

Reprinted

APR 24 1995

HOUSE FILE 572

WAYS & MEANS CALENDAR

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 160)

Passed House, ^(p. 1976) Date 4-27-95

Passed Senate, ^(p. 1512) Date 4/28/95

Vote: Ayes 96 Nays 2

Vote: Ayes 47 Nays 3

Approved _____

A BILL FOR

1 An Act relating to imposing a prison and jail surcharge on
2 scheduled fines and forfeitures and providing for the
3 appropriation and disposition of the proceeds from the
4 surcharge for prisons and jails.

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

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Die in Conference Comm.

HF 572

1 Section 1. Section 331.302, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. A county shall not provide a penalty in excess of a one
4 hundred dollar fine or in excess of thirty days imprisonment
5 for the violation of an ordinance. The criminal penalty
6 surcharge required by section 911.2 and the prison and jail
7 surcharges required by section 911A.2 shall be added to a
8 county fine and is not a part of the county's penalty.

9 Sec. 2. Section 364.3, subsection 2, Code 1995, is amended
10 to read as follows:

11 2. A city shall not provide a penalty in excess of a one
12 hundred dollar fine or in excess of thirty days imprisonment
13 for the violation of an ordinance. An amount equal to ten
14 percent of all fines collected by cities shall be deposited in
15 the account established in section 602.8108. However, one
16 hundred percent of all fines collected by a city pursuant to
17 section 321.236, subsection 1, shall be retained by the city.
18 The criminal penalty surcharge required by section 911.2 and
19 the prison and jail surcharges required by section 911A.2 shall
20 be added to a city fine and is not a part of the city's
21 penalty.

22 Sec. 3. Section 602.8107, subsection 2, paragraph b, Code
23 1995, is amended to read as follows:

24 b. Fines or penalties and ~~criminal-penalty~~ surcharges.

25 Sec. 4. Section 602.8107, subsection 4, unnumbered
26 paragraph 2, Code 1995, is amended to read as follows:

27 This subsection does not apply to amounts collected for
28 victim restitution, the victim compensation fund, criminal
29 penalty surcharge, prison and jail surcharge, or amounts
30 collected as a result of procedures initiated under section
31 421.17, subsection 25.

32 Sec. 5. Section 805.8, subsection 1, Code 1995, is amended
33 to read as follows:

34 1. APPLICATION. Except as otherwise indicated, violations
35 of sections of the Code specified in this section are

1 scheduled violations, and the scheduled fine for each of those
2 violations is as provided in this section, whether the
3 violation is of state law or of a county or city ordinance.

4 The ~~criminal-penalty-surcharge~~ surcharges required by section
5 911.2 and section 911A.2 shall be added to the scheduled fine.

6 Sec. 6. Section 805.8, subsection 11, unnumbered paragraph
7 1, Code 1995, is amended to read as follows:

8 For violations of section 142B.6 or 453A.2, subsection 2,
9 the scheduled fine is twenty-five dollars, and is a civil
10 penalty, and the ~~criminal-penalty-surcharge~~ surcharges under
11 section 911.2 and section 911A.2 shall not be added to the
12 penalty, and the court costs pursuant to section 805.9,
13 subsection 6, shall not be imposed. If the civil penalty
14 assessed for a violation of section 142B.6 is not paid in a
15 timely manner, a citation shall be issued for the violation in
16 the manner provided in section 804.1. However, a person under
17 age eighteen shall not be detained in a secure facility for
18 failure to pay the civil penalty. The complainant shall not
19 be charged a filing fee.

20 Sec. 7. Section 902.9, unnumbered paragraph 2, Code 1995,
21 is amended to read as follows:

22 The criminal penalty surcharge required by section 911.2
23 and the prison and jail surcharge required by section 911A.2
24 shall be added to a fine imposed on a class "C" or class "D"
25 felon, as provided by ~~that-section~~ those sections, and ~~is~~ are
26 not a part of or subject to the maximums set in this section.

27 Sec. 8. Section 903.1, subsection 4, Code 1995, is amended
28 to read as follows:

29 4. The criminal penalty surcharge required by section
30 911.2 and the prison and jail surcharge required by section
31 911A.2 shall be added to a fine imposed on a misdemeanor, and
32 ~~is~~ are not a part of or subject to the maximums set in this
33 section.

34 Sec. 9. Section 909.8, Code 1995, is amended to read as
35 follows:

1 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL
2 PENALTY-SURCHARGE SURCHARGES.

3 The provisions of this chapter governing the payment and
4 collection of a fine, except section 909.3A, also apply to the
5 payment and collection of a criminal penalty surcharge imposed
6 pursuant to chapter 911 and the prison and jail surcharge
7 imposed pursuant to chapter 911A.

8 Sec. 10. Section 909.10, subsection 1, Code 1995, is
9 amended to read as follows:

10 1. As used in this section, unless the context otherwise
11 requires, "delinquent amounts" means a fine, court-imposed
12 court costs in a criminal proceeding, ~~or~~ criminal surcharge
13 imposed pursuant to section 911.2, or prison and jail
14 surcharge imposed pursuant to section 911A.2, which remains
15 unpaid after two years from the date that the fine, court
16 costs, or surcharge was imposed, and which is not collected by
17 the county attorney pursuant to section 602.8107. However, if
18 the fine may be paid in installments pursuant to section
19 909.3, the fine is not a delinquent amount unless the
20 installment remains unpaid after two years from the date the
21 installment was due.

22 Sec. 11. NEW SECTION. 911A.1 PRISON AND JAIL SURCHARGE
23 ESTABLISHED.

24 A prison and jail surcharge shall be levied against certain
25 law violators as provided in section 911A.2. The surcharge
26 shall be used as provided in section 911A.3.

27 Sec. 12. NEW SECTION. 911A.2 SURCHARGE.

28 When a court imposes a fine or forfeiture for a violation
29 of a state law, or of a city or county ordinance except an
30 ordinance regulating the parking of motor vehicles, the court
31 shall assess an additional penalty in the form of a surcharge
32 equal to ten dollars. In the event of multiple offenses, the
33 surcharge shall be based upon the total number of offenses.
34 When a fine or forfeiture is suspended in whole or in part,
35 the surcharge shall not be reduced.

1 The surcharge is subject to the provisions of chapter 909
2 governing the payment and collection of fines, as provided in
3 section 909.8.

4 Sec. 13. NEW SECTION. 911A.3 DISPOSITION OF SURCHARGE.

5 When a court assesses a surcharge under section 911A.2,
6 notwithstanding any other provision of the Code to the
7 contrary, proceeds from the surcharge shall be appropriated
8 and distributed as follows:

9 1. If the surcharge is assessed for a scheduled violation
10 under section 805.8 and the citation was issued by a peace
11 officer employed by the state, all of the surcharge shall be
12 transferred to the department of corrections to be used only
13 for the construction and maintenance of incarceration space
14 necessary to expand the capacity of prisons or community-based
15 correctional facilities.

16 2. If the surcharge is assessed for a scheduled violation
17 under section 805.8 and the citation was issued by a peace
18 officer employed by a political subdivision, the surcharge
19 shall be disposed of as follows:

20 a. Five dollars of the surcharge shall be transferred to
21 the department of corrections to be used only for the
22 construction and maintenance of incarceration space necessary
23 to expand the capacity of prisons or community-based
24 correctional facilities.

25 b. Five dollars of the surcharge shall be transferred to
26 the treasurer of the county in which the citation was issued
27 to be deposited in the general fund of the county and used
28 only for the expansion of the capacity of the county jail or
29 the maintenance of county jail facilities.

30 3. If the surcharge is assessed for a violation other than
31 a scheduled violation, the surcharge shall be disposed of as
32 follows:

33 a. Five dollars of the surcharge shall be transferred to
34 the department of corrections to be used only for the
35 construction and maintenance of incarceration space necessary

1 to expand the capacity of prisons or community-based
2 correctional facilities.

