

FEB 10 1998

JUDICIARY

HOUSE FILE

*2220*

BY GARMAN

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act concerning the method for imposition of the drug abuse  
2 resistance education surcharge.

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

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1 Section 1. Section 602.8102, Code Supplement 1997, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 135A. Assess the drug abuse resistance  
4 education surcharge as provided by section 911.2.

5 Sec. 2. Section 911.2, unnumbered paragraph 1, Code 1997,  
6 is amended to read as follows:

7 When a court imposes a fine or forfeiture for a violation  
8 of a state law, or of a city or county ordinance except an  
9 ordinance regulating the parking of motor vehicles, the court  
10 shall assess an additional penalty in the form of a surcharge  
11 equal to thirty percent of the fine or forfeiture imposed. An  
12 additional drug abuse resistance education surcharge of five  
13 dollars shall be assessed by the clerk of the district court  
14 if the violation arose out of a violation of an offense  
15 provided for in chapter 321J or chapter 124, division IV. In  
16 the event of multiple offenses, the surcharge shall be based  
17 upon the total amount of fines or forfeitures imposed for all  
18 offenses. When a fine or forfeiture is suspended in whole or  
19 in part, the surcharge shall be reduced in proportion to the  
20 amount suspended.

21 EXPLANATION

22 This bill provides that the clerk of the district court,  
23 and not the court, shall assess the \$5 DARE surcharge on fines  
24 imposed by the court for violations of an offense in Code  
25 chapter 321J, relating to operating while intoxicated  
26 offenses, or Code chapter 124, division IV, relating to  
27 controlled substances offenses.

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