

FEB 5 1997
JUDICIARY

HOUSE FILE 160
BY KREIMAN

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

A BILL FOR

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

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HF
160

1 Section 1. Section 602.8107, subsection 3, Code 1997, is
2 amended to read as follows:

3 3. A fine, penalty, court cost, fee, or surcharge is
4 deemed delinquent if it is not paid within ~~six~~ three months
5 after the date it is assessed. An amount which was ordered by
6 the court to be paid on a date fixed in the future pursuant to
7 section 909.3 is deemed delinquent if it is not received by
8 the clerk within ~~six~~ three months after the fixed future date
9 set out in the court order. If an amount was ordered to be
10 paid by installments, and an installment is not received
11 within thirty days after the date it is due, the entire amount
12 of the judgment is deemed delinquent.

13 Sec. 2. Section 602.8107, subsection 4, unnumbered
14 paragraph 1, Code 1997, is amended to read as follows:

15 All fines, penalties, court costs, fees, surcharges, and
16 restitution for court-appointed attorney fees or for expenses
17 of a public defender which are delinquent may be collected by
18 the county attorney or the county attorney's designee.
19 ~~Thirty-five~~ Seventy-five percent of the amounts collected by
20 the county attorney or the person procured or designated by
21 the county attorney shall be deposited in the general fund of
22 the county if the county attorney has filed the notice
23 required in section 331.756, subsection 5, unless the county
24 attorney has discontinued collection efforts on a particular
25 delinquent amount. The remainder shall be paid to the clerk
26 for distribution under section 602.8108.

27

EXPLANATION

28 The bill provides that a fine, penalty, court cost, fee, or
29 surcharge is deemed delinquent if it is unpaid within three
30 months of when it is assessed. Current law provides that the
31 fine is delinquent if unpaid within six months of assessment.

32 The bill also provides that if delinquent fines and fees
33 are collected by the county attorney, the county may retain 75
34 percent of the amounts collected. Current law provides that
35 the county may retain 35 percent of any amounts collected.

**HOUSE FILE 160
FISCAL NOTE**

A fiscal note for **House File 160** 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.

House File 160 provides that a fine, penalty, court cost, fee, or surcharge is deemed delinquent if it is unpaid within three months of when it is assessed. Current law provides that the fine is delinquent if unpaid within six months of assessment. The Bill also provides that if delinquent fines and fees are collected by the county attorney, the county may retain seventy-five percent of the amounts collected. Currently, a county may retain thirty-five percent of any amount collected.

ASSUMPTIONS

1. Approximately \$880,000 in delinquent court fines and fees were collected by counties in FY 1996. Approximately \$450,000 has been collected during the first six months of FY 1997.
2. Counties will be allowed to keep seventy-five percent of all delinquent court fines and fees collected ($\$880,000 \times 75\% = \$660,000$). Currently, counties keep thirty-five percent of delinquent court fines and fees ($\$880,000 \times 35\% = 308,000$).
3. Court fines and fees will become delinquent within three months of assessment instead of the current six months.
4. Any increased collection activities of county attorneys is unknown.

FISCAL IMPACT

House File 160 would allow the counties to retain an additional \$350,000 in delinquent fine and fee revenues from the State's current portion.

SOURCE

Judicial Department

(LSB 1644hh, TCF)

FILED MARCH 19, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR