 HEALTH CARE
5 PROVIDER RECORDS -- FEES.

6 A health care provider shall not charge more than
7 an initial ten dollars and an additional twenty-five
8 cents per page for certified duplicate health care
9 records requested by an attorney for possible
10 admission as evidence at a legal proceeding. In
11 addition, the health care provider may charge a fee
12 for the actual costs of the delivery of the records if
13 the requesting attorney has approved the means of
14 delivery prior to delivery. As used in this section,
15 "health care provider" means a person licensed to
16 practice a profession pursuant to chapter 147, a
17 hospital licensed pursuant to chapter 135B, or a
18 health care facility licensed pursuant to chapter
19 135C."

20 2. Page 2, by inserting after line 21, the
21 following:

22 "Sec. ____ . Section 602.8102, Code 1993, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 164A. Accept and file facsimile
25 copies of orders signed by a district judge, district
26 associate judge, or magistrate and the motion, if any,
27 requesting the order."

28 3. By renumbering as necessary.

By AL STURGEON

S-3562 FILED APRIL 21, 1993

MM/STCLIM

WITHDRAWN
4-29-93

1 Section 1. Section 144.46, Code 1993, is amended to read
2 as follows:

3 144.46 FEE FOR COPY OF RECORD.

4 The department by rule shall establish fees based on the
5 average administrative cost which shall be collected by the
6 state registrar or the clerk of the district court for each
7 certified copy or short form certification of certificates or
8 records, or for a search of the files or records when no copy
9 is made, or when no record is found on file. Fees collected
10 by the state registrar under this section shall be deposited
11 in the general fund of the state. Fees collected by the clerk
12 of the district court shall be deposited in the court-revenue
13 distribution account established under section 602.8108. A
14 fee shall not be collected from a political subdivision or
15 agency of this state.

16 Sec. 2. Section 331.427, subsection 1, unnumbered
17 paragraph 1, Code 1993, is amended to read as follows:

18 Except as otherwise provided by state law, county revenues
19 from taxes and other sources for general county services shall
20 be credited to the general fund of the county, including
21 revenues received under sections 101A.3, 101A.7, 123.36,
22 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, 331.554,
23 subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8,
24 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12,
25 533.24, 556B.1, 567.10, 583.6, 602.8108, 904.908, and 906.17,
26 ~~and-911-37~~ and chapter 405A, and the following:

27 Sec. 3. Section 331.756, subsection 5, unnumbered
28 paragraph 3, Code 1993, is amended to read as follows:

29 Before a county attorney designates another county official
30 or agency to assist with collection of debts, revenues,
31 moneys, fines, penalties, restitution of court-appointed
32 attorney fees or expense of a public defender, and
33 forfeitures, the board of supervisors of the county must
34 approve the designation. Notwithstanding the disposition
35 provisions of ~~sections~~ section 602.8106 ~~and-911-37~~, the county

1 may retain up to thirty-five percent of all moneys collected,
2 excluding amounts collected for victim restitution, as
3 compensation for collection services. The county attorney
4 shall enter on the appropriate record of the clerk of the
5 district court an indication of the satisfaction of each
6 obligation, including the amount retained by the county for
7 collection services and not paid into the office of the clerk.

8 Sec. 4. Section 364.3, subsection 2, Code 1993, is amended
9 to read as follows:

10 2. A city shall not provide a penalty in excess of a one
11 hundred dollar fine or in excess of thirty days imprisonment
12 for the violation of an ordinance. An amount equal to ten
13 percent of all fines collected by cities shall be deposited in
14 the ~~court-revenue-distribution~~ account established in section
15 602.8108. However, one hundred percent of all fines collected
16 by a city pursuant to section 321.236, subsection 1, shall be
17 retained by the city. The criminal penalty surcharge required
18 by section 911.2 shall be added to a city fine and is not a
19 part of the city's penalty.

20 Sec. 5. Section 602.8102, subsection 99, Code 1993, is
21 amended by striking the subsection.

22 Sec. 6. Section 602.8105, Code 1993, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 602.8105 FEES FOR CIVIL CASES AND OTHER SERVICES --
26 COLLECTION AND DISPOSITION.

27 1. The clerk of the district court shall collect the
28 following fees:

29 a. For filing and docketing a petition, other than a
30 modification of a dissolution decree to which a written
31 stipulation is attached at the time of filing containing the
32 agreement of the parties to the terms of modification, eighty
33 dollars. In counties having a population of ninety-eight
34 thousand or over, an additional five dollars shall be charged
35 and collected to be known as the journal publication fee and

1 used for the purposes provided for in section 618.13.

2 b. For filing and docketing an application for
3 modification of a dissolution decree to which a written
4 stipulation is attached at the time of filing containing the
5 agreement of the parties to the terms of modification, twenty-
6 five dollars.

7 c. For entering a final decree of dissolution of marriage,
8 thirty dollars. It is the intent of the general assembly that
9 the funds generated from the dissolution fees be appropriated
10 and used for sexual assault and domestic violence centers.

11 d. For filing and docketing a small claims action, the
12 amounts specified in section 631.6.

13 e. For an appeal from a judgment in small claims or for a
14 writ of error, fifty dollars.