3 b. If the surcharge is assessed for a violation of a city
4 ordinance, five dollars of the surcharge shall be transferred
5 to the city, but only if the city operates a jail or temporary
6 holding facility, for use only for construction and
7 maintenance of a city jail or temporary holding facility. If
8 the city does not operate a jail or temporary holding
9 facility, five dollars of the surcharge shall be transferred
10 to the treasurer of the county in which the citation was
11 issued to be deposited in the general fund of the county and
12 used only for the expansion of the capacity of the county jail
13 or the maintenance of county jail facilities.

14 EXPLANATION

15 This bill provides for the assessment of a \$10 surcharge on
16 fines and forfeitures imposed for the violation of state law
17 or city or county ordinance. If the surcharge is imposed for
18 a scheduled violation, and the citation is issued by a peace
19 officer employed by the state, the entire surcharge shall be
20 allocated to the department of corrections for use in
21 expanding the capacity of Iowa prisons and community-based
22 correctional facilities. If the citation is issued by a peace
23 officer from a political subdivision or for nonscheduled
24 violations, \$5 of the surcharge would be allocated to the
25 department of corrections and the other \$5 of the surcharge
26 would be transferred to the county in which the citation was
27 issued for use in financing the expansion of county jail
28 facilities or the maintenance of existing jail facilities.

29 If the citation is issued for a violation of a city
30 ordinance, and the city operates a city jail or temporary
31 holding facility, \$5 of the surcharge shall go to the city for
32 construction and maintenance of the city facility. If the
33 city does not operate a jail or temporary holding facility,
34 the \$5 goes to the county for jail purposes. The bill also
35 provides that the prison and jail surcharge is not considered

1 part of a penalty imposed by a city or county.

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HOUSE FILE 572
FISCAL NOTE

A fiscal note for House File 572 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.

House File 572 provides for a \$10 surcharge on fines and forfeitures imposed for the violation of State law or local ordinance. The surcharge is allocated as follows:

1. When the citation is issued by a State peace officer for a scheduled violation, the surcharge is allocated to the Department of Corrections to be used in expanding prison and community-based corrections facilities.
2. If the citation is issued by a peace officer from a political subdivision or if the offense is a nonscheduled violation, other than a city ordinance, \$5 of the surcharge is allocated to the Department of Corrections and \$5 is transferred to the county where the citation was issued to be used for jail expansion and maintenance.
3. If the citation is for a violation of a city ordinance and the city operates a jail or holding facility, then \$5 of the surcharge is allocated to the Department of Corrections and \$5 is transferred to the city for construction or maintenance of the city jail or holding facility. If the city does not have a jail or holding facility, the \$5 is allocated to the county.

Assumptions:

1. There will be 450,000 scheduled violations on which prison and jail surcharges will be collected. Sixty percent will be issued by State peace officers.
2. There will be 67,233 simple misdemeanors on which prison and jail surcharges will be collected.
3. There will be 4,430 felonies and indictable misdemeanors on which prison and jail surcharges will be collected.
4. There will be 53,733 city ordinance violations on which prison and jail surcharges will be collected. Thirty percent of the violations will be allocated to cities, and 70.0% will be allocated to the counties.

Fiscal Impact:

The Department of Corrections will receive \$4.2 million annually.

The counties will receive \$1.4 million annually.

The cities will receive \$81,000 annually.

The Judicial Department will incur \$7,600 in expenses for conversions and enhancements to the Iowa Court Information System (ICIS).

Sources:

Judicial Department

(LSB 1682hv, MDF)

FILED APRIL 25, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 572
FISCAL NOTE

A fiscal note for House File 572 as amended by Senate Amendment H-4169 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.

House File 572, as amended by Senate Amendment H-4169, provides for a \$10 surcharge on fines and forfeitures imposed for the violation of State law or local ordinance. The surcharge is allocated as follows:

1. When the citation is issued by a State peace officer for a scheduled violation, \$9 of the surcharge is deposited in the State General Fund.
2. If the citation is issued by a peace officer from a political subdivision for a scheduled violation or if the offense is a nonscheduled violation, other than a city ordinance, \$4.50 of the surcharge is deposited in the State General Fund and \$4.50 is transferred to the county where the citation was issued to be used for jail expansion and maintenance.
3. If the citation is for a violation of a city ordinance and the city operates a jail or holding facility, \$9 of the surcharge is transferred to the city. If the city does not operate a jail or holding facility, \$9 of the surcharge is transferred to the county. The amounts transferred to the cities or counties are to be used only for construction or maintenance of jails or holding facilities operated by the cities or counties.
4. The Judicial Department receives \$1 of each Prison and Jail Surcharge.

The Bill, as amended, imposes a \$200 civil penalty when motor vehicle licenses are revoked for violations of Chapter 321 or 321A (financial responsibility). Proceeds from the civil penalty are to be split equally between the Crime Victim Compensation Fund and the State General Fund.

The Bill, as amended, permits each county to establish a County Security Fund. The moneys are to be used for security-related expenditures, such as, metal detectors, surveillance equipment, training, and security equipment. The Fund is financed by a County Security Fee which is assessed as follows:

1. A fee of \$3 for each civil action.
2. A fee of \$5 for each felony offense.
3. A fee of \$3 for each misdemeanor offense or scheduled violation involving a court appearance.
4. A fee of \$1 for each scheduled violation that does not involve a court appearance.
5. No fee is assessed for a parking violation.

Assumptions:

1. There will be 450,000 scheduled violations on which Prison and Jail Surcharges and County Security Fees can be collected; 22,751 of the scheduled violations will involve a court appearance. Sixty percent will

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be issued by State peace officers.

2. There will be 67,233 simple misdemeanors on which Prison and Jail Surcharges and County Security Fees can be collected.
3. There will be 787 felonies and 3,643 indictable misdemeanors on which Prison and Jail Surcharges and County Security Fees can be collected.
4. There will be 53,733 city ordinance violations on which Prison and Jail Surcharges can be collected. Thirty percent of the violations will be allocated to cities, and 70.0% will be allocated to counties.
5. There will be 38,245 civil cases and 68,375 small claims civil cases on which County Security Fees can be collected.
6. There were 10,000 license reinstatements in FY 1994. It is likely that the only individuals from whom the \$200 civil penalty will be collected are those applying for reinstatement of a license.

Fiscal Impact:

Prison and Jail Surcharge

The State General Fund will receive \$3.6 million annually from the Prison and Jail Surcharge.

The counties will receive \$1.5 million annually from the Prison and Jail Surcharge.

The cities will receive \$145,000 annually from the Prison and Jail Surcharge.

The Judicial Department will receive \$575,000 annually from the Prison and Jail Surcharge.

Civil Penalties

The State General Fund will receive \$1.0 million from the motor vehicle license reinstatement civil penalty, and the Crime Victim Compensation Fund will receive \$1.0 million annually.

County Security Fee

County Security Funds could receive up to \$1.0 million annually.

Other Costs

The Judicial Department will incur \$7,600 in expenses for conversions and enhancements to the Iowa Court Information System (ICIS).

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Sources:

Judicial Department
Department of Transportation

(LSB 1682hv.4, MDF)

HOUSE FILE 572

H-4111

1 Amend House File 572 as follows:
 2 1. Page 4, line 33, by striking the word "Five"
 3 and inserting the following: "If the violation is
 4 other than a violation of a city ordinance, five".
 5 2. Page 5, line 2, by inserting after the word
 6 "facilities." the following: "The other five dollars
 7 of the surcharge shall be transferred to the treasurer
 8 of the county in which the violation occurred to be
 9 deposited in the general fund of the county and used
 10 only for the expansion of the capacity of the county
 11 jail or the maintenance of county jail facilities."
 12 3. Page 5, line 4, by striking the words "five
 13 dollars of the" and inserting the following: "the
 14 entire".
 15 4. Page 5, line 9, by striking the words "five
 16 dollars of the" and inserting the following: "the
 17 entire".

