

REPRINTED

FEB 26 1998

HOUSE FILE 2472
BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 612)

Passed House, ^(p.736) Date 3/17/98 Passed Senate, ^(p.927) Date 3/26/98
Vote: Ayes 99 Nays 0 Vote: Ayes 49 Nays 0
Approved April 22, 1998

A BILL FOR

1 An Act relating to fines imposed for violations of city
2 ordinances or city infractions and providing an effective
3 date.

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

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HF 2472

1 Section 1. Section 364.3, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. A city shall not provide a penalty in excess of a ~~one~~
4 five hundred dollar fine or in excess of thirty days
5 imprisonment for the violation of an ordinance. An amount
6 equal to ten percent of all fines collected by cities shall be
7 deposited in the account established in section 602.8108.
8 However, one hundred percent of all fines collected by a city
9 pursuant to section 321.236, subsection 1, shall be retained
10 by the city. The criminal penalty surcharge required by
11 section 911.2 shall be added to a city fine and is not a part
12 of the city's penalty.

13 Sec. 2. Section 364.3, subsection 6, Code 1997, is amended
14 to read as follows:

15 6. A city shall not provide a civil penalty in excess of
16 ~~one~~ five hundred dollars for the violation of an ordinance
17 which is classified as a municipal infraction or if the
18 infraction is a repeat offense, a civil penalty not to exceed
19 ~~two~~ seven hundred fifty dollars for each repeat offense. A
20 municipal infraction is not punishable by imprisonment.

21 Sec. 3. Section 364.22, subsection 1, unnumbered paragraph
22 1, Code 1997, is amended to read as follows:

23 A municipal infraction is a civil offense punishable by a
24 civil penalty of not more than ~~one~~ five hundred dollars for
25 each violation or if the infraction is a repeat offense, a
26 civil penalty not to exceed ~~two~~ seven hundred fifty dollars
27 for each repeat offense. However, notwithstanding section
28 364.3, a municipal infraction arising from noncompliance with
29 a pretreatment standard or requirement, referred to in 40
30 C.F.R. § 403.8, by an industrial user may be punishable by a
31 civil penalty of not more than one thousand dollars for each
32 day a violation exists or continues.

33 Sec. 4. EFFECTIVE DATE. Section 1 of this Act, amending
34 Code section 364.3, is effective January 1 following
35 ratification of an amendment to the Constitution of the State

1 of Iowa removing the limit on fines that may be imposed for
2 criminal offenses without indictment or intervention of a
3 grand jury.

4 EXPLANATION

5 This bill increases the limit on a penalty for violation of
6 a city ordinance from \$100 to \$500. This provision is
7 effective January 1 following ratification of an amendment to
8 the Constitution of the State of Iowa removing the limit on
9 fines that may be imposed for criminal offenses without
10 indictment or intervention of a grand jury.

11 The bill also increases the limit on a civil penalty for
12 violation of a municipal infraction from \$100 to \$500, and the
13 limit on a penalty for a repeat offense from \$200 to \$750.

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S-3/
S-3/19/98 Amend/Do Pass
S-5291

S. 3/26/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2472
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 612)

(As Amended and Passed by the House, March 17, 1998)

Passed House, ^(p.1481) Date 4-13-98 Passed Senate, ^(p.927) Date 3/26/98
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved April 22, 1998

A BILL FOR

1 An Act relating to fines imposed for violations of city or county
2 ordinances or city or county infractions and providing an
3 effective date.

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

HOUSE FILE 2472

S-5291

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 13.
- 4 2. By striking page 1, line 29, through page 2,
- 5 line 5.
- 6 3. Page 2, by striking lines 26 through 31.
- 7 4. Title page, line 1, by striking the word
- 8 "fines" and inserting the following: "civil
- 9 penalties".
- 10 5. Title page, by striking lines 2 and 3 and
- 11 inserting the following: "ordinances or city or
- 12 county infractions."
- 13 6. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
JERRY BEHN, Chairperson

Adopted 3/26/98 (p.926)

S-5291 FILED MARCH 19, 1998

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UNFINISHED BUSINESS CAUTION

1 Section 1. Section 331.302, subsection 2, Code 1997, is
2 amended to read as follows:

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

8 Sec. 2. Section 331.302, subsection 4A, paragraph a,
9 subparagraph (2), Code 1997, is amended to read as follows:

10 (2) A portion of the Code of Iowa may be adopted by
11 reference only if the criminal penalty provided by the law
12 adopted does not exceed thirty days' imprisonment or a one
13 five hundred dollar fine.

14 Sec. 3. Section 331.302, subsection 15, Code 1997, is
15 amended to read as follows:

16 15. A county shall not provide a civil penalty in excess
17 of one five hundred dollars for the violation of an ordinance
18 which is classified as a county infraction or if the
19 infraction is a repeat offense, a civil penalty not to exceed
20 two seven hundred fifty dollars for each repeat offense. A
21 county infraction is not punishable by imprisonment.

22 Sec. 4. Section 331.307, subsection 1, Code 1997, is
23 amended to read as follows:

24 1. A county infraction is a civil offense punishable by a
25 civil penalty of not more than one five hundred dollars for
26 each violation or if the infraction is a repeat offense a
27 civil penalty not to exceed two seven hundred fifty dollars
28 for each repeat offense.

29 Sec. 5. Section 364.3, subsection 2, Code 1997, is amended
30 to read as follows:

31 2. A city shall not provide a penalty in excess of a one
32 five hundred dollar fine or in excess of thirty days
33 imprisonment for the violation of an ordinance. An amount
34 equal to ten percent of all fines collected by cities shall be
35 deposited in the account established in section 602.8108.

1 However, one hundred percent of all fines collected by a city
2 pursuant to section 321.236, subsection 1, shall be retained
3 by the city. The criminal penalty surcharge required by
4 section 911.2 shall be added to a city fine and is not a part
5 of the city's penalty.

6 Sec. 6. Section 364.3, subsection 6, Code 1997, is amended
7 to read as follows:

8 6. A city shall not provide a civil penalty in excess of
9 one five hundred dollars for the violation of an ordinance
10 which is classified as a municipal infraction or if the
11 infraction is a repeat offense, a civil penalty not to exceed
12 two seven hundred fifty dollars for each repeat offense. A
13 municipal infraction is not punishable by imprisonment.

14 Sec. 7. Section 364.22, subsection 1, unnumbered paragraph
15 1, Code 1997, is amended to read as follows:

16 A municipal infraction is a civil offense punishable by a
17 civil penalty of not more than one five hundred dollars for
18 each violation or if the infraction is a repeat offense, a
19 civil penalty not to exceed two seven hundred fifty dollars
20 for each repeat offense. However, notwithstanding section
21 364.3, a municipal infraction arising from noncompliance with
22 a pretreatment standard or requirement, referred to in 40
23 C.F.R. § 403.8, by an industrial user may be punishable by a
24 civil penalty of not more than one thousand dollars for each
25 day a violation exists or continues.

26 Sec. 8. EFFECTIVE DATE. Sections 1, 2, and 5 of this Act,
27 amending sections 364.3 and 331.302, are effective January 1
28 following ratification of an amendment to the Constitution of
29 the State of Iowa removing the limit on fines that may be
30 imposed for criminal offenses without indictment or
31 intervention of a grand jury.

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SENATE AMENDMENT TO HOUSE FILE 2472

H-8759

- 1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 13.
4 2. By striking page 1, line 29, through page 2,
5 line 5.
6 3. Page 2, by striking lines 26 through 31.
7 4. Title page, line 1, by striking the word
8 "fines" and inserting the following: "civil
9 penalties".
10 5. Title page, by striking lines 2 and 3 and
11 inserting the following: "ordinances or city or
12 county infractions."
13 6. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8759 FILED MARCH 26, 1998

House Concurred
4-13-98 (P. 1481)

HOUSE FILE 2472

H-8254

1 Amend House File 2472 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. 100. Section 331.302, subsection 2, Code
5 1997, is amended to read as follows:

6 2. A county shall not provide a penalty in excess
7 of a one five hundred dollar fine or in excess of
8 thirty days imprisonment for the violation of an
9 ordinance. The criminal penalty surcharge required by
10 section 911.2 shall be added to a county fine and is
11 not a part of the county's penalty.

12 Sec. 101. Section 331.302, subsection 4A,
13 paragraph a, subparagraph (2), Code 1997, is amended
14 to read as follows:

15 (2) A portion of the Code of Iowa may be adopted
16 by reference only if the criminal penalty provided by
17 the law adopted does not exceed thirty days'
18 imprisonment or a one five hundred dollar fine.

19 Sec. 102. Section 331.302, subsection 15, Code
20 1997, is amended to read as follows:

21 15. A county shall not provide a civil penalty in
22 excess of one five hundred dollars for the violation
23 of an ordinance which is classified as a county
24 infraction or if the infraction is a repeat offense, a
25 civil penalty not to exceed two seven hundred fifty
26 dollars for each repeat offense. A county infraction
27 is not punishable by imprisonment.

28 Sec. 103. Section 331.307, subsection 1, Code
29 1997, is amended to read as follows:

30 1. A county infraction is a civil offense
31 punishable by a civil penalty of not more than one
32 five hundred dollars for each violation or if the
33 infraction is a repeat offense a civil penalty not to
34 exceed two seven hundred fifty dollars for each repeat
35 offense."

36 2. Page 1, by striking lines 33 and 34, and
37 inserting the following:

38 "Sec. 4. EFFECTIVE DATE. Sections 1, 100, and 101
39 of this Act, amending sections 364.3 and 331.302, are
40 effective January 1 following".

41 3. Title page, line 1, by inserting after the
42 word "city" the following: "or county".

43 4. Title page, line 2, by inserting after the
44 word "city" the following: "or county".

45 5. By renumbering and correcting internal
46 references as necessary.

By VANDE HOEF of Osceola

H-8254 FILED MARCH 5, 1998

*Adopted
3/17/98
p. 136*

Klemme, Ch
Martin
Huser

HSB 612

LOCAL GOVERNMENT

HOUSE FILE *W.H.D.*
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VANDE HOEF)

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

A BILL FOR

1 An Act relating to fines imposed for violations of city
2 ordinances or city infractions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 364.3, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. A city shall not provide a penalty in excess of a one
4 five hundred dollar fine or in excess of thirty days
5 imprisonment for the violation of an ordinance. An amount
6 equal to ten percent of all fines collected by cities shall be
7 deposited in the account established in section 602.8108.
8 However, one hundred percent of all fines collected by a city
9 pursuant to section 321.236, subsection 1, shall be retained
10 by the city. The criminal penalty surcharge required by
11 section 911.2 shall be added to a city fine and is not a part
12 of the city's penalty.

13 Sec. 2. Section 364.3, subsection 6, Code 1997, is amended
14 to read as follows:

15 6. A city shall not provide a civil penalty in excess of
16 one five hundred dollars for the violation of an ordinance
17 which is classified as a municipal infraction or if the
18 infraction is a repeat offense, a civil penalty not to exceed
19 two seven hundred fifty dollars for each repeat offense. A
20 municipal infraction is not punishable by imprisonment.

21 Sec. 3. Section 364.22, subsection 1, unnumbered paragraph
22 1, Code 1997, is amended to read as follows:

23 A municipal infraction is a civil offense punishable by a
24 civil penalty of not more than one five hundred dollars for
25 each violation or if the infraction is a repeat offense, a
26 civil penalty not to exceed two seven hundred fifty dollars
27 for each repeat offense. However, notwithstanding section
28 364.3, a municipal infraction arising from noncompliance with
29 a pretreatment standard or requirement, referred to in 40
30 C.F.R. § 403.8, by an industrial user may be punishable by a
31 civil penalty of not more than one thousand dollars for each
32 day a violation exists or continues.

33 Sec. 4. EFFECTIVE DATE. Section 1 of this Act, amending
34 Code section 364.3, is effective January 1 following
35 ratification of an amendment to the Constitution of the State

612

1 of Iowa removing the limit on fines that may be imposed for
2 criminal offenses without indictment or intervention of a
3 grand jury.

4 EXPLANATION

5 This bill increases the limit on a penalty for violation of
6 a city ordinance from \$100 to \$500. This provision is
7 effective January 1 following ratification of an amendment to
8 the Constitution of the State of Iowa removing the limit on
9 fines that may be imposed for criminal offenses without
10 indictment or intervention of a grand jury.

11 The bill also increases the limit on a civil penalty for
12 violation of a municipal infraction from \$100 to \$500, and the
13 limit on a penalty for a repeat offense from \$200 to \$750.

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HOUSE FILE 2472

AN ACT

RELATING TO CIVIL PENALTIES IMPOSED FOR VIOLATIONS OF CITY
OR COUNTY ORDINANCES OR CITY OR COUNTY INFRACTIONS.

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

Section 1. Section 331.302, subsection 15, Code 1997, is amended to read as follows:

15. A county shall not provide a civil penalty in excess of one five hundred dollars for the violation of an ordinance which is classified as a county infraction or if the infraction is a repeat offense, a civil penalty not to exceed two seven hundred fifty dollars for each repeat offense. A county infraction is not punishable by imprisonment.

Sec. 2. Section 331.307, subsection 1, Code 1997, is amended to read as follows:

1. A county infraction is a civil offense punishable by a civil penalty of not more than one five hundred dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed two seven hundred fifty dollars for each repeat offense.

Sec. 3. Section 364.3, subsection 6, Code 1997, is amended to read as follows:

6. A city shall not provide a civil penalty in excess of one five hundred dollars for the violation of an ordinance which is classified as a municipal infraction or if the infraction is a repeat offense, a civil penalty not to exceed two seven hundred fifty dollars for each repeat offense. A municipal infraction is not punishable by imprisonment.

Sec. 4. Section 364.22, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A municipal infraction is a civil offense punishable by a civil penalty of not more than one five hundred dollars for

each violation or if the infraction is a repeat offense, a civil penalty not to exceed two seven hundred fifty dollars for each repeat offense. However, notwithstanding section 364.3, a municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. § 403.8, by an industrial user may be punishable by a civil penalty of not more than one thousand dollars for each day a violation exists or continues.

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 2472, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1998

TERRY E. BRANSTAD
Governor