15 2. The clerk of the district court shall collect the
16 following fees for miscellaneous services:

17 a. For filing an application for a license to marry,
18 thirty dollars. For issuing an application for an order of
19 the district court authorizing the issuance of a license to
20 marry prior to the expiration of three days from the date of
21 filing the application for the license, five dollars. The
22 court shall authorize the issuance of a marriage license
23 without the payment of any fees imposed by this paragraph upon
24 a showing that the applicant is unable to pay the fees.

25 b. For filing, entering, and endorsing a mechanic's lien,
26 ten dollars, and if a suit is brought, the fee is taxable as
27 other costs in the action.

28 c. For filing and entering an agricultural supply dealer's
29 lien and any other statutory lien, ten dollars.

30 d. For a certificate and seal, ten dollars. However,
31 there shall be no charge for a certificate and seal to an
32 application to procure a pension, bounty, or back pay for a
33 soldier or other person.

34 e. For certifying a change in title of real estate, ten
35 dollars.

1 f. For a copy of any document, fifty cents per page for
2 the first twenty copies, twenty cents per page for more than
3 twenty but not more than fifty copies, and ten cents per page
4 for more than fifty copies.

5 g. Other fees provided by law.

6 3. The clerk of the district court shall pay to the
7 treasurer of state all fees which have come into the clerk's
8 possession and which are unclaimed pursuant to section 556.8
9 accompanied by a form prescribed by the treasurer. Claims for
10 payment of the moneys must be filed pursuant to chapter 556.

11 Sec. 7. Section 602.8106, Code 1993, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 602.8106 COLLECTION OF FEES IN CRIMINAL CASES AND
15 DISPOSITION OF FEES AND FINES.

16 1. The clerk of the district court shall collect the
17 following fees:

18 a. Except as otherwise provided in paragraphs "b" and "c",
19 for filing and docketing a criminal case to be paid by the
20 county or city which has the duty to prosecute the criminal
21 action, payable as provided in section 602.8109, thirty
22 dollars. When judgment is rendered against the defendant,
23 costs collected from the defendant shall be paid to the county
24 or city which has the duty to prosecute the criminal action to
25 the extent necessary for reimbursement for fees paid.
26 However, the fees which are payable by the county to the clerk
27 of the district court for services rendered in criminal
28 actions prosecuted under state law and in habitual offender
29 actions pursuant to section 321.556, and the court costs taxed
30 in connection with the trial of those actions or appeals from
31 the judgments in those actions are waived.

32 b. For filing and docketing of a complaint or information
33 for a simple misdemeanor and a complaint or information for a
34 nonscheduled simple misdemeanor under chapter 321, twenty-five
35 dollars.

1 c. For filing and docketing a complaint or information or
2 uniform citation and complaint for parking violations under
3 sections 321.236, 321.239, 321.358, 321.360, and 321.361, one
4 dollar, effective January 1, 1991. The court costs in cases
5 of parking meter and overtime parking violations which are
6 denied, and charged and collected pursuant to section 321.236,
7 subsection 1, or pursuant to a uniform citation and complaint,
8 are eight dollars per information or complaint or per uniform
9 citation and complaint effective January 1, 1991.

10 d. The court costs in scheduled violation cases where a
11 court appearance is required are twenty-five dollars.

12 e. For court costs in scheduled violation cases where a
13 court appearance is not required, fifteen dollars.

14 f. For an appeal of a simple misdemeanor to the district
15 court, fifty dollars.

16 g. A five dollar administrative fee to be paid by the
17 defendant for each notice issued pursuant to section 321.40 or
18 321.210A.

19 2. The clerk of the district court shall remit ninety
20 percent of all fines and forfeited bail to the city that was
21 the plaintiff in any action, and shall provide that city with
22 a statement showing the total number of cases, the total of
23 all fines and forfeited bail collected, and the total of all
24 cases dismissed. The remaining ten percent shall be submitted
25 to the state court administrator.

26 3. The clerk of the district court shall remit all fines
27 and forfeited bail for violation of a county ordinance, except
28 an ordinance relating to vehicle speed or weight restrictions,
29 to the county treasurer of the county that was the plaintiff
30 in the action, and shall provide that county with a statement
31 showing the total number of cases, the total of all fines and
32 forfeited bail collected, and the total of all cases
33 dismissed. However, if a county ordinance provides a penalty
34 for a violation which is also penalized under state law, the
35 fines and forfeited bail collected for the violation shall be

1 submitted to the state court administrator.

2 4. The clerk of the district court shall submit all other
3 fines, fees, costs, and forfeited bail received from a
4 magistrate to the state court administrator.

5 Sec. 8. Section 602.8108, Code 1993, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 602.8108 DISTRIBUTION OF COURT REVENUE.

9 1. The clerk of the district court shall establish an
10 account and deposit in this account all revenue and other
11 receipts. Not later than the fifteenth day of each month, the
12 clerk shall distribute all revenues received during the
13 preceding calendar month. Each distribution shall be
14 accompanied by a statement disclosing the total amount of
15 revenue received during the accounting period and any
16 adjustments of gross revenue figures that are necessary to
17 reflect changes in the balance of the account, including but
18 not limited to reductions resulting from the dishonor of
19 checks previously accepted by the clerk.

20 2. Except as otherwise provided, the clerk of the district
21 court shall report and submit to the state court
22 administrator, not later than the fifteenth day of each month,
23 the fines and fees received during the preceding calendar
24 month. The state court administrator shall deposit the
25 amounts received with the treasurer of state.

