

3/5/96 Referred to Approp.

FILED MAR 4 1996

SENATE FILE 2427
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2324)

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

A BILL FOR

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

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S.F. 2427

1 Section 1. Section 602.8106, subsection 4, Code Supplement
2 1995, is amended to read as follows:

3 4. The clerk of the district court shall submit all other
4 fines, fees, costs, and forfeited bail received from a
5 magistrate to the state court administrator, except as
6 provided in section 602.8108, subsection 1A.

7 Sec. 2. Section 602.8107, subsection 3, Code Supplement
8 1995, is amended to read as follows:

9 3. A fine, penalty, court cost, fee, or surcharge is
10 deemed delinquent if it is not paid ~~within six months after on~~
11 the date it is assessed ordered to be paid. ~~An amount which~~
12 ~~was ordered by the court to be paid on a date fixed in the~~
13 ~~future pursuant to section 909.3 is deemed delinquent if it is~~
14 ~~not received by the clerk within six months after the fixed~~
15 ~~future date set out in the court order.--if~~ However, if an
16 amount was ordered to be paid by installments, and an
17 installment is not received ~~within thirty days after~~ on the
18 date it is due, the entire amount of the judgment is deemed
19 delinquent.

20 Sec. 3. Section 602.8107, subsection 4, ~~unnumbered~~
21 paragraph 1, Code Supplement 1995, is amended to read as
22 follows:

23 All fines, penalties, court costs, fees, surcharges, and
24 restitution for court-appointed attorney fees or for expenses
25 of a public defender which ~~are~~ remain delinquent for six
26 months may be collected by the county attorney or the county
27 attorney's designee. In addition, the county attorney or the
28 county attorney's designee may collect such amounts as soon as
29 they become delinquent if permitted by the department of
30 revenue and finance. Thirty-five percent of the amounts
31 collected by the county attorney or the person procured or
32 designated by the county attorney shall be deposited in the
33 general fund of the county if the county attorney has filed
34 the notice required in section 331.756, subsection 5, unless
35 the county attorney has discontinued collection efforts on a

1 particular delinquent amount. The remainder shall be paid to
2 the clerk for distribution under section 602.8108.

3 Sec. 4. Section 602.8108, Code 1995, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 1A. In all criminal cases in which the
6 state is a plaintiff, and after all victims have been paid in
7 full pursuant to section 910.9, the clerk of the district
8 court shall remit fifteen percent of all fines, penalties,
9 surcharges, court costs, fees, time-payment fees, interest,
10 court-appointed attorney fees, and public defender expenses to
11 the treasurer of the county in which the case was prosecuted,
12 which moneys shall be deposited in the county general fund and
13 used only for courthouse security and the improvement,
14 expansion, or construction of a jail or juvenile detention
15 facility. The remainder of the revenue collected by the clerk
16 shall be submitted to the state court administrator. Criminal
17 surcharge moneys submitted to the state court administrator
18 under this subsection shall be allocated as provided in
19 subsection 3, paragraph "b".

20 Sec. 5. Section 602.8108, subsection 3, Code 1995, is
21 amended to read as follows:

22 3. When In cases where the state is not the plaintiff,
23 when a court assesses a criminal surcharge under section
24 911.2, the amounts collected shall be distributed as follows:

25 a. The clerk of the district court shall submit to the
26 state court administrator, not later than the fifteenth day of
27 each month, ninety-five percent of the surcharge collected
28 during the preceding calendar month. The clerk shall remit
29 the remainder to the county treasurer of the county that was
30 the plaintiff in the action or to the city that was the
31 plaintiff in the action.

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

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EXPLANATION

This bill provides that criminal fines, court costs, fees, and surcharges are considered delinquent if they are not paid on the date they are ordered to be paid. Current law provides that the payment is delinquent if it remains unpaid after six months. The bill provides that county attorneys may pursue collection of these delinquent fines and fees after the fine or fee has been delinquent for six months or sooner, if the department of revenue and finance so allows.

The bill also provides that 15 percent of all fines, penalties, surcharges, court costs, fees, interest, and expenses recovered in criminal cases in which the state is a plaintiff shall be remitted to the county where the case was prosecuted to be used only for courthouse security and the improvement, expansion, or construction of a jail or juvenile detention facility with the remainder being remitted to the state court administrator for deposit in the general fund. Criminal surcharge moneys would still be split between the victim compensation fund and the state general fund. Current law provides that all these fines and fees are remitted to the state court administrator for deposit in the state general fund.

**SENATE FILE 2427
FISCAL NOTE**

A fiscal note for Senate File 2427 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 2427 provides that 15 percent of all fines, penalties, surcharges, court costs, fees, interest, and expenses recovered in criminal cases in which the State is a plaintiff shall be remitted to the county where the case was prosecuted. The money is to be used only for courthouse security and the improvement, expansion, or construction of a jail or juvenile detention facility with the remainder being remitted to the State Court Administrator for deposit in the General Fund. The Bill provides that criminal fines, court costs, fees, and surcharges are considered delinquent if they are not paid on the date they are ordered to be paid. Senate File 2427 also provides that county attorneys may pursue collection of these delinquent fines and fees after the fine or fee has been delinquent for six months or sooner, if allowed by the Department of Revenue and Finance.

ASSUMPTIONS

1. For FY 1995, the amount of fines, penalties, surcharges, court costs, fees, interest, and expenses collected in criminal cases in which the State was the plaintiff was \$36,176,617. The amount will increase 6.6% per year based on the average increase in court revenues the past five years.
2. The Judicial Department will perform a one-time software programming modification to the Iowa Court Information System (ICIS) to change the distribution of court revenues.
3. The cost of manually processing the accounting requirements of Senate File 2427 can be absorbed by the regular accounting procedures of the clerk of court offices. The Iowa Court Information System will be expanded into all clerk of court offices by the end of FY 1997.

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FISCAL IMPACT

The fiscal impact of Senate File 2427 is a decrease in General Fund revenues from fines and fees of \$6.2 million in FY 1997 and a decrease of \$6.6 million in FY 1998. The breakdown of revenue and expenditures is provided below (dollars in thousands):

	Fiscal Year 1997			Fiscal Year 1998		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>REVENUE</u>						
General Fund	\$ 41,110	\$ 34,944	\$ -6,166	\$ 43,823	\$ 37,250	\$ -6,573
Federal Funds	0	0	0	0	0	0
Permit Fees	0	0	0	0	0	0
Total	\$ 41,110	\$ 34,944	\$ -6,166	\$ 43,823	\$ 37,250	\$ -6,573
<u>EXPENDITURES</u>						
Salaries (FTE's)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Support	0	15	15	0	0	0
Total	\$ 0	\$ 15	\$ 15	\$ 0	\$ 0	\$ 0
<u>NET IMPACT</u>	\$ 41,110	\$ 34,929	\$ -6,181	\$ 43,823	\$ 37,250	\$ -6,573

SOURCES

Judicial Department

(LSB 3729SV, PQP)

FILED MARCH 18, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Diannetto
Vilsack
Bisignano
Maddox
Boettger

SSB-2324
Judiciary
Succeeded By
(SF/HF 2427)

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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11 ~~the date it is assessed~~ ordered to be paid. ~~An-amount-which~~
12 ~~was-ordered-by-the-court-to-be-paid-on-a-date-fixed-in-the~~
13 ~~future-pursuant-to-section-909.3-is-deemed-delinquent-if-it-is~~
14 ~~not-received-by-the-clerk-within-six-months-after-the-fixed~~
15 ~~future-date-set-out-in-the-court-order---~~ However, if an
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