

# Senate Study Bill 2324

## Conference Committee Text

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1 1 Section 1. Section 602.8106, subsection 4, Code Supplement  
1 2 1995, is amended to read as follows:  
1 3 4. The clerk of the district court shall submit all other  
1 4 fines, fees, costs, and forfeited bail received from a  
1 5 magistrate to the state court administrator, ~~except as~~  
1 6 provided in section 602.8108, subsection 1A.  
1 7 Sec. 2. Section 602.8107, subsection 3, Code Supplement  
1 8 1995, is amended to read as follows:  
1 9 3. A fine, penalty, court cost, fee, or surcharge is  
1 10  
1 11 ~~deemed~~  
1 12 ~~delinquent if it is not paid~~  
1 13 ~~within six months after~~  
1 14 ~~on~~  
1 15 the date it is  
1 16 ~~assessed~~  
1 17 ~~ordered to be paid.~~  
1 18 ~~An amount which~~  
1 19 ~~was ordered by the court to be paid on a date fixed in the~~  
1 20 ~~future pursuant to section 909.3 is deemed delinquent if it is~~  
1 21 ~~not received by the clerk within six months after the fixed~~  
1 22 ~~future date set out in the court order. If~~  
1 23 ~~However, if an~~  
1 24 amount was ordered to be paid by installments, and an  
1 25 installment is not received  
1 26 ~~within thirty days after~~  
1 27 ~~on the~~  
1 28 date it is due, the entire amount of the judgment is deemed  
1 29 delinquent.  
1 30 Sec. 3. Section [602.8107](#), subsection 4, unnumbered  
1 31 paragraph 1, Code Supplement 1995, is amended to read as  
1 32 follows:  
1 33 All fines, penalties, court costs, fees, surcharges, and  
1 34 restitution for court-appointed attorney fees or for expenses  
1 35 of a public defender which  
1 36 ~~are~~  
1 37 ~~remain delinquent for six~~  
1 38 months may be collected by the county attorney or the county

1 27 attorney's designee. In addition, the county attorney or the  
1 28 county attorney's designee may collect such amounts as soon as  
1 29 they become delinquent if permitted by the department of  
1 30 revenue and finance. Thirty-five percent of the amounts  
1 31 collected by the county attorney or the person procured or  
1 32 designated by the county attorney shall be deposited in the  
1 33 general fund of the county if the county attorney has filed  
1 34 the notice required in section 331.756, subsection 5, unless  
1 35 the county attorney has discontinued collection efforts on a  
2 1 particular delinquent amount. The remainder shall be paid to  
2 2 the clerk for distribution under section 602.8108.

2 3 Sec. 4. Section 602.8108, Code 1995, is amended by adding  
2 4 the following new subsection:

2 5 NEW SUBSECTION. 1A. In all criminal cases in which the  
2 6 state is a plaintiff, and after all victims have been paid in  
2 7 full pursuant to section 910.9, the clerk of the district  
2 8 court shall remit fifteen percent of all fines, penalties,  
2 9 surcharges, court costs, fees, time-payment fees, interest,  
2 10 court-appointed attorney fees, and public defender expenses to  
2 11 the treasurer of the county in which the case was prosecuted,  
2 12 which moneys shall be deposited in the county general fund and  
2 13 used only for courthouse security and the improvement,  
2 14 expansion, or construction of a jail or juvenile detention  
2 15 facility. The remainder of the revenue collected by the clerk  
2 16 shall be submitted to the state court administrator. Criminal  
2 17 surcharge moneys submitted to the state court administrator  
2 18 under this subsection shall be allocated as provided in  
2 19 subsection 3, paragraph "b".

2 20 Sec. 5. Section 602.8108, subsection 3, Code 1995, is  
2 21 amended to read as follows:

2 22 3.

~~When~~

- In cases where the state is not the plaintiff,

2 23 when a court assesses a criminal surcharge under section  
2 24 911.2, the amounts collected shall be distributed as follows:

2 25 a. The clerk of the district court shall submit to the  
2 26 state court administrator, not later than the fifteenth day of  
2 27 each month, ninety-five percent of the surcharge collected  
2 28 during the preceding calendar month. The clerk shall remit  
2 29 the remainder to the county treasurer of the county that was  
2 30 the plaintiff in the action or to the city that was the  
2 31 plaintiff in the action.

2 32 b. Of the amount received from the clerk, the state court  
2 33 administrator shall allocate eighteen percent to be deposited  
2 34 in the fund established in section 912.14 and eighty-two  
2 35 percent to be deposited in the general fund of the state.

3 1 EXPLANATION

3 2 This bill provides that criminal fines, court costs, fees,  
3 3 and surcharges are considered delinquent if they are not paid  
3 4 on the date they are ordered to be paid. Current law provides  
3 5 that the payment is delinquent if it remains unpaid after six  
3 6 months. The bill provides that county attorneys may pursue  
3 7 collection of these delinquent fines and fees after the fine  
3 8 or fee has been delinquent for six months or sooner, if the  
3 9 department of revenue and finance so allows.

3 10 The bill also provides that 15 percent of all fines,  
3 11 penalties, surcharges, court costs, fees, interest, and  
3 12 expenses recovered in criminal cases in which the state is a  
3 13 plaintiff shall be remitted to the county where the case was  
3 14 prosecuted to be used only for courthouse security and the  
3 15 improvement, expansion, or construction of a jail or juvenile  
3 16 detention facility with the remainder being remitted to the  
3 17 state court administrator for deposit in the general fund.  
3 18 Criminal surcharge moneys would still be split between the  
3 19 victim compensation fund and the state general fund. Current  
3 20 law provides that all these fines and fees are remitted to the

3 21 state court administrator for deposit in the state general  
3 22 fund.  
3 23 LSB 3729XL 76  
3 24 ec/jj/8.1