26 3. Of the amounts submitted, the state court administrator
27 shall allocate the following amounts or the equivalent
28 percentage of the amounts which shall be deposited in the
29 judicial retirement fund established in section 602.9104:

30 a. One dollar of each fee collected pursuant to section
31 602.8105, subsection 1, paragraph "a", section 602.8105,
32 subsection 1, paragraph "e", section 602.8106, subsection 1,
33 paragraph "f", and section 631.6, subsection 1, paragraph "a".

34 b. Four dollars and fifty cents of each fee collected
35 pursuant to section 602.8106, subsection 1, paragraph "b", for

1 filing and docketing a complaint or information for a
2 nonscheduled simple misdemeanor under chapter 321.

3 c. Six dollars of each fee collected pursuant to section
4 602.8106, subsection 1, paragraph "b", for filing and
5 docketing a complaint or information for a simple misdemeanor.

6 d. Thirty percent of the fees collected pursuant to
7 section 602.8106, subsection 1, paragraph "c".

8 e. Five dollars of the court costs collected pursuant to
9 section 602.8106, subsection 1, paragraph "e", for court costs
10 in scheduled violation cases where a court appearance is not
11 required.

12 f. Four dollars and fifty cents of the court costs
13 collected pursuant to section 602.8106, subsection 1,
14 paragraph "d", for court costs in scheduled violation cases
15 where a court appearance is required.

16 4. When a court assesses a criminal surcharge under
17 section 911.2, the amounts collected shall be distributed as
18 follows:

19 a. The clerk of the district court shall submit to the
20 state court administrator, not later than the fifteenth day of
21 each month, ninety-five percent of the surcharge collected
22 during the preceding calendar month. The clerk shall remit
23 the remainder to the county treasurer of the county that was
24 the plaintiff in the action or to the city that was the
25 plaintiff in the action.

26 b. Of the amount received from the clerk, the state court
27 administrator shall allocate eighteen percent to be deposited
28 in the fund established in section 912.14 and eighty-two
29 percent to be deposited in the general fund.

30 5. A court technology and modernization fund is
31 established as a separate fund in the state treasury. Moneys
32 deposited in the fund shall be administered by the supreme
33 court and shall be used as follows:

34 a. Eighty percent shall be used to enhance the ability of
35 the judicial department to process cases and information.

1 b. Twenty percent shall be used in equal amounts to
2 facilitate alternative dispute resolution and methods to
3 resolve domestic abuse cases, which may include personnel for
4 hearings under section 236.4.

5 6. Of the following amounts or the equivalent percentage
6 of the amounts, the state court administrator shall allocate
7 eighty percent to be deposited into the emergency medical
8 services fund established in section 135.25, if enacted in
9 1993 Iowa Acts, Senate File 48, and twenty percent to be
10 deposited into the court technology and modernization fund
11 established in subsection 5.

12 a. Five dollars of each fee collected pursuant to section
13 602.8106, subsection 1, paragraph "b", for filing and
14 docketing a complaint or information for a simple misdemeanor
15 or for a nonscheduled simple misdemeanor under chapter 321.

16 b. Ten dollars of the court costs collected pursuant to
17 section 602.8106, subsection 1, paragraph "d", for court costs
18 in scheduled violation cases where a court appearance is
19 required.

20 c. Three dollars of the court costs collected pursuant to
21 section 602.8106, subsection 1, paragraph "e", for court costs
22 in scheduled violation cases where a court appearance is not
23 required.

24 Sec. 9. Section 626A.5, Code 1993, is amended by striking
25 the section and inserting in lieu thereof the following:

26 626A.5 FEE.

27 For filing a foreign judgment, the clerk shall collect a
28 fee in the amount collected for filing and docketing a
29 petition under section 602.8105, subsection 1, paragraph "a".

30 Sec. 10. Section 631.6, Code 1993, is amended by striking
31 the section and inserting in lieu thereof the following:

32 631.6 FEES AND COSTS.

33 1. The clerk of the district court shall collect the
34 following fees and costs in small claims actions, which shall
35 be paid in advance and assessed as costs in the action:

1 a. Fees for filing and docketing shall be thirty dollars.

2 b. Fees for service of notice on nonresidents are as
3 provided in section 617.3.

4 c. Postage charged for the mailing of original notice
5 shall be the actual costs of the postage.

6 d. Fees for personal service by peace officers or other
7 officials of the state are the amounts specified by law.

8 2. The amounts collected for filing and docketing shall be
9 distributed as provided in section 602.8108.

10 Sec. 11. Section 633.20, subsection 2, Code 1993, is
11 amended to read as follows:

12 2. The court may appoint the clerk as referee in probate.
13 In such cases, the fees received by the clerk for serving in
14 the capacity of referee are fees of the office of the clerk of
15 court and shall be deposited in the ~~court-revenue-distribution~~
16 account established under section 602.8108.

17 Sec. 12. Section 633.31, subsection 2, unnumbered
18 paragraph 1, Code 1993, is amended to read as follows:

19 The clerk shall charge and collect the following fees in
20 connection with probate matters, which shall be deposited in
21 the ~~court-revenue-distribution~~ account established under
22 section 602.8108:

23 Sec. 13. Section 633.31, subsection 2, paragraph i, Code
24 1993, is amended to read as follows:

25 i. For certifying change of title 5:00
26 10.00

27 Sec. 14. Section 674.10, Code 1993, is amended by striking
28 the section and inserting in lieu thereof the following:

29 674.10 FEE.

30 For filing a petition for change of name, the clerk shall
31 collect a fee in the amount collected for filing and docketing
32 a petition under section 602.8105, subsection 1, paragraph
33 "a".

34 Sec. 15. Section 805.6, subsection 1, paragraph a,
35 unnumbered paragraph 1, Code 1993, is amended to read as

1 follows:

2 The commissioner of public safety, the director of
3 transportation, and the director of natural resources, acting
4 jointly, shall adopt a uniform, combined citation and
5 complaint which shall be used for charging all traffic
6 violations in Iowa under state law or local regulation or
7 ordinance, and which shall be used for charging all other
8 violations which are designated by section 805.8 to be
9 scheduled violations. The filing fees and court costs in
10 cases of parking meter and overtime parking violations which
11 are denied are as stated in section 602.8106, subsection 1.
12 The court costs in scheduled violation cases where a court
13 appearance is not required are ten-dollars as stated in
14 section 602.8106, subsection 1. The court costs in scheduled
15 violation cases where a court appearance is required are
16 fifteen-dollars as stated in section 602.8106, subsection 1.
17 This subsection does not prevent the charging of any of those
18 violations by information, by private complaint filed under
19 chapter 804, or by a simple notice of fine where permitted by
20 section 321.236, subsection 1. Each uniform citation and
21 complaint shall be serially numbered and shall be in
22 quintuplicate, and the officer shall deliver the original and
23 a copy to the court where the defendant is to appear, two
24 copies to the defendant, and a copy to the law enforcement
25 agency of the officer. The court shall forward an abstract of
26 the uniform citation and complaint in accordance with section
27 321.491 when applicable.

28 Sec. 16. Section 909.9, Code 1993, is amended to read as
29 follows:

30 909.9 COLLECTION OF DELINQUENT FINES AND COURT COSTS --
31 DISPOSITION.

32 A fine or court costs remaining unpaid after six months
33 from the date the fine or court costs were imposed may be
34 collected in accordance with section 331.756 by the county
35 attorney. Of the amount collected, after payment of court

1 costs, sixty-five percent shall be remitted to the treasurer
2 of state for deposit and disposition as otherwise provided by
3 law. The remaining thirty-five percent shall be retained by
4 the county and deposited in the general fund of the county,
5 notwithstanding the disposition provisions of sections section
6 602.8106 and 911-3.

7 Sec. 17. Section 911.1, Code 1993, is amended to read as
8 follows:

9 911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

10 A criminal penalty surcharge shall be levied against
11 certain law violators as provided in section 911.2. The
12 surcharge shall be deposited as provided in section ~~911-3~~
13 602.8108, subsection 4, and shall be used for the maintenance
14 and improvement of criminal justice programs, law enforcement
15 efforts, victim compensation, crime prevention, and
16 improvement of the professional training of personnel, and the
17 planning and support services of the criminal justice system.

18 Sec. 18. The first sixty-eight thousand three hundred
19 thirty-eight dollars deposited in the emergency medical
20 services fund established in section 135.25, if enacted in
21 1993 Iowa Acts, Senate File 48, shall be transferred to the,
22 Iowa law enforcement academy for training purposes. The next
23 nine hundred fifty-six thousand four hundred forty dollars
24 deposited in the emergency medical services fund established
25 in section 135.25, if enacted in 1993 Iowa Acts, Senate File
26 48, shall be transferred to the general fund of the state.
27 Amounts in excess of that amount shall be retained in the fund
28 for the purposes of the fund.

29 Sec. 19. Sections 625.8 and 911.3, Code 1993, are
30 repealed.

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SENATE FILE 413
FISCAL NOTE

A fiscal note for Amendment H-5466 to Senate File 413 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-5466 to Senate File 413 makes the following changes to the bill:

1. Retains a fee for court reporters that is eliminated in the bill.
2. Eliminates a fee for 2 types of notices for failure to pay.
3. Eliminates a transfer to the Judicial Retirement System.
4. Eliminates a transfer to the Emergency Medical Services Fund.
5. Increases the appropriation to the Court Technology and Modernization Fund.

FISCAL EFFECT

The total fees collected based on these changes is \$2.9 million. Of this amount, \$1.0 million is appropriated to the Court Technology and Modernization Fund and \$1.9 million will be deposited in the General Fund.

(Source: Judicial Department)

(LSB 1194sv.4, DPW)

FILED MARCH 24, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 413
FISCAL NOTE

A fiscal note for Senate File 413 as amended and passed by the Senate is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 413 consolidates and increases certain fees in civil cases, for miscellaneous services, and in criminal cases.

The bill eliminates the court revenue distribution account and requires each Clerk of District Court to establish a separate account from which the Clerk will make distributions to the State Court Administrator, counties, and cities.

The bill also creates a revenue source and distribution procedure for the revenue for two newly created funds. An Emergency Medical Services Fund was created in Senate File 48 and a Court Technology and Modernization Fund created in this bill. Several fees related to scheduled and non-scheduled violations are increased to generate the revenues which will be distributed to these funds. Additionally, the Judicial Retirement System and the Iowa Law Enforcement Academy will receive an increase in receipts and the General Fund will receive a transfer of funds equal to that appropriated for emergency medical services in the Health and Human Rights Appropriations Bill.

The bill also, moves the distribution provisions of the criminal surcharge from Chapter 911 to Section 602.8108. Ninety-five percent of the surcharge will be submitted to the State Court Administrator rather than the State Treasurer, and 5% is distributed to counties or cities. The State Court Administrator allocates 18% of the money received to the victims reparation program and 82% to the General Fund of the State.

FISCAL EFFECT

The following revenue increases and decreases are estimated to result from the changes in the bill.

1. Increased Revenues in Civil Fees

- A. Civil filing fee ($\$5.00 \times 50,000$) $\times .75 = \$187,500$.
- B. Certificate and seal ($\$8.00 \times 15,000$) = $\$120,000$.
- C. Liens: From ($\$7.00 \times 100,000$ to $125,000$) = $\$700,000$ to $\$875,000$.
- D. Foreign Judgements ($\$75.00 \times 300$) = $\$22,500$.
- E. Name Change ($\$70.00 \times 900$) = $\$63,000$.
- F. Change in title of real estate ($\$8.00 \times 3,000$) = $\$24,000$.
- G. Total Increased Revenues = $\$1,117,000$ to $\$1,292,000$.

2. Decreased Revenues in Court Fees

- A. Fee for jury trial ($\$10.00 \times 1,760$) = $\$-17,600$.

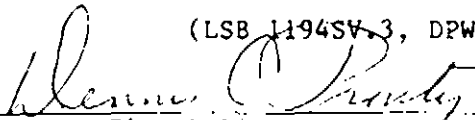
-2-

- F. Total Decreased Revenues = $-\$1,143,600$.
3. Net Change in Revenues to the General Fund = $-\$26,000$ to $\$148,400$.
4. Increased Revenues from Scheduled and Non-Scheduled Violations.
- A. Scheduled violations ($\$5.00 \times 424,772 = \$2,123,860$) of which 50% is estimated to be collectible for a net increase of $\$1,061,930$.
 - B. Scheduled violations with court appearance ($\$10.00 \times 118,413 + \$1,184,130$) of which 50% is estimated to be collectible for a net increase of $\$592,065$.
 - C. Non-scheduled violations under Chapter 321 ($\$5.00 \times 42,480 = \$212,400$) of which 50% is estimated to be collectible for a net increase of $\$106,200$.
 - D. Two Types of notification of failure to pay ($\$5.00 \times 149,700 = \$748,500$) of which 50% is estimated to be collectible for a net increase of $\$374,250$.
 - E. Total revenues = $\$2,134,445$.
5. Revenue Distribution from Scheduled and Non-Scheduled Violations.
- A. Judicial Retirement System = $\$424,772$.
 - B. Emergency Medical Services Fund = $\$1,068,338$.
 - C. Court Technology and Modernization Fund = $\$641,335$.
 - D. Total Distribution = $\$2,134,445$.
6. Additionally, the Judicial Retirement System would gain $\$1,200$ per year due to receiving $\$1.00$ per filing for each foreign judgement and name change.

The overall impact to the General Fund due to the changes in civil fees at 82% of 95% of revenues will be $-\$20,254$ to $\$115,604$ annually. Additionally, $\$956,400$ collected in the Emergency Medical Services Fund will be transferred to the General Fund and $\$68,338$ collected in this Fund will be transferred to the Iowa Law Enforcement Academy for training.

(SOURCE: Judicial Department)

(LSB 1194SV.3, DPW)


Fiscal Director
Legislative Fiscal Bureau
Date: 4/30/93

SENATE FILE 413

H-5534

1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 321.491, unnumbered paragraph
6 3, Code Supplement 1993, is amended to read as
7 follows:

8 The abstract must be made upon a form furnished by
9 the department or by copying a uniform citation and
10 complaint or by using an electronic process which
11 accurately reproduces or forms a durable medium for
12 accurately and legibly reproducing an unaltered image
13 or reproduction of the citation, and shall must
14 include the name and address of the party charged, the
15 registration number of the vehicle involved, the
16 nature of the offense, the date of hearing, the plea,
17 the judgment, or whether the bail was forfeited, the
18 amount of the fine or forfeiture, and any court
19 recommendation, if any, that the person's motor
20 vehicle license be suspended. The department shall
21 consider and act upon the recommendation."

22 2. Page 10, by inserting after line 27 the
23 following:

24 "Sec. ____ . Section 805.6, subsection 1, paragraph
25 a, Code 1993, is amended by adding the following new
26 unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
28 contrary requirements of this section, a uniform
29 citation may be originated from a computerized device.
30 The officer issuing the citation through a
31 computerized device shall give two copies of the
32 citation to the person cited and shall provide a
33 record of the citation to the court where the person
34 cited is to appear and to the law enforcement agency
35 of the officer by an electronic process which
36 accurately reproduces or forms a durable medium for
37 accurately and legibly reproducing an unaltered image
38 or copy of the citation."

39 3. By renumbering as necessary.

By VANDE HOEF of Osceola

H-5534 FILED MARCH 21, 1994

Adopted

SENATE FILE 413

H-5537

1 Amend the amendment, H-5466, to Senate File 413, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 19, by inserting after the word
5 "dollars" the following: "of the moneys received
6 under subsection 2".

By VANDE HOEF of Osceola

H-5537 FILED MARCH 21, 1994

Adopted 4-5-94 (P. 1154)

SENATE FILE 413

H-5939

1 Amend the amendment, H-5466, to Senate File 413, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, line 15, by inserting after the word
5 "state." the following: "The state court
6 administrator shall report to the legislative fiscal
7 bureau within thirty days of the beginning of each
8 fiscal quarter the amount received during the previous
9 quarter in the account established under this
10 section."

By VANDE HOEF of Osceola

H-5939 FILED APRIL 4, 1994

Adopted 4-5-94 P. 1154

SENATE FILE 413

H-5940

1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, line 35, by striking the words "and
4 information" and inserting the following: "more
5 quickly and efficiently, to electronically transmit
6 information to state government, local governments,
7 law enforcement agencies, and the public, and to
8 improve public access to the court system. Moneys
9 in this paragraph shall not be used for the Iowa court
10 information system".

By VANDE HOEF of Osceola

H-5940 FILED APRIL 4, 1994

*Adopted 4-5-94
(P. 1156)*

SENATE FILE 413

H-5466

- 1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 27 through page 2,
4 line 7.
5 2. Page 2, by striking lines 20 and 21.
6 3. Page 4, by striking lines 1 through 4.
7 4. Page 4, line 11, by inserting after the word
8 "Code" the following: "Supplement".
9 5. Page 5, by striking lines 16 through 18.
10 6. By striking page 6, line 24, through page 7,
11 line 15, and inserting the following: "month. Except
12 as provided in subsection 5, the state court
13 administrator shall deposit the amounts received with
14 the treasurer of state for deposit in the general fund
15 of the state."
16 7. Page 7, lines 31 and 32, by striking the words
17 "Moneys deposited in the fund" and inserting the
18 following: "The state court administrator shall
19 allocate one million dollars to be deposited in the
20 fund, which".
21 8. Page 8, by striking lines 5 through 23.
22 9. Page 8, by inserting before line 24 the
23 following:
24 "Sec. _____. Section 625.8, subsection 3, Code 1993,
25 is amended to read as follows:
26 3. Revenue from the fees required by this section
27 shall be deposited in the ~~court-revenue-distribution~~
28 account established under section 602.8108."
29 10. Page 9, line 10, by inserting after the word
30 "Code" the following: "Supplement".
31 11. By striking page 10, line 28 through page 11,
32 line 6.
33 12. Page 11, by striking lines 18 through 30 and
34 inserting the following:
35 "Sec. _____. Section 911.3, Code 1993, is repealed."
36 13. By renumbering and correcting internal
37 references as necessary.

By COMMITTEE ON APPROPRIATIONS
CORBETT of Linn, Chairperson

H-5466 FILED MARCH 17, 1994

adopted 4-5-94 (p. 1154)

JANUARY 12, 1994

SENATE FILE 413

H-5001

1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 27, through page 2,
4 line 7.

5 2. Page 2, by striking lines 20 and 21.

6 3. Page 4, line 11, by inserting after the word
7 "Code" the following: "Supplement".

8 4. Page 6, line 4, by inserting after the word
9 "administrator" the following: ", including those
10 fines which are imposed through commercial vehicle
11 violation citations issued by motor vehicle division
12 personnel".

13 5. Page 8, by striking lines 7 through 11 and
14 inserting the following: "seventy-five percent to be
15 deposited in the judicial retirement fund and twenty-
16 five percent to be deposited into the general fund of
17 the state."

18 6. Page 8, by inserting after line 23 the
19 following:

20 "Sec. 101. Section 625.8, Code 1993, is amended to
21 read as follows:

22 625.8 JURY AND REPORTER FEES.

23 1. The clerk of the district court shall tax as a
24 court cost a jury fee of ten dollars per juror per day
25 in every action tried to a jury.

26 2. The clerk of the district court shall tax as a
27 court cost the mileage to attend trial of each juror
28 at the rate of twenty-one cents per mile.

29 3. The clerk of the district court shall tax as
30 a court cost a fee of fifteen dollars per day for the
31 services of a court reporter.

32 4. Revenue from the fees required by this
33 section shall be deposited in the court revenue
34 distribution account established under section
35 602.8108."

36 7. Page 9, line 10, by inserting after the word
37 "Code" the following: "Supplement".

38 8. By striking page 10, line 28, through page 11,
39 line 6.

40 9. Page 11, by striking lines 18 through 30 and
inserting the following:

41 "Sec. 101. Section 911.3, Code 1993, is repealed."

42 10. By renumbering as necessary.

By MILLAGE of Scott

H-5001 FILED JANUARY 11, 1994

out of order 4-5-94

(p. 1154)

HOUSE AMENDMENT TO
SENATE FILE 413

S-5482

1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 321.491, unnumbered paragraph
6 3, Code Supplement 1993, is amended to read as
7 follows:

8 The abstract must be made upon a form furnished by
9 the department or by copying a uniform citation and
10 complaint or by using an electronic process which
11 accurately reproduces or forms a durable medium for
12 accurately and legibly reproducing an unaltered image
13 or reproduction of the citation, and shall must
14 include the name and address of the party charged, the
15 registration number of the vehicle involved, the
16 nature of the offense, the date of hearing, the plea,
17 the judgment, or whether the bail was forfeited, the
18 amount of the fine or forfeiture, and any court
19 recommendation, if any, that the person's motor
20 vehicle license be suspended. The department shall
21 consider and act upon the recommendation."

22 2. By striking page 1, line 27 through page 2,
23 line 7.

24 3. Page 2, by striking lines 20 and 21.

25 4. Page 4, by striking lines 1 through 4.

26 5. Page 4, line 11, by inserting after the word
27 "Code" the following: "Supplement".

28 6. Page 5, by striking lines 16 through 18.

29 7. By striking page 6, line 24, through page 7,
30 line 15, and inserting the following: "month. Except
31 as provided in subsection 5, the state court
32 administrator shall deposit the amounts received with
33 the treasurer of state for deposit in the general fund
34 of the state. The state court administrator shall
35 report to the legislative fiscal bureau within thirty
36 days of the beginning of each fiscal quarter the
37 amount received during the previous quarter in the
38 account established under this section."

39 8. Page 7, lines 31 and 32, by striking the words
40 "Moneys deposited in the fund" and inserting the
41 following: "The state court administrator shall
42 allocate one million dollars of the moneys received
43 under subsection 2 to be deposited in the fund,
44 which".

45 9. Page 7, line 35, by striking the words "and
46 information" and inserting the following: "more
47 quickly and efficiently, to electronically transmit
48 information to state government, local governments,
49 law enforcement agencies, and the public, and to
50 improve public access to the court system. Moneys in:

S-5482

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Page 2

1 this paragraph shall not be used for the Iowa court
2 information system".

3 10. Page 8, by striking lines 5 through 23.

4 11. Page 8, by inserting before line 24 the
5 following:

6 "Sec. _____. Section 625.8, subsection 3, Code 1993,
7 is amended to read as follows:

8 3. Revenue from the fees required by this section
9 shall be deposited in the court-revenue-distribution
10 account established under section 602.8108."

11 12. Page 9, line 10, by inserting after the word
12 "Code" the following: "Supplement".

13 13. Page 10, by inserting after line 27 the
14 following:

15 "Sec. _____. Section 805.6, subsection 1, paragraph
16 a, Code 1993, is amended by adding the following new
17 unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
19 contrary requirements of this section, a uniform
20 citation may be originated from a computerized device.
21 The officer issuing the citation through a
22 computerized device shall give two copies of the
23 citation to the person cited and shall provide a
24 record of the citation to the court where the person
25 cited is to appear and to the law enforcement agency
26 of the officer by an electronic process which
27 accurately reproduces or forms a durable medium for
28 accurately and legibly reproducing an unaltered image
29 or copy of the citation."

30 14. By striking page 10, line 28 through page 11,
31 line 6.

32 15. Page 11, by striking lines 18 through 30 and
33 inserting the following:

34 "Sec. _____. Section 911.3, Code 1993, is repealed."

35 16. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5482 FILED APRIL 6, 1994

Senate Concurred 4-8-94
(P. 1100)

SENATE FILE 413

AN ACT

RELATING TO THE COLLECTION AND DISPOSITION OF CIVIL AND
CRIMINAL FEES AND FINES, DISTRIBUTION OF COURT REVENUE.

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

Section 1. Section 144.46, Code 1993, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD.

The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the clerk of the district court for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected by the state registrar under this section shall be deposited in the general fund of the state. Fees collected by the clerk of the district court shall be deposited in the court-revenue distribution account established under section 602.8108. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 2. Section 321.491, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and shall must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's motor vehicle license be suspended. The department shall consider and act upon the recommendation.

Sec. 3. Section 331.427, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 101A.3, 101A.7, 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6, 602.8108, 904.908, and 906.17, and ~~911.37~~ and chapter 405A, and the following:

Sec. 4. Section 364.3, subsection 2, Code 1993, is amended to read as follows:

2. A city shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be deposited in the court-revenue-distribution account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 5. Section 602.8105, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8105 FEES FOR CIVIL CASES AND OTHER SERVICES --
COLLECTION AND DISPOSITION.

1. The clerk of the district court shall collect the following fees:

a. For filing and docketing a petition, other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, eighty dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13.

b. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, twenty-five dollars.

c. For entering a final decree of dissolution of marriage, thirty dollars. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.

d. For filing and docketing a small claims action, the amounts specified in section 631.6.

e. For an appeal from a judgment in small claims or for a writ of error, fifty dollars.

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing an application for a license to marry, thirty dollars. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars. The court shall authorize the issuance of a marriage license without the payment of any fees imposed by this paragraph upon a showing that the applicant is unable to pay the fees.

b. For filing, entering, and endorsing a mechanic's lien, ten dollars, and if a suit is brought, the fee is taxable as other costs in the action.

c. For filing and entering an agricultural supply dealer's lien and any other statutory lien, ten dollars.

d. For a certificate and seal, ten dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person.

e. For certifying a change in title of real estate, ten dollars.

f. Other fees provided by law.

3. The clerk of the district court shall pay to the treasurer of state all fees which have come into the clerk's

possession and which are unclaimed pursuant to section 556.8 accompanied by a form prescribed by the treasurer. Claims for payment of the moneys must be filed pursuant to chapter 556.

Sec. 6. Section 602.8106, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8106 COLLECTION OF FEES IN CRIMINAL CASES AND DISPOSITION OF FEES AND FINES.

1. The clerk of the district court shall collect the following fees:

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 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 in habitual offender actions pursuant to section 321.556, 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, twenty-five dollars.

c. For filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, one dollar, effective January 1, 1991. The court costs in cases of parking meter and overtime parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.

d. The court costs in scheduled violation cases where a court appearance is required are twenty-five dollars.

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

f. For an appeal of a simple misdemeanor to the district court, fifty dollars.

2. The clerk of the district court shall remit ninety percent of all fines and forfeited bail to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The remaining ten percent shall be submitted to the state court administrator.

3. The clerk of the district court shall remit all fines and forfeited bail 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 the action, and shall provide that county with a statement showing the total number of 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, the fines and forfeited bail collected for the violation shall be submitted to the state court administrator.

4. The clerk of the district court shall submit all other fines, fees, costs, and forfeited bail received from a magistrate to the state court administrator.

Sec. 7. Section 602.8108, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8108 DISTRIBUTION OF COURT REVENUE.

1. The clerk of the district court shall establish an account and deposit in this account all revenue and other receipts. Not later than the fifteenth day of each month, the clerk shall distribute all revenues received during the preceding calendar month. Each distribution shall be accompanied by a statement disclosing the total amount of

revenue received during the accounting period and any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk.

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 subsection 5, 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 fiscal bureau within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

3. When a court assesses a criminal surcharge under section 911.2, the amounts collected shall be distributed as follows:

a. The clerk of the district court shall submit to the state court administrator, not later than the fifteenth day of each month, ninety-five percent of the surcharge collected 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.

b. Of the amount received from the clerk, the state court administrator shall allocate eighteen percent to be deposited in the fund established in section 912.14 and eighty-two percent to be deposited in the general fund.

4. A court technology and modernization fund is established as a separate fund in the state treasury. The state court administrator shall allocate one million dollars of the moneys received under subsection 2 to be deposited in the fund, which shall be administered by the supreme court and shall be used as follows:

a. Eighty percent shall be used to enhance the ability of the judicial department to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. Moneys in this paragraph shall not be used for the Iowa court information system.

b. Twenty percent shall be used in equal amounts to facilitate alternative dispute resolution and methods to resolve domestic abuse cases, which may include personnel for hearings under section 236.4.

Sec. 8. Section 625.8, subsection 3, Code 1993, is amended to read as follows:

3. Revenue from the fees required by this section shall be deposited in the court-revenue-distribution account established under section 602.8108.

Sec. 9. Section 626A.5, Code 1993, is amended by striking the section and inserting in lieu thereof the following:
626A.5 FEE.

For filing a foreign judgment, the clerk shall collect a fee in the amount collected for filing and docketing a petition under section 602.8105, subsection 1, paragraph "a".

Sec. 10. Section 631.6, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

631.6 FEES AND COSTS.

1. The clerk of the district court shall collect the following fees and costs in small claims actions, which shall be paid in advance and assessed as costs in the action:

a. Fees for filing and docketing shall be thirty dollars.

b. Fees for service of notice on nonresidents are as provided in section 617.3.

c. Postage charged for the mailing of original notice shall be the actual costs of the postage.

d. Fees for personal service by peace officers or other officials of the state are the amounts specified by law.

2. The amounts collected for filing and docketing shall be distributed as provided in section 602.8108.

Sec. 11. Section 633.20, subsection 2, Code Supplement 1993, is amended to read as follows:

2. The court may appoint the clerk as referee in probate. In such cases, the fees received by the clerk for serving in the capacity of referee are fees of the office of the clerk of court and shall be deposited in the court-revenue-distribution account established under section 602.8108.

Sec. 12. Section 633.31, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The clerk shall charge and collect the following fees in connection with probate matters, which shall be deposited in the court-revenue-distribution account established under section 602.8108:

Sec. 13. Section 633.31, subsection 2, paragraph i, Code 1993, is amended to read as follows:

i. For certifying change of title 5.00
10.00

Sec. 14. Section 674.10, Code 1993, is amended by striking the section and inserting in lieu thereof the following:
674.10 FEE.

For filing a petition for change of name, the clerk shall collect a fee in the amount collected for filing and docketing a petition under section 602.8105, subsection 1, paragraph "a".

Sec. 15. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The commissioner of public safety, the director of transportation, and the director of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1.

The court costs in scheduled violation cases where a court appearance is not required are ten-dollars as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are fifteen-dollars as stated in section 602.8106, subsection 1. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

Sec. 16. Section 805.6, subsection 1, paragraph a, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other contrary requirements of this section, a uniform citation may be originated from a computerized device. The officer issuing the citation through a computerized device shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.

Sec. 17. Section 911.1, Code 1993, is amended to read as follows:

911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

A criminal penalty surcharge shall be levied against certain law violators as provided in section 911.2. The surcharge shall be deposited as provided in section ~~911.3~~ 602.8108, subsection 3, and shall be used for the maintenance and improvement of criminal justice programs, law enforcement

efforts, victim compensation, crime prevention, and improvement of the professional training of personnel, and the planning and support services of the criminal justice system.

Sec. 18. Section 911.3, Code 1993, is repealed.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 413, Seventy-fifth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved _____, 1994

TERRY E. BRANSTAD
Governor