

S-2/16/98 *Amended*
S-3/19/98 *Do Pass*
S-3/24/98 UNFINISHED BUSINESS CALENDAR

FEB 18 1998
Place On Calendar

HOUSE FILE **2337**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2220)

Passed House, Date ^(p.711) 3/16/98 Passed Senate, Date ^(p.942) 3/30/98
Vote: Ayes 99 Nays 0 Vote: Ayes 48 Nays 0
Approved April 10, 1998

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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HF 2337

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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in part, the surcharge shall be reduced in proportion to the amount suspended.

HOUSE FILE 2337

AN ACT
CONCERNING THE METHOD FOR IMPOSITION OF THE DRUG ABUSE
RESISTANCE EDUCATION SURCHARGE.

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

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

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

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

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

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2337, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1998

TERRY E. BRANSTAD
Governor