By GRUNDBERG of Polk

H-4111 FILED APRIL 26, 1995

Adopted 4-27-95 (P. 1976)

HOUSE FILE 572

H-4104

1 Amend House File 572 as follows:
 2 1. Page 4, line 27, by inserting after the word
 3 "used" the following: "as follows:
 4 (1) Sixty percent of the amount deposited from the
 5 surcharge shall be used only for traffic safety and
 6 accident prevention programs.
 7 (2) Forty percent of the amount deposited from the
 8 surcharge shall be used".
 9 2. Title page, line 4, by inserting after the
 10 word "jails" the following: "and traffic safety
 11 programs".

By SHOULTZ of Black Hawk

H-4104 FILED APRIL 26, 1995

*Lost 4-27-95**(P. 1976)*

HOUSE FILE 572

H-4106

1 Amend House File 572 as follows:
 2 1. Page 5, by inserting after line 2 the
 3 following:
 4 "____. If the surcharge is assessed for a violation
 5 other than a violation of a city ordinance, five
 6 dollars of the surcharge shall be transferred to the
 7 treasurer of the county in which the violation
 8 occurred to be deposited in the general fund of the
 9 county and used only for the expansion of the capacity
 10 of the county jail or the maintenance of county jail
 11 facilities."
 12 2. By relettering as necessary.

By SHOULTZ of Black Hawk

H-4106 FILED APRIL 26, 1995

WITHDRAWN*4-27-95 (P. 1976)*

*Died in
Conference Comm.*

HOUSE FILE 572

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 160)

(As Amended and Passed by the House April 27, 1995)

Passed House, ^(P.1976) Date 4/27/95
Vote: Ayes 96 Nays 2

Passed Senate, ^(P.1512) Date 4/28/95
Vote: Ayes 47 Nays 3

Approved _____

A BILL FOR

1 An Act relating to imposing a prison and jail surcharge on
2 scheduled fines and forfeitures and providing for the
3 appropriation and disposition of the proceeds from the
4 surcharge for prisons and jails.

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

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House Amendments _____

5/2/95

9 *House Conf. Comm.*
10
11 *Lombardi*
12 *Sarmon*
13 *Weidman*
14 *Morland*
15 *Kreiman*

Sen. Conf. Comm.
Vilsack, Ch.
Giannetto
Hansen
Wrake
McKean

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1 Section 1. Section 331.302, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. A county shall not provide a penalty in excess of a one
4 hundred dollar fine or in excess of thirty days imprisonment
5 for the violation of an ordinance. The criminal penalty
6 surcharge required by section 911.2 and the prison and jail
7 surcharge required by section 911A.2 shall be added to a
8 county fine and is not a part of the county's penalty.

9 Sec. 2. Section 364.3, subsection 2, Code 1995, is amended
10 to read as follows:

11 2. A city shall not provide a penalty in excess of a one
12 hundred dollar fine or in excess of thirty days imprisonment
13 for the violation of an ordinance. An amount equal to ten
14 percent of all fines collected by cities shall be deposited in
15 the account established in section 602.8108. However, one
16 hundred percent of all fines collected by a city pursuant to
17 section 321.236, subsection 1, shall be retained by the city.
18 The criminal penalty surcharge required by section 911.2 and
19 the prison and jail surcharge required by section 911A.2 shall
20 be added to a city fine and is not a part of the city's
21 penalty.

22 Sec. 3. Section 602.8107, subsection 2, paragraph b, Code
23 1995, is amended to read as follows:

24 b. Fines or penalties and ~~criminal-penalty~~ surcharges.

25 Sec. 4. Section 602.8107, subsection 4, unnumbered
26 paragraph 2, Code 1995, is amended to read as follows:

27 This subsection does not apply to amounts collected for
28 victim restitution, the victim compensation fund, criminal
29 penalty surcharge, prison and jail surcharge, or amounts
30 collected as a result of procedures initiated under section
31 421.17, subsection 25.

32 Sec. 5. Section 805.8, subsection 1, Code 1995, is amended
33 to read as follows:

34 1. APPLICATION. Except as otherwise indicated, violations
35 of sections of the Code specified in this section are

1 scheduled violations, and the scheduled fine for each of those
2 violations is as provided in this section, whether the
3 violation is of state law or of a county or city ordinance.

4 The ~~criminal-penalty-surcharge~~ surcharges required by section
5 911.2 and section 911A.2 shall be added to the scheduled fine.

6 Sec. 6. Section 805.8, subsection 11, unnumbered paragraph
7 1, Code 1995, is amended to read as follows:

8 For violations of section 142B.6 or 453A.2, subsection 2,
9 the scheduled fine is twenty-five dollars, and is a civil
10 penalty, and the ~~criminal-penalty-surcharge~~ surcharges under
11 section 911.2 and section 911A.2 shall not be added to the
12 penalty, and the court costs pursuant to section 805.9,
13 subsection 6, shall not be imposed. If the civil penalty
14 assessed for a violation of section 142B.6 is not paid in a
15 timely manner, a citation shall be issued for the violation in
16 the manner provided in section 804.1. However, a person under
17 age eighteen shall not be detained in a secure facility for
18 failure to pay the civil penalty. The complainant shall not
19 be charged a filing fee.

20 Sec. 7. Section 902.9, unnumbered paragraph 2, Code 1995,
21 is amended to read as follows:

22 The criminal penalty surcharge required by section 911.2
23 and the prison and jail surcharge required by section 911A.2
24 shall be added to a fine imposed on a class "C" or class "D"
25 felon, as provided by ~~that-section~~ those sections, and ~~is~~ are
26 not a part of or subject to the maximums set in this section.

27 Sec. 8. Section 903.1, subsection 4, Code 1995, is amended
28 to read as follows:

29 4. The criminal penalty surcharge required by section
30 911.2 and the prison and jail surcharge required by section
31 911A.2 shall be added to a fine imposed on a misdemeanor, and
32 ~~is~~ are not a part of or subject to the maximums set in this
33 section.

34 Sec. 9. Section 909.8, Code 1995, is amended to read as
35 follows:

1 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL
2 PENALTY-SURCHARGE SURCHARGES.

3 The provisions of this chapter governing the payment and
4 collection of a fine, except section 909.3A, also apply to the
5 payment and collection of a criminal penalty surcharge imposed
6 pursuant to chapter 911 and the prison and jail surcharge
7 imposed pursuant to chapter 911A.

8 Sec. 10. Section 909.10, subsection 1, Code 1995, is
9 amended to read as follows:

10 1. As used in this section, unless the context otherwise
11 requires, "delinquent amounts" means a fine, court-imposed
12 court costs in a criminal proceeding, or criminal surcharge
13 imposed pursuant to section 911.2, or prison and jail
14 surcharge imposed pursuant to section 911A.2, which remains
15 unpaid after two years from the date that the fine, court
16 costs, or surcharge was imposed, and which is not collected by
17 the county attorney pursuant to section 602.8107. However, if
18 the fine may be paid in installments pursuant to section
19 909.3, the fine is not a delinquent amount unless the
20 installment remains unpaid after two years from the date the
21 installment was due.

22 Sec. 11. NEW SECTION. 911A.1 PRISON AND JAIL SURCHARGE
23 ESTABLISHED.

24 A prison and jail surcharge shall be levied against certain
25 law violators as provided in section 911A.2. The surcharge
26 shall be used as provided in section 911A.3.

