

3-21-95 Do Pass  
4-10-95 Referred to Judiciary

MAR 9 1995

JUDICIARY

HOUSE FILE 326  
BY KREIMAN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act authorizing wage assignments to collect criminal fines.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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HF 326

1 Section 1. Section 539.4, Code 1995, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. This chapter shall not apply to  
4 wage assignments under sections 909.3 and 909.6.

5 Sec. 2. Section 909.3, Code 1995, is amended by adding the  
6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If the defendant is sentenced to  
8 pay a fine or other financial obligation, the court may direct  
9 that an assignment of the defendant's wages be made for the  
10 purpose of collecting the fine, criminal penalty surcharge, or  
11 restitution.

12 Sec. 3. Section 909.8, Code 1995, is amended to read as  
13 follows:

14 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL  
15 PENALTY SURCHARGE.

16 The provisions of this chapter governing the payment and  
17 collection of a fine, except section 909.3A, also apply to the  
18 payment and collection of a other court-ordered financial  
19 obligations, including restitution pursuant to chapter 910,  
20 and the criminal penalty surcharge imposed pursuant to chapter  
21 911.

22 Sec. 4. NEW SECTION. 909.11 IMPOSITION OF WAGE  
23 ASSIGNMENT.

24 A court sentencing a person to pay a fine may order the  
25 person to assign a percentage of the person's wages to the  
26 payment of the fine, criminal penalty surcharge, or  
27 restitution. A wage assignment sentencing order shall be  
28 subordinate to any support or support payment as those terms  
29 are used in section 252D.1, subsection 1. An employer  
30 presented with an order under this section shall pay the  
31 assignment as provided in the order. The wage assignment  
32 shall be to the clerk of the district court.

33 Sec. 5. Section 910.7A, Code 1995, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 3. An order for restitution is subject to

1 the provisions of chapter 909 governing the payment and  
2 collection of fines.

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EXPLANATION

4 This bill provides that a court may, when sentencing a  
5 person to pay a criminal fine, criminal penalty surcharge, or  
6 restitution, also order the person to assign part of the  
7 person's wages for the payment of the fine, criminal penalty  
8 surcharge, or restitution. The bill provides that a  
9 sentencing order for the assignment of wages will be lower in  
10 precedence than court-ordered child support payments.

11 Also, the bill provides that an employer shall comply with  
12 a sentencing order for the assignment of wages if presented  
13 with one and provides that the wage assignment provisions of  
14 chapter 539 do not apply to criminal sentencing wage  
15 assignments.

16 In addition, the bill makes restitution payments subject to  
17 the same enforcement and collection provisions as criminal  
18 fines.

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HOUSE FILE 326  
FISCAL NOTE

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A fiscal note for House File 326 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.

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House File 326 provides that a court may require a person to pay a criminal fine, criminal penalty surcharge, or restitution when issuing a sentence. The Court may also order the person to assign part of the person's wages for the payment of the fine, criminal penalty surcharge, or restitution.

The Bill provides that a sentencing order for the assignment of wages will be lower in precedence than court-ordered child support payments.

Assumptions

1. The Clerks of the District Court may devote additional time processing cases and making arrangements with each individuals' employer.
2. Approximately three cases requiring wage assignments may be processed in one hour.
3. There were 73,256 criminal dispositions statewide in 1993, and 50.0% of the dispositions may require wage assignments.

Fiscal Effect

There is insufficient information available to determine the amount of additional court revenues which may be generated as a result of the adoption of HF 326.

The adoption of HF 326 will increase the administrative costs for Clerks of the District Court offices by approximately \$117,000 annually. The Clerks' offices will be required to devote more time processing cases and making arrangements with each individuals' employer.

Sources

Judicial Department

(LSB 2522hh, LAM)

FILED MARCH 30, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR