

SENATE FILE 2059
BY RIFE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the distribution of fines received from the
2 enforcement of county ordinances by distributing a portion of
3 the fines to a county public safety fund.

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

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S.F. 2059

1 Section 1. Section 331.307, subsection 6, Code 1995, is
2 amended to read as follows:

3 ~~6. Notwithstanding section 602.8106, subsection 3,~~
4 ~~penalties or forfeitures collected by the court for county~~
5 ~~infractions shall be remitted to the county in the same manner~~
6 ~~as fines and forfeitures are remitted to cities for criminal~~
7 ~~violations under section 602.8106.~~ If the person named in the
8 citation is served as provided in this section and fails
9 without good cause to appear in response to the civil
10 citation, judgment shall be entered against the person cited.

11 Sec. 2. NEW SECTION. 331.430A PUBLIC SAFETY FUND.

12 1. County revenues collected from fines and forfeitures
13 received for violations of county ordinances pursuant to
14 section 602.8106 shall be credited to the public safety fund
15 of the county.

16 2. The board may make appropriations from the public
17 safety fund for public safety services, including but not
18 limited to the following:

- 19 a. Police and fire protection.
- 20 b. County jail maintenance and staffing.
- 21 c. County attorney services.

22 Sec. 3. Section 602.8106, subsection 3, Code Supplement
23 1995, is amended to read as follows:

24 3. The clerk of the district court shall remit ninety
25 percent of all fines and forfeited bail for violation of a
26 county ordinance, except an ordinance relating to vehicle
27 ~~speed or~~ weight restrictions, to the county treasurer of the
28 county that was the plaintiff in the action for deposit in the
29 county public safety fund established pursuant to section
30 331.430A, 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.~~ The remaining ten
2 percent shall be submitted to the state court administrator.

3 EXPLANATION

4 This bill requires that the clerk of the district court
5 remit 90 percent of all fines and forfeitures received from
6 violations of county ordinances, except for violations
7 relating to vehicle weight restrictions, to the county
8 treasurer and the remaining 10 percent to the state court
9 administrator. These are the same percentages used for
10 division of fines and forfeitures derived from violations of
11 city ordinances.

12 This bill also strikes the exception for ordinance
13 violations relating to vehicle speed restrictions and the
14 state law preemption of similar county ordinances.

15 The bill directs that moneys received by the county shall
16 be deposited in a public safety fund to be used by the county
17 for public safety services, such as police, fire, jails, and
18 county attorney services.

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