27 Sec. 12. NEW SECTION. 911A.2 SURCHARGE.

28 When a court imposes a fine or forfeiture for a violation
29 of a state law, or of a city or county ordinance except an
30 ordinance regulating the parking of motor vehicles, the court
31 shall assess an additional penalty in the form of a surcharge
32 equal to ten dollars. In the event of multiple offenses, the
33 surcharge shall be based upon the total number of offenses.
34 When a fine or forfeiture is suspended in whole or in part,
35 the surcharge shall not be reduced.

1 The surcharge is subject to the provisions of chapter 909
2 governing the payment and collection of fines, as provided in
3 section 909.8.

4 Sec. 13. NEW SECTION. 911A.3 DISPOSITION OF SURCHARGE.

5 When a court assesses a surcharge under section 911A.2,
6 notwithstanding any other provision of the Code to the
7 contrary, proceeds from the surcharge shall be appropriated
8 and distributed as follows:

9 1. If the surcharge is assessed for a scheduled violation
10 under section 805.8 and the citation was issued by a peace
11 officer employed by the state, all of the surcharge shall be
12 transferred to the department of corrections to be used only
13 for the construction and maintenance of incarceration space
14 necessary to expand the capacity of prisons or community-based
15 correctional facilities.

16 2. If the surcharge is assessed for a scheduled violation
17 under section 805.8 and the citation was issued by a peace
18 officer employed by a political subdivision, the surcharge
19 shall be disposed of as follows:

20 a. Five dollars of the surcharge shall be transferred to
21 the department of corrections to be used only for the
22 construction and maintenance of incarceration space necessary
23 to expand the capacity of prisons or community-based
24 correctional facilities.

25 b. Five dollars of the surcharge shall be transferred to
26 the treasurer of the county in which the citation was issued
27 to be deposited in the general fund of the county and used
28 only for the expansion of the capacity of the county jail or
29 the maintenance of county jail facilities.

30 3. If the surcharge is assessed for a violation other than
31 a scheduled violation, the surcharge shall be disposed of as
32 follows:

33 a. If the violation is other than a violation of a city
34 ordinance, five dollars of the surcharge shall be transferred
35 to the department of corrections to be used only for the

1 construction and maintenance of incarceration space necessary
2 to expand the capacity of prisons or community-based
3 correctional facilities. The other five dollars of the
4 surcharge shall be transferred to the treasurer of the county
5 in which the violation occurred to be deposited in the general
6 fund of the county and used only for the expansion of the
7 capacity of the county jail or the maintenance of county jail
8 facilities.

9 b. If the surcharge is assessed for a violation of a city
10 ordinance, the entire surcharge shall be transferred to the
11 city, but only if the city operates a jail or temporary
12 holding facility, for use only for construction and
13 maintenance of a city jail or temporary holding facility. If
14 the city does not operate a jail or temporary holding
15 facility, the entire surcharge shall be transferred to the
16 treasurer of the county in which the citation was issued to be
17 deposited in the general fund of the county and used only for
18 the expansion of the capacity of the county jail or the
19 maintenance of county jail facilities.

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**HOUSE FILE 572
FISCAL NOTE**

A fiscal note for House File 572, as amended and passed by the House, 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.

House File 572, as amended and passed by the House, provides for a \$10 surcharge on fines and forfeitures imposed for the violation of State law or local ordinance. The surcharge is allocated as follows:

1. When the citation is issued by a State peace officer for a scheduled violation, the surcharge is allocated to the Department of Corrections to be used in expanding prison and community-based corrections facilities.
2. If the citation is issued by a peace officer from a political subdivision for a scheduled violation or if the offense is a nonscheduled violation, other than a city ordinance, \$5 of the surcharge is allocated to the Department of Corrections and \$5 is transferred to the county where the citation was issued to be used for jail expansion and maintenance.
3. If the citation is for a violation of a city ordinance and the city operates a jail or holding facility, then the entire surcharge is transferred to the city. If the city does not operate a jail or holding facility, then the entire surcharge is transferred to the county. The amounts transferred to the city or counties are to be used only for construction or maintenance of jails or holding facilities operated by the cities or counties.

Assumptions:

1. There will be 450,000 scheduled violations on which prison and jail surcharges will be collected. Sixty percent will be issued by State peace officers.
2. There will be 67,233 simple misdemeanors on which prison and jail surcharges will be collected.
3. There will be 4,430 felonies and indictable misdemeanors on which prison and jail surcharges will be collected.
4. There will be 53,733 city ordinance violations on which prison and jail surcharges will be collected. Thirty percent of the violations will be allocated to cities, and 70.0% will be allocated to the counties.

Fiscal Impact:

The Department of Corrections will receive \$4.0 million annually.

The counties will receive \$1.6 million annually.

The cities will receive \$161,000 annually.

The Judicial Department will incur \$7,600 in expenses for conversions and

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enhancements to the Iowa Court Information System (ICIS).

Sources:

Judicial Department

(LSB 1682hv.2, MDF)

FILED APRIL 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 572

S-3611

1 Amend House File 572, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 101. Section 99D.8, unnumbered paragraphs
6 1 and 2, Code 1995, are amended to read as follows:

7 A qualifying organization, as defined in section
8 513(d)(2)(C) of the Internal Revenue Code, as defined
9 in section 422.3, exempt from federal income taxation
10 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of
11 the Internal Revenue Code or a nonprofit corporation
12 organized under the laws of this state, whether or not
13 it is exempt from federal income taxation, which is
14 organized to promote those purposes enumerated in
15 section 99B.7, subsection 3, paragraph "b", and or
16 which regularly conducts, ~~as one of its substantial~~
17 ~~exempt purposes,~~ an agricultural and educational fair
18 or exposition for the promotion of the horse, dog, or
19 other livestock breeding industries of the state, or
20 an agency, instrumentality, or political subdivision
21 of the state, may apply to the commission for a
22 license to conduct horse or dog racing. The
23 application shall be filed with the administrator of
24 the commission at least sixty days before the first
25 day of the horse race or dog race meeting which the
26 organization proposes to conduct, shall specify the
27 day or days when and the exact location where it
28 proposes to conduct racing, and shall be in a form and
29 contain information as the commission prescribes.

30 If any part of the net income of a licensee is
31 determined to be unrelated business taxable income as
32 defined in sections 511 through 514 of the Internal
33 Revenue Code, or is otherwise taxable, the qualifying
34 organization licensee shall be required to distribute
35 the such amount of net unrelated business taxable
36 income to political subdivisions in the state and
37 organizations described in section 501(c)(3) of the
38 Internal Revenue Code in the county in which it the
39 licensee operates. ~~Distributions to these~~
40 ~~organizations made during the year in which the~~
41 ~~unrelated business income was earned shall be treated~~
42 ~~as included in the required distributions for this~~
43 ~~purpose.~~

44 Sec. 102. Section 99F.1, subsection 14, Code 1995,
45 is amended to read as follows:

46 14. "Qualified sponsoring organization" means a
47 nonprofit corporation organized under the laws of this
48 state, whether or not it is exempt from federal income
49 taxation, or a person or association that can show to
50 the satisfaction of the commission that the person or

