

Senate Study Bill 346

Conference Committee Text

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1 1 Section 1. Section [331.302](#), subsection 2, Code 1995, is
1 2 amended to read as follows:

1 3 2. A county shall not provide a penalty in excess of a one
1 4 hundred dollar fine or in excess of thirty days imprisonment
1 5 for the violation of an ordinance. The criminal penalty
1 6 surcharge required by section 911.2 and the misdemeanor and
1 7 traffic violation surcharge under section 911.4 shall be added
1 8 to a county fine and is not a part of the county's penalty.

1 9 Sec. 2. Section [364.3](#), subsection 2, Code 1995, is amended
1 10 to read as follows:

1 11 2. A city shall not provide a penalty in excess of a one
1 12 hundred dollar fine or in excess of thirty days imprisonment
1 13 for the violation of an ordinance. An amount equal to ten
1 14 percent of all fines collected by cities shall be deposited in
1 15 the account established in section 602.8108. However, one
1 16 hundred percent of all fines collected by a city pursuant to
1 17 section 321.236, subsection 1, shall be retained by the city.
1 18 The criminal penalty surcharge required by section 911.2 and
1 19 the misdemeanor and traffic violation surcharge under section
1 20 911.4 shall be added to a city fine and is not a part of the
1 21 city's penalty.

1 22 Sec. 3. Section [602.8108](#), subsection 3, Code 1995, is
1 23 amended to read as follows:

1 24 3. When a court assesses a criminal surcharge under
1 25 section 911.2 or the misdemeanor and traffic violation
1 26 surcharge under section 911.4, the amounts collected shall be
1 27 distributed as follows:

1 28 a. The clerk of the district court shall submit to the
1 29 state court administrator, not later than the fifteenth day of
1 30 each month, ninety-five percent of the surcharge under section
1 31 911.2 collected during the preceding calendar month. The
1 32 clerk shall remit the remainder to the county treasurer of the
1 33 county that was the plaintiff in the action or to the city
1 34 that was the plaintiff in the action.

1 35 b. Of the amount of the surcharge under section 911.2
2 1 received from the clerk, the state court administrator shall
2 2 allocate eighteen percent to be deposited in the fund
2 3 established in section 912.14 and eighty-two percent to be
2 4 deposited in the general fund.

2 5 c. When a court assesses a surcharge under section 911.4,
2 6 the clerk of the district court shall transmit the surcharge
2 7 amounts quarterly to the treasurer of state who shall deposit
2 8 the amounts in the community grant fund established in section
2 9 232.190.

2 10 Sec. 4. Section [805.8](#), subsection 1, Code 1995, is amended
2 11 to read as follows:

2 12 1. APPLICATION. Except as otherwise indicated, violations
2 13 of sections of the Code specified in this section are
2 14 scheduled violations, and the scheduled fine for each of those
2 15 violations is as provided in this section, whether the
2 16 violation is of state law or of a county or city ordinance.
2 17 The criminal penalty surcharge required by section 911.2 and
2 18 the misdemeanor and traffic violation surcharge under section
2 19 911.4 shall be added to the scheduled fine.

2 20 Sec. 5. Section [805.8](#), subsection 11, unnumbered paragraph
2 21 1, Code 1995, is amended to read as follows:

2 22 For violations of section 142B.6 or 453A.2, subsection 2,
2 23 the scheduled fine is twenty-five dollars, and is a civil
2 24 penalty, and the criminal penalty surcharge under section
2 25 911.2 or the misdemeanor and traffic violation surcharge under
2 26 section 911.4 shall not be added to the penalty, and the court
2 27 costs pursuant to section 805.9, subsection 6, shall not be
2 28 imposed. If the civil penalty assessed for a violation of
2 29 section 142B.6 is not paid in a timely manner, a citation
2 30 shall be issued for the violation in the manner provided in
2 31 section 804.1. However, a person under age eighteen shall not
2 32 be detained in a secure facility for failure to pay the civil
2 33 penalty. The complainant shall not be charged a filing fee.

2 34 Sec. 6. Section 903.1, subsection 4, Code 1995, is amended
2 35 to read as follows:

3 1 4. The criminal penalty surcharge required by section
3 2 911.2 and the misdemeanor and traffic violation surcharge
3 3 under section 911.4 shall be added to a fine imposed on a
3 4 misdemeanant, and is not a part of or subject to the maximums
3 5 set in this section.

3 6 Sec. 7. NEW SECTION. 911.4 SURCHARGE ON MISDEMEANORS AND
3 7 TRAFFIC VIOLATIONS – DISTRIBUTION.

3 8 1. In addition to the surcharge established in section
3 9 911.1, when a court imposes a fine or forfeiture for a
3 10 violation of a state law, or of a city or county ordinance,
3 11 the court shall also assess an additional penalty in the form
3 12 of a surcharge as follows:

3 13 a. For each misdemeanor, the surcharge shall be five
3 14 dollars.

3 15 b. For each traffic violation which is a scheduled
3 16 violation under section 805.8, subsection 2, the surcharge
3 17 shall be two dollars.

3 18 2. The surcharge is subject to the provisions of chapter
3 19 909 governing the payment and collection of fines as provided
3 20 in section 909.8.

3 21 EXPLANATION

3 22 This bill establishes a \$5 surcharge on fines or
3 23 forfeitures from misdemeanors and a \$2 surcharge on traffic
3 24 violations which are also scheduled violations. The proceeds
3 25 from these surcharges are to be deposited quarterly in the
3 26 community grant fund administered by the division of criminal
3 27 and juvenile justice planning of the department of human
3 28 rights.

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