

3/5/96 W. & M.  
3/14/96 Do Pass  
3/25/96 Judiciary

FILED MAR 4 1996

SENATE FILE 2426  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2287)

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

**A BILL FOR**

1 An Act prohibiting vehicle registration in certain circumstances,  
2 imposing additional criminal fees, and relating to delinquent  
3 payments, installment payments, and collections of unpaid  
4 fines, penalties, court costs, fees, surcharges, and  
5 restitution.

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

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S.F. 2426

1 Section 1. Section 321.40, unnumbered paragraph 4, Code  
2 Supplement 1995, is amended to read as follows:

3 The county treasurer shall refuse to renew the registration  
4 of a vehicle registered to a person when notified that there  
5 is a warrant outstanding for the person's arrest or the person  
6 has not paid restitution as defined under section 910.1,  
7 subsection 3, to the clerk of the court located within that  
8 county. Each clerk of court subject to this section shall, by  
9 the last day of each month, notify the county treasurer of  
10 that county of all persons against whom an arrest warrant has  
11 been issued and is outstanding or who owe delinquent  
12 restitution. Immediately upon the cancellation or  
13 satisfaction of the arrest warrant or restitution the clerk of  
14 court shall notify the county treasurer if that person's name  
15 appeared on the last list furnished to the county treasurer.  
16 This paragraph does not apply to the transfer of a  
17 registration or the issuance of a new registration. The  
18 provisions of this paragraph are applicable to counties with a  
19 population of twenty-five thousand or more. The provisions of  
20 this paragraph shall be applicable to any county with a  
21 population of less than twenty-five thousand upon the adoption  
22 of a resolution by the county board of supervisors so  
23 providing.

24 Sec. 2. Section 602.8106, subsection 1, Code Supplement  
25 1995, is amended by adding the following new paragraphs:

26 NEW PARAGRAPH. g. For payment of a fine on an installment  
27 basis pursuant to section 909.3, fifteen dollars.

28 NEW PARAGRAPH. h. For granting of a deferred judgment or  
29 deferred sentence, fifty dollars.

30 Sec. 3. Section 602.8107, subsection 3, Code Supplement  
31 1995, is amended by striking the subsection and inserting in  
32 lieu thereof the following:

33 3. A fine, penalty, court cost, fee, or surcharge is  
34 delinquent if it is not paid on the date due. If a defendant  
35 was granted permission pursuant to section 909.3, for payments

1 to be made on an installment basis and an installment is not  
2 paid on the date due, the entire amount of the judgment is  
3 deemed delinquent.

4 Sec. 4. Section 602.8107, subsection 4, unnumbered  
5 paragraph 1, Code Supplement 1995, is amended to read as  
6 follows:

7 All fines, penalties, court costs, fees, surcharges, and  
8 restitution for court-appointed attorney fees or for expenses  
9 of a public defender which are delinquent for six months may  
10 be collected by the county attorney or the county attorney's  
11 designee. Thirty-five percent of the amounts collected by the  
12 county attorney or the person procured or designated by the  
13 county attorney shall be deposited in the general fund of the  
14 county if the county attorney has filed the notice required in  
15 section 331.756, subsection 5, unless the county attorney has  
16 discontinued collection efforts on a particular delinquent  
17 amount. The remainder shall be paid to the clerk for  
18 distribution under section 602.8108.

19 Sec. 5. Section 909.3, Code 1995, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 909.3 PAYMENT OF FINE.

22 1. A fine imposed by the court is immediately due and  
23 payable. Upon a showing of good cause, the court or a court  
24 employee designated by the chief judge of the judicial  
25 district may grant permission for payment of the fine to be  
26 made within a specified period of time or in specified  
27 installments.

28 2. Notwithstanding an order granting a defendant  
29 permission for payment of a fine within a specified period of  
30 time or in specified installments, restitution as defined in  
31 section 910.1, subsection 3, is subject to collection pursuant  
32 to section 421.17, subsections 25 and 29, at any time.

33

EXPLANATION

34 This bill requires that a county treasurer refuse to renew  
35 the motor vehicle registration of a person when notified that

1 there is a warrant outstanding for the person's arrest. This  
2 applies in counties with populations of 25,000 and greater, or  
3 in counties with a population of less than 25,000 if adopted  
4 by a resolution of the board of supervisors. The bill  
5 requires the clerk of court to notify the county treasurer of  
6 all persons against whom an arrest warrant has been issued and  
7 is outstanding.

8 The bill adds an additional \$15 fee for defendants for whom  
9 the court has allowed the payment of fines within a specified  
10 time period or on an installment basis and a \$50 fee for  
11 defendants who have been granted a deferred judgment or  
12 deferred sentence.

13 The bill provides that a fine, penalty, court cost, fee, or  
14 surcharge is delinquent if it is not paid on the date due and  
15 provides that if a defendant was granted permission for  
16 payments to be made on an installment basis and an installment  
17 is not paid on the date due, the entire amount of the judgment  
18 is deemed delinquent. Current law provides that a fine,  
19 penalty, court cost, fees, surcharge, or restitution is deemed  
20 delinquent if it is not paid within six months after the date  
21 it is assessed and that a judgment is deemed delinquent if  
22 installment payments were allowed and the payment is not  
23 received within 30 days of the due date.

24 This bill allows a county attorney to collect a fine,  
25 penalty, court cost, fee, surcharge, or restitution for court-  
26 appointed attorney's fees or a public defender, after a six-  
27 month delinquency.

28 Finally, the bill strikes a provision which allowed the  
29 court to fix a date in the future, not to exceed 120 days, for  
30 payment of a fine if the defendant was unable to immediately  
31 pay the fine and allowed the court to extend the time period  
32 for payment for good cause shown. The bill changes the  
33 current requirements allowing installment payments by  
34 requiring that the court or a court employee designated by the  
35 chief judge of the judicial district may grant permission for

1 installment payments to be made within a specified period of  
2 time or in specified installments. However, the bill provides  
3 that restitution owed is subject to being set off at any time  
4 against an income tax refund or rebate owed the defendant or  
5 against any claim owed the defendant by the state.

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**SENATE FILE 2426  
FISCAL NOTE**

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A fiscal note for Senate File 2426 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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Senate File 2426 adds an additional \$15 fee for defendants who are allowed to make the fine payments within a specified time period or on an installment basis and a \$50 fee for defendants who have been granted a deferred judgment or deferred sentence. The Bill requires that a county treasurer, in certain counties, refuse to renew the motor vehicle registration of a person when notified of an outstanding warrant for the person's arrest. The clerk of court is required to notify the county treasurer of all persons against whom an arrest warrant has been issued and is outstanding. The Bill allows a county attorney to collect a fine, penalty, court cost, fee, surcharge, or restitution for court-appointed attorney's fees or a public defender, after a six-month delinquency. Senate File 2426 also allows the court or a court employee designated by the chief judge of the judicial district to allow installment payments within a specified period of time or in specified installments.

**ASSUMPTIONS**

1. The number of deferred judgment cases for FY 1995 was 9,105. The collection rate for most deferred judgment cases is 44%. For FY 1997 and FY 1998 the number of deferred judgments and the collection rate will be at FY 1995 levels.
2. Information is not available on the number of defendants allowed to make installment payments.

**FISCAL IMPACT**

The estimated fiscal impact of Senate File 2426 is to increase revenue to the General Fund by approximately \$200,000 in both FY 1997 and FY 1998.

There is insufficient information to estimate the increase in revenue associated with the fee levied on fines paid by installment.

**SOURCES**

Judicial Department

(LSB 4302SV, PQP)

FILED MARCH 18, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Mc Kean  
Redfern  
Giannetto  
Visack  
Bisignano

SSB. 2287

Judiciary  
Succeeded By

SENATE FILE SF/HF 2426  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIR-  
PERSON GIANNETTO)

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