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1 association is eligible for exemption from federal
2 income taxation under section 501(c)(3), 501(c)(4),
3 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8),
4 501(c)(10), or 501(c)(19) of the Internal Revenue Code
5 as defined in section 422.3.
6 Sec. 103. Section 99F.6, subsection 4, paragraph
7 a, Code 1995, is amended to read as follows:
8 a. Before a license is granted, the division of
9 criminal investigation of the department of public
10 safety shall conduct a thorough background
11 investigation of the applicant for a license to
12 operate a gambling game operation on an excursion
13 gambling boat. The applicant shall provide
14 information on a form as required by the division of
15 criminal investigation. ~~Before-a~~ A qualified
16 sponsoring organization ~~is licensed~~ to operate
17 gambling games under this chapter, ~~the-qualified~~
18 ~~sponsoring-organization~~ shall ~~certify-that~~ distribute
19 the receipts of all gambling games, less reasonable
20 expenses, charges, taxes, fees, and deductions allowed
21 under this chapter, will-be-distributed as winnings to
22 players or participants or will-be-distributed shall
23 distribute the receipts for educational, civic,
24 public, charitable, patriotic, or religious uses as
25 defined in section 99B.7, subsection 3, paragraph "b".
26 However, if a licensee who is also licensed to conduct
27 pari-mutuel wagering at a horse racetrack has unpaid
28 debt from the pari-mutuel racetrack operations, the
29 first receipts of the gambling games operated within
30 the racetrack enclosure less reasonable operating
31 expenses, taxes, and fees allowed under this chapter
32 shall be first used to pay the annual indebtedness.
33 The commission shall authorize, subject to the debt
34 payments for horse racetracks and the provisions of
35 paragraph "b" for dog racetracks, a licensee who is
36 also licensed to conduct pari-mutuel dog or horse
37 racing to use receipts from gambling games within the
38 racetrack enclosure to supplement purses for races
39 particularly for Iowa-bred horses pursuant to an
40 agreement which shall be negotiated between the
41 licensee and representatives of the dog or horse
42 owners. A qualified sponsoring organization shall not
43 make a contribution to a candidate, political
44 committee, candidate's committee, state statutory
45 political committee, county statutory political
46 committee, national political party, or fund-raising
47 event as these terms are defined in section 56.2. The
48 membership of the board of directors of a qualified
49 sponsoring organization shall represent a broad
50 interest of the communities."

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1 2. Page 1, by inserting after line 8 the
2 following:

3 "Sec. . NEW SECTION. 331.430A COURTHOUSE
4 SECURITY FUND.

5 1. A courthouse security fund is created in each
6 county. The fund shall consist of receipts of
7 courthouse security fees taxed and collected by the
8 clerk of the district court and paid to the county
9 treasurer. The fund shall be administered by the
10 county sheriff to provide for the salaries, benefits,
11 equipment, and training of security staff and for the
12 purchase and maintenance of security equipment for the
13 courthouse. Expenditures from the fund are subject to
14 approval of the board of supervisors.

15 2. Moneys in the courthouse security fund shall be
16 used for security-related expenditures including, but
17 not limited to, the purchase and maintenance of x-ray
18 machines and conveying systems; handheld metal
19 detectors; walk-through metal detectors;
20 identification cards and systems; electronic locking
21 and surveillance equipment; salaries, benefits,
22 uniforms, firearms, training, and other necessary
23 equipment for the performance of duties for deputy
24 sheriffs assigned to courthouse security detail;
25 signage; evidence security and inventory systems; and
26 security hardware and equipment necessary or commonly
27 used in video arraignment systems.

28 3. The courthouse security fee shall be taxed
29 pursuant to sections 625.8A and 815.14 as a court cost
30 by the clerk of the district court to each civil
31 action filed in the district court and each criminal
32 complaint, indictment, or citation if the defendant is
33 convicted or pleads guilty to the offense contained in
34 the complaint, indictment, or citation.

35 4. The courthouse security fee shall not be taxed
36 as a court cost for a parking violation."

37 3. Page 1, by inserting after line 31 the
38 following:

39 "Sec. . NEW SECTION. 625.8A COURTHOUSE
40 SECURITY FEE.

41 1. The clerk of the district court shall tax as a
42 court cost a fee of three dollars for each civil
43 action filed in the district court. Except as
44 provided in subsection 2, the fee shall be collected
45 at the time that a civil action is filed. The revenue
46 from the fees required by this section shall be
47 deposited in the county's courthouse security fund
48 created in section 331.430A.

49 2. In a civil action brought by the state or a
50 political subdivision of the state in which the state

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1 or the political subdivision of the state is a
2 prevailing party, the fee shall be taxed and collected
3 against the party which does not prevail. A county is
4 not liable for payment of the courthouse security
5 fee."

6 4. Page 2, by inserting after line 19 the
7 following:

8 "Sec. ____ . NEW SECTION. 815.14 COURTHOUSE
9 SECURITY FEE.

10 1. The clerk of the district court shall tax as a
11 court cost the following fees, as applicable, to each
12 criminal complaint, indictment, or citation filed in
13 the district court, if the defendant is convicted or
14 pleads guilty to the offense contained in the
15 complaint, indictment, or citation:

16 a. A fee of five dollars for each felony offense.

17 b. A fee of three dollars for each misdemeanor
18 offense or uniform citation and complaint issued
19 pursuant to chapter 805 except as provided in
20 paragraph "c".

21 c. A fee of one dollar for each uniform citation
22 and complaint issued pursuant to chapter 805 for which
23 a court appearance is not required or requested.

24 2. The revenue from the fees required by this
25 section shall be deposited in the county's courthouse
26 security fund created in section 331.430A. The fee
27 shall not be taxed as a court cost for a parking
28 violation."

29 5. Page 4, by striking lines 21 through 24 and
30 inserting the following: "the general fund of the
31 state."

32 6. By striking page 4, line 35, through page 5,
33 line 3, and inserting the following: "to the general
34 fund of the state. The other five dollars of the".

35 7. Page 5, by inserting after line 19 the
36 following:

37 "Sec. ____ . EFFECTIVE AND APPLICABILITY DATES.
38 Sections 101, 102, and 103 of this Act, being deemed
39 of immediate importance, take effect upon enactment
40 and apply retroactively to January 1, 1995."

A. 41 8. Title page, line 1, by inserting after the
42 word "relating" the following: "to the qualifications
43 of a qualifying organization which are necessary to
44 conduct pari-mutuel wagering at racetracks or gambling
45 games on excursion gambling boats,".

B. 46 9. Title page, line 4, by inserting after the
47 word "jails" the following: "creating a courthouse
48 security fund, imposing courthouse security fees as a
49 court cost, and providing for the purchase and
50 maintenance of courthouse security equipment and the

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- B 1 administration of the courthouse security fund, and
- 2 providing effective and applicability dates".
- 3 10. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
LARRY MURPHY, Chairperson

S-3611 FILED APRIL 27, 1995

A. Out of Order 4/28/95
B. adopted 4/28/95 (p. 1512)

**HOUSE FILE 572
FISCAL NOTE**

A fiscal note for **Amendment S-3611 to House File 572** 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 S-3611 to House File 572 creates a Courthouse Security Fund in each county. The moneys are to be used for security-related expenditures, such as, metal detectors, surveillance equipment, training, security equipment, and other related expenditures. The Fund is financed by a Courthouse Security Fee which is assessed as follows:

1. A fee of \$3 for each civil action.
2. A fee of \$5 for each felony offense.
3. A fee of \$3 for each misdemeanor offense or scheduled violation involving a court appearance.
4. A fee of \$1 for each scheduled violation that does not involve a court appearance.
5. No fee is assessed for a parking violation.

The Amendment directs the prison surcharge be deposited into the General Fund rather than being transferred to the Department of Corrections.

The Amendment also amends Sections 99D and 99F, Code of Iowa to maintain the nonprofit status and federal tax exemption for Iowa's dog and horse racetracks.

Assumptions:

1. There will be 38,245 civil cases and 68,375 small claims civil cases.
2. There will be 787 felonies.
3. There will be 67,233 simple misdemeanors and 3,643 indictable misdemeanors.
4. There will be 450,000 scheduled violations. Of these, 22,751 will involve a court appearance.

Fiscal Impact:

The General Fund will receive \$4.0 million annually from the Prison and Jail Surcharge.

County Courthouse Security Funds will receive a total of \$1.0 million annually.

The Prison and Jail Surcharge distributed to the counties will not be affected. County general funds will receive \$1.6 million annually as provided in HF 572.

The Prison and Jail Surcharge distributed to the cities will not be affected. The cities will receive \$161,000 annually as provided in HF 572.

Source: Judicial Department

(LSB 1682HV.3, MDF)

FILED APRIL 28, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 572

S-3612

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 2 the
5 following:

6 "Sec. ____ . NEW SECTION. 321.218A CIVIL PENALTY
7 -- DISPOSITION -- REINSTATEMENT.

8 When the department receives a record of a person's
9 conviction for a violation of section 321.218, the
10 department shall assess the person a civil penalty of
11 two hundred dollars. The money collected by the
12 department under this section shall be transmitted to
13 the treasurer of state who shall deposit one-half of
14 the money in the separate fund established in section
15 912.14 and one-half of the money shall be deposited in
16 the general fund of the state. A temporary restricted
17 license shall not be issued or a motor vehicle license
18 or nonresident operating privilege reinstated until
19 the civil penalty has been paid.

20 Sec. ____ . NEW SECTION. 321.561A CIVIL PENALTY --
21 DISPOSITION -- REINSTATEMENT.

22 When the department receives a record of a person's
23 conviction for a violation of section 321.561, the
24 department shall assess the person a civil penalty of
25 two hundred dollars. The money collected by the
26 department under this section shall be transmitted to
27 the treasurer of state who shall deposit one-half of
28 the money in the separate fund established in section
29 912.14 and one-half of the money shall be deposited in
30 the general fund of the state. A temporary restricted
31 license shall not be issued or a motor vehicle license
32 or nonresident operating privilege reinstated until
33 the civil penalty has been paid.

34 Sec. ____ . NEW SECTION. 321A.32A CIVIL PENALTY --
35 DISPOSITION -- REINSTATEMENT.

36 When the department receives a record of a person's
37 conviction for a violation of section 321A.32,
38 paragraph 1, the department shall assess the person a
39 civil penalty of two hundred dollars. The money
40 collected by the department under this section shall
41 be transmitted to the treasurer of state who shall
42 deposit one-half of the money in the separate fund
43 established in section 912.14 and one-half of the
44 money shall be deposited in the general fund of the
45 state. A temporary restricted license shall not be
46 issued or a motor vehicle license or nonresident
47 operating privilege reinstated until the civil penalty
48 has been paid."

49 2. Page 4, by inserting after line 45 the
50 following:

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1 "_____. Title page, line 1, by inserting after the
2 word "imposing" the following: "a civil penalty for
3 certain motor vehicle license revocations, imposing".
4 3. By renumbering as necessary.

By TOM VILSACK

S-3612 FILED APRIL 28, 1995

Adopted
4.28.95
(P.1503)

HOUSE FILE 572

S-3615

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 50 the
5 following:
6 "Sec. 111. Section 99F.7, subsection 10, paragraph
7 a, Code 1995, is amended to read as follows:
8 a. A license to conduct gambling games on an
9 excursion gambling boat in a county shall be issued
10 only if the county electorate approves the conduct of
11 the gambling games as provided in this subsection.
12 The board of supervisors, upon receipt of a valid
13 petition meeting the requirements of section 331.306,
14 shall direct the commissioner of elections to submit
15 to the qualified electors of the county a proposition
16 to approve or disapprove the conduct of gambling games
17 on an excursion gambling boat in the county. The
18 proposition shall be submitted at a general election
19 or at a special election called for that purpose. To
20 be submitted at a general election, the petition must
21 be received by the board of supervisors at least five
22 working days before the last day for candidates for
23 county offices to file nomination papers for the
24 general election pursuant to section 44.4. If a
25 majority of the county voters voting on the
26 proposition favor the conduct of gambling games, the
27 commission may issue one or more licenses as provided
28 in this chapter. If a majority of the county voters
29 voting on the proposition do not favor the conduct of
30 gambling games, a license to conduct gambling games in
31 the county shall not be issued. ~~After a referendum~~
32 ~~has been held, another referendum requested by~~
33 ~~petition shall not be held for at least two years.~~
34 Sec. 112. Section 99F.7, subsection 10, Code 1995,
35 is amended by adding the following new paragraph:
36 NEW PARAGRAPH. d. After a referendum has been
37 held which defeated a proposal to conduct gambling
38 games on excursion gambling boats or which defeated a
39 proposal to conduct gambling games at a licensed pari-
40 mutuel racetrack enclosure as provided in this
41 section, another referendum on a proposal to conduct
42 gambling games on an excursion gambling boat or at a
43 licensed pari-mutuel racetrack shall not be held for
44 at least two years."
45 2. Page 4, line 40, by inserting after the figure
46 "1995" the following: ", and sections 111 and 112 of
47 this Act apply retroactively to September 1, 1994".

By DONALD B. REDFERN

S-3615 FILED APRIL 28, 1995
RULED OUT OF ORDER

(P. 1508)

HOUSE FILE 572

S-3616

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking line 5 and inserting the
5 following:

6 "1. A courthouse security fund may be established
7 in each".

8 2. Page 3, line 28, by striking the word "The"
9 and inserting the following: "In each county which
10 has established a courthouse security fund, the".

11 3. Page 3, line 41, by striking the word "The"
12 and inserting the following: "In each county which
13 has established a courthouse security fund, the".

14 4. Page 4, line 10, by striking the word "The"
15 and inserting the following: "In each county which
16 has established a courthouse security fund, the".

17 5. Page 4, line 24, by striking the words
18 "required by" and inserting the following: "provided
19 for in".

20 6. Page 4, lines 47 and 48, by striking the words
21 "creating a courthouse security fund, imposing" and
22 inserting the following: "providing for the creation
23 of a courthouse security fund, the imposition of".

By DENNIS H. BLACK

S-3616 FILED APRIL 28, 1995

RULED OUT OF ORDER

(P. 1511)

HOUSE FILE 572

S-3621

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 13, by inserting after the word
5 "courthouse" the following: "and other county
6 administrative buildings".

By MARY NEUHAUSER

S-3621 FILED APRIL 28, 1995

RULED OUT OF ORDER

(P. 1511)

HOUSE FILE 572

S-3622

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 3, by striking the word
5 "COURTHOUSE" and inserting the following: "COUNTY".
6 2. Page 3, line 5, by striking the word
7 "courthouse" and inserting the following: "county".
8 3. Page 3, line 7, by striking the word
9 "courthouse" and inserting the following: "county".
10 4. Page 3, line 13, by striking the word
11 "courthouse" and inserting the following: "county
12 facilities, including the reimbursement of security-
13 related expenditures for county facilities incurred
14 prior to the effective date of this Act".
15 5. Page 3, line 15, by striking the word
16 "courthouse" and inserting the following: "county".
17 6. Page 3 line 24, by striking the words
18 "assigned to courthouse security detail" and inserting
19 the following: "or private security staff assigned to
20 provide security at county facilities".
21 7. Page 3, line 25, by striking the words
22 "systems; and" and inserting the following:
23 "systems;".
24 8. Page 3, line 27, by inserting after the word
25 "systems" the following: "; and reimbursement for
26 security-related expenditures incurred prior to the
27 effective date of this Act".
28 9. Page 3, line 28, by striking the word
29 "courthouse" and inserting the following: "county".
30 10. Page 3, line 35, by striking the word
31 "courthouse" and inserting the following: "county".
32 11. Page 3, line 39, by striking the word
33 "COURTHOUSE" and inserting the following: "COUNTY".
34 12. Page 3, line 47, by striking the word
35 "courthouse" and inserting the following: "county".
36 13. Page 4, line 4, by striking the word
37 "courthouse" and inserting the following: "county".
38 14. Page 4, line 8, by striking the word
39 "COURTHOUSE" and inserting the following: "COUNTY".
40 15. Page 4, line 25, by striking the word
41 "courthouse" and inserting the following: "county".
42 16. Page 4, line 47, by striking the word
43 "courthouse" and inserting the following: "county".
44 17. Page 4, line 48, by striking the word
45 "courthouse" and inserting the following: "county".
46 18. Page 4, line 50, by striking the word
47 "courthouse" and inserting the following: "county".
48 19. Page 5, line 1, by striking the word
49 "courthouse" and inserting the following: "county".

By TONY BISIGNANO

S-3622 FILED APRIL 28, 1995
RULED OUT OF ORDER

(P. 1511)

HOUSE FILE 572

S-3623

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 28 the
5 following:
6 "____. Page 4, by striking lines 12 through 15 and
7 inserting the following: "transferred to the general
8 fund of the state.""

By LARRY MURPHY

S-3623 FILED APRIL 28, 1995

ADOPTED

(P. 1511)

HOUSE FILE 572

S-3625

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 3, by striking the word
5 "COURTHOUSE" and inserting the following: "COUNTY".

6 2. Page 3, by striking line 5 and inserting the
7 following:

8 "1. A county security fund may be established in
9 each".

10 3. Page 3, line 7, by striking the word
11 "courthouse" and inserting the following: "county".

12 4. Page 3, line 13, by striking the word
13 "courthouse" and inserting the following: "county
14 facilities, including the reimbursement of security-
15 related expenditures for county facilities incurred
16 prior to the effective date of this Act".

17 5. Page 3, line 15, by striking the word
18 "courthouse" and inserting the following: "county".

19 6. Page 3 line 24, by striking the words
20 "assigned to courthouse security detail" and inserting
21 the following: "or private security staff assigned to
22 provide security at county facilities".

23 7. Page 3, line 25, by striking the words
24 "systems; and" and inserting the following:
25 "systems;".

26 8. Page 3, line 27, by inserting after the word
27 "systems" the following: "; and reimbursement for
28 security-related expenditures incurred prior to the
29 effective date of this Act".

30 9. Page 3, line 28, by striking the word "The"
31 and inserting the following: "In each county which
32 has established a county security fund, the".

33 10. Page 3, line 35, by striking the word
34 "courthouse" and inserting the following: "county".

35 11. Page 3, line 39, by striking the word
36 "COURTHOUSE" and inserting the following: "COUNTY".

37 12. Page 3, line 41, by striking the word "The"
38 and inserting the following: "In each county which
39 has established a county security fund, the".

40 13. Page 3, line 46, by striking the words
41 "required by" and inserting the following: "provided
42 for in".

43 14. Page 3, line 47, by striking the word
44 "courthouse" and inserting the following: "county".

45 15. Page 4, line 4, by striking the word
46 "courthouse" and inserting the following: "county".

47 16. Page 4, line 8, by striking the word
48 "COURTHOUSE" and inserting the following: "COUNTY".

49 17. Page 4, line 10, by striking the word "The"
50 and inserting the following: "In each county which

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- 1 has established a county security fund, the".
- 2 18. Page 4, line 24, by striking the words
- 3 "required by" and inserting the following: "provided
- 4 for in".
- 5 19. Page 4, line 25, by striking the word
- 6 "courthouse" and inserting the following: "county".
- 7 20. Page 4, lines 47 and 48, by striking the
- 8 words "creating a county security fund, imposing" and
- 9 inserting the following: "providing for the creation
- 10 of a county security fund, the imposition of".
- 11 21. Page 4, line 50, by striking the word
- 12 "courthouse" and inserting the following: "county".
- 13 22. Page 5, line 1, by striking the word
- 14 "courthouse" and inserting the following: "county".

By TONY BISIGNANO
DENNIS BLACK

S-3625 FILED APRIL 28, 1995
ADOPTED

(P. 1511)

*motion for Division
7 amendment
withdrawn
4-28-95
(P. 1511)*

HOUSE FILE 572

S-3627

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 25, by inserting after the word
5 "systems;" the following: "security provided pursuant
6 to section 602.6112;"

7 2. Page 3, by inserting after line 36 the
8 following:

9 "____. Page 1, by inserting after line 21 the
10 following:

11 "Sec. ____ . NEW SECTION. 602.6112 HEARINGS --
12 SECURITY.

13 Upon the court's own motion, or upon the request of
14 any party to a civil action including, but not limited
15 to, a dissolution of marriage or child custody
16 proceeding, the court shall provide security in the
17 courtroom during any hearing or proceeding held in the
18 action. The costs of providing security shall be paid
19 through expenditure of moneys from the courthouse
20 security fund established in section 331.430A."

21 3. Page 3, by inserting after line 48 the
22 following:

23 "1A. The clerk of the district court shall tax as
24 a court cost a fee of ten dollars for each hearing
25 held as the result of the filing of a civil action in
26 the district court for which security is requested
27 pursuant to section 602.6112. The revenue from the
28 fees required by this section shall be deposited in
29 the county's courthouse security fund created in
30 section 331.430A and shall be expended to provide
31 security pursuant to section 602.6112."

32 4. Page 4, by inserting after line 36 the
33 following:

34 "Sec. ____ . The section of 1995 Iowa Acts, Senate
35 File 150, if enacted, which amends section 598.8, is
36 repealed."

37 5. By renumbering as necessary.

By LARRY MURPHY

S-3627 FILED APRIL 28, 1995

LOST

(P. 1511)

HOUSE FILE 572

S-3626

1 Amend the amendment, S-3611, to House File 572, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 28 the
5 following:
6 "____. Page 4, line 11, by striking the word "all"
7 and inserting the following: "one dollar of the
8 surcharge shall be transferred to the clerk of the
9 district court for the county in which the violation
10 occurred to defray the costs associated with
11 collecting the surcharge and nine dollars".
12 _____. Page 4, line 20, by striking the words "Five
13 dollars" and inserting the following: "Four dollars
14 and fifty cents"."
15 2. Page 4, by inserting after line 31 the
16 following:
17 "____. Page 4, line 25, by striking the words
18 "Five dollars" and inserting the following: "Four
19 dollars and fifty cents".
20 _____. Page 4, by inserting after line 29 the
21 following:
22 "c. One dollar of the surcharge shall be
23 transferred to the clerk of the district court for the
24 county in which the violation occurred to defray the
25 costs associated with collecting the surcharge."
26 _____. Page 4, line 34, by striking the words "five
27 dollars" and inserting the following: "four dollars
28 and fifty cents"."
29 3. Page 4, line 34, by striking the words "The
30 other five dollars" and inserting the following:
31 "Four dollars and fifty cents".
32 4. Page 4, by inserting after line 34 the
33 following:
34 "____. Page 5, line 10, by striking the words "the
35 entire" and inserting the following: "nine dollars of
36 the".
37 _____. Page 5, line 15, by striking the words "the
38 entire" and inserting the following: "nine dollars of
39 the".
40 _____. Page 5, by inserting after line 19 the
41 following:
42 "c. One dollar of the surcharge shall be
43 transferred to the clerk of the district court for the
44 county in which the violation occurred to defray the
45 costs associated with collecting the surcharge."
46 5. Page 4, line 47, by inserting before the word
47 "creating" the following: "and the district court,".
48 6. By renumbering as necessary

By RANDAL J. GIANNETTO

S-3626 FILED APRIL 28, 1995

ADOPTED

(p. 1511)

SENATE AMENDMENT TO HOUSE FILE 572

H-4169

1 Amend House File 572, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 Sec. ____ . NEW SECTION. 321.218A CIVIL PENALTY --
6 DISPOSITION -- REINSTATEMENT.

7 When the department receives a record of a person's
8 conviction for a violation of section 321.218, the
9 department shall assess the person a civil penalty of
10 two hundred dollars. The money collected by the
11 department under this section shall be transmitted to
12 the treasurer of state who shall deposit one-half of
13 the money in the separate fund established in section
14 912.14 and one-half of the money shall be deposited in
15 the general fund of the state. A temporary restricted
16 license shall not be issued or a motor vehicle license
17 or nonresident operating privilege reinstated until
18 the civil penalty has been paid.

19 Sec. ____ . NEW SECTION. 321.561A CIVIL PENALTY --
20 DISPOSITION -- REINSTATEMENT.

21 When the department receives a record of a person's
22 conviction for a violation of section 321.561, the
23 department shall assess the person a civil penalty of
24 two hundred dollars. The money collected by the
25 department under this section shall be transmitted to
26 the treasurer of state who shall deposit one-half of
27 the money in the separate fund established in section
28 912.14 and one-half of the money shall be deposited in
29 the general fund of the state. A temporary restricted
30 license shall not be issued or a motor vehicle license
31 or nonresident operating privilege reinstated until
32 the civil penalty has been paid.

33 Sec. ____ . NEW SECTION. 321A.32A CIVIL PENALTY --
34 DISPOSITION -- REINSTATEMENT.

35 When the department receives a record of a person's
36 conviction for a violation of section 321A.32,
37 paragraph 1, the department shall assess the person a
38 civil penalty of two hundred dollars. The money
39 collected by the department under this section shall
40 be transmitted to the treasurer of state who shall
41 deposit one-half of the money in the separate fund
42 established in section 912.14 and one-half of the
43 money shall be deposited in the general fund of the
44 state. A temporary restricted license shall not be
45 issued or a motor vehicle license or nonresident
46 operating privilege reinstated until the civil penalty
47 has been paid.

48 Sec. ____ . NEW SECTION. 331.430A COUNTY SECURITY
49 FUND.

50 1. A county security fund may be established in

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1 each county. The fund shall consist of receipts of
2 county security fees taxed and collected by the clerk
3 of the district court and paid to the county
4 treasurer. The fund shall be administered by the
5 county sheriff to provide for the salaries, benefits,
6 equipment, and training of security staff and for the
7 purchase and maintenance of security equipment for the
8 county facilities, including the reimbursement of
9 security-related expenditures for county facilities
10 incurred prior to the effective date of this Act.
11 Expenditures from the fund are subject to approval of
12 the board of supervisors.

13 2. Moneys in the county security fund shall be
14 used for security-related expenditures including, but
15 not limited to, the purchase and maintenance of x-ray
16 machines and conveying systems; handheld metal
17 detectors; walk-through metal detectors;
18 identification cards and systems; electronic locking
19 and surveillance equipment; salaries, benefits,
20 uniforms, firearms, training, and other necessary
21 equipment for the performance of duties for deputy
22 sheriffs or private security staff assigned to provide
23 security at county facilities; signage; evidence
24 security and inventory systems; security hardware and
25 equipment necessary or commonly used in video
26 arraignment systems; and reimbursement for security-
27 related expenditures incurred prior to the effective
28 date of this Act.

29 3. In each county which has established a county
30 security fund, the courthouse security fee shall be
31 taxed pursuant to sections 625.8A and 815.14 as a
32 court cost by the clerk of the district court to each
33 civil action filed in the district court and each
34 criminal complaint, indictment, or citation if the
35 defendant is convicted or pleads guilty to the offense
36 contained in the complaint, indictment, or citation.

37 4. The county security fee shall not be taxed as a
38 court cost for a parking violation."

39 2. Page 1, by inserting after line 31 the
40 following:

41 "Sec. ____ . NEW SECTION. 625.8A COUNTY SECURITY
42 FEE.

43 1. In each county which has established a county
44 security fund, the clerk of the district court shall
45 tax as a court cost a fee of three dollars for each
46 civil action filed in the district court. Except as
47 provided in subsection 2, the fee shall be collected
48 at the time that a civil action is filed. The revenue
49 from the fees provided for in this section shall be
50 deposited in the county's county security fund created

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1 in section 331.430A.

2 2. In a civil action brought by the state or a
3 political subdivision of the state in which the state
4 or the political subdivision of the state is a
5 prevailing party, the fee shall be taxed and collected
6 against the party which does not prevail. A county is
7 not liable for payment of the county security fee."

8 3. Page 2, by inserting after line 19 the
9 following:

10 "Sec. ____ . NEW SECTION. 815.14 COUNTY SECURITY
11 FEE.

12 1. In each county which has established a county
13 security fund, the clerk of the district court shall
14 tax as a court cost the following fees, as applicable,
15 to each criminal complaint, indictment, or citation
16 filed in the district court, if the defendant is
17 convicted or pleads guilty to the offense contained in
18 the complaint, indictment, or citation:

19 a. A fee of five dollars for each felony offense.

20 b. A fee of three dollars for each misdemeanor
21 offense or uniform citation and complaint issued
22 pursuant to chapter 805 except as provided in
23 paragraph "c".

24 c. A fee of one dollar for each uniform citation
25 and complaint issued pursuant to chapter 805 for which
26 a court appearance is not required or requested.

27 2. The revenue from the fees provided for in this
28 section shall be deposited in the county's county
29 security fund created in section 331.430A. The fee
30 shall not be taxed as a court cost for a parking
31 violation."

32 4. Page 4, line 11, by striking the word "all"
33 and inserting the following: "one dollar of the
34 surcharge shall be transferred to the clerk of the
35 district court for the county in which the violation
36 occurred to defray the costs associated with
37 collecting the surcharge and nine dollars".

38 5. Page 4, by striking lines 12 through 15 and
39 inserting the following: "transferred to the general
40 fund of the state."

41 6. Page 4, line 20, by striking the words "Five
42 dollars" and inserting the following: "Four dollars
43 and fifty cents".

44 7. Page 4, by striking lines 21 through 24 and
45 inserting the following: "the general fund of the
46 state."

47 8. Page 4, line 25, by striking the words "Five
48 dollars" and inserting the following: "Four dollars
49 and fifty cents".

50 9. Page 4, by inserting after line 29 the

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Page 4

1 following:

2 "c. One dollar of the surcharge shall be
3 transferred to the clerk of the district court for the
4 county in which the violation occurred to defray the
5 costs associated with collecting the surcharge."

6 10. Page 4, line 34, by striking the words "five
7 dollars" and inserting the following: "four dollars
8 and fifty cents".

9 11. By striking page 4, line 35, through page 5,
10 line 3, and inserting the following: "to the general
11 fund of the state. Four dollars and fifty cents of
12 the".

13 12. Page 5, line 10, by striking the words "the
14 entire" and inserting the following: "nine dollars of
15 the".

16 13. Page 5, line 15, by striking the words "the
17 entire" and inserting the following: "nine dollars of
18 the".

19 14. Page 5, by inserting after line 19 the
20 following:

21 "c. One dollar of the surcharge shall be
22 transferred to the clerk of the district court for the
23 county in which the violation occurred to defray the
24 costs associated with collecting the surcharge."

25 15. Title page, line 1, by inserting after the
26 word "imposing" the following: "a civil penalty for
27 certain motor vehicle license revocations, imposing".

28 16. Title page, line 4, by inserting after the
29 word "jails" the following: "and the district court,
30 providing for the creation of a county security fund,
31 the imposition of courthouse security fees as a court
32 cost, and providing for the purchase and maintenance
33 of county security equipment and the administration of
34 the county security fund, and providing effective and
35 applicability dates".

36 17. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4169 FILED APRIL 28, 1995

*House Refused
5-1-95
(p. 2/26)*

*Senate insists
5-1-95 (p. 1550)*