

MAR 3 1999

HUMAN RESOURCES

HOUSE FILE

479

BY FORD

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to establish a home campus program for juvenile
2 delinquents fund, providing for the imposition of a home
3 campus program for juvenile delinquents surcharge, and
4 requesting a study of juvenile programming.

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

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HF 479

1 Section 1. NEW SECTION. 232.192 HOME CAMPUS PROGRAM FOR
2 JUVENILE DELINQUENTS SURCHARGE -- ESTABLISHED.

3 1. A home campus program for juvenile delinquents
4 surcharge shall be levied against certain law violators as
5 provided in subsection 2, and used in the manner provided in
6 section 232.193.

7 2. When a court imposes a fine or forfeiture for a
8 violation of a state law or of a city or county ordinance
9 except an ordinance regulating the parking of motor vehicles,
10 the court shall assess an additional penalty in the form of a
11 surcharge equal to ten dollars. In the event of multiple
12 offenses, the surcharge shall be based upon the total number
13 of offenses. When a fine or forfeiture is suspended in whole
14 or in part, the surcharge shall not be reduced. The surcharge
15 is subject to the provisions of chapter 909 governing the
16 payment and collection of fines, as provided in section 909.8.

17 3. When a court assesses a surcharge under subsection 2,
18 notwithstanding any other provision of the Code to the
19 contrary, proceeds from the surcharge shall be deposited in
20 the home campus for juvenile delinquents fund established in
21 section 232.193.

22 Sec. 2. NEW SECTION. 232.193 HOME CAMPUS PROGRAM FOR
23 JUVENILE DELINQUENTS FUND.

24 A home campus program for juvenile delinquents fund is
25 established as a separate and distinct fund in the treasury of
26 the state. All moneys remitted to the treasurer of state from
27 the home campus program for juvenile delinquents surcharge
28 shall be deposited in the fund. Moneys in the fund may be
29 appropriated for use in the improvement, expansion,
30 construction, maintenance, and operation of buildings,
31 equipment, or other projects which are part of a home campus
32 program for juvenile delinquents. The treasurer of state
33 shall act as custodian of the fund and disburse moneys from
34 the fund as directed in appropriations made by the general
35 assembly for this purpose. Notwithstanding section 12C.7,

1 subsection 2, any interest or earnings from moneys deposited
2 in the fund shall be credited to the fund. Notwithstanding
3 section 8.33, any unencumbered or unobligated receipts in the
4 fund at the close of a fiscal year shall not revert to any
5 other fund but shall remain available for appropriation in
6 succeeding fiscal years.

7 Sec. 3. Section 331.302, subsection 2, Code 1999, is
8 amended to read as follows:

9 2. A county shall not provide a penalty in excess of a one
10 hundred dollar fine or in excess of thirty days imprisonment
11 for the violation of an ordinance. The criminal penalty
12 surcharge required by section 911.2 and the home campus
13 program for juvenile delinquents surcharge under section
14 232.192 shall be added to a county fine and ~~is~~ are not a part
15 of the county's penalty.

16 Sec. 4. Section 364.3, subsection 2, Code 1999, is amended
17 to read as follows:

18 2. A city shall not provide a penalty in excess of a one
19 hundred dollar fine or in excess of thirty days imprisonment
20 for the violation of an ordinance. An amount equal to ten
21 percent of all fines collected by cities shall be deposited in
22 the account established in section 602.8108. However, one
23 hundred percent of all fines collected by a city pursuant to
24 section 321.236, subsection 1, shall be retained by the city.
25 The criminal penalty surcharge required by section 911.2 and
26 the home campus program for juvenile delinquents surcharge
27 under section 232.192 shall be added to a city fine and ~~is~~ are
28 not a part of the city's penalty.

29 Sec. 5. Section 602.8107, subsection 4, unnumbered
30 paragraph 2, Code 1999, is amended to read as follows:

31 This subsection does not apply to amounts collected for
32 victim restitution, the victim compensation fund, criminal
33 penalty surcharge, the home campus program for juvenile
34 delinquents surcharge, amounts collected as a result of
35 procedures initiated under subsection 5 or under section

1 421.17, subsection 25, or sheriff's room and board fees.

2 Sec. 6. Section 805.8, subsection 1, Code 1999, is amended
3 to read as follows:

4 1. APPLICATION. Except as otherwise indicated, violations
5 of sections of the Code specified in this section are
6 scheduled violations, and the scheduled fine for each of those
7 violations is as provided in this section, whether the
8 violation is of state law or of a county or city ordinance.
9 The criminal penalty surcharge required by section 911.2 and
10 the home campus program for juvenile delinquents surcharge
11 under section 232.192 shall be added to the scheduled fine.

12 Sec. 7. Section 805.8, subsection 11, paragraph a, Code
13 1999, is amended to read as follows:

14 a. For violations of section 142B.6, the scheduled fine is
15 twenty-five dollars, and is a civil penalty, and the criminal
16 penalty surcharge under section 911.2 and the home campus
17 program for juvenile delinquents surcharge under section
18 232.192 shall not be added to the penalty, and the court costs
19 pursuant to section 805.9, subsection 6, shall not be imposed.
20 If the civil penalty assessed for a violation of section
21 142B.6 is not paid in a timely manner, a citation shall be
22 issued for the violation in the manner provided in section
23 804.1. However, a person under age eighteen shall not be
24 detained in a secure facility for failure to pay the civil
25 penalty. The complainant shall not be charged a filing fee.

26 Sec. 8. Section 805.8, subsection 11, paragraph b,
27 subparagraph (1), unnumbered paragraph 1, Code 1999, is
28 amended to read as follows:

29 For violations of section 453A.2, subsection 2, the
30 scheduled fine is as follows and is a civil penalty, and the
31 criminal penalty surcharge under section 911.2 and the home
32 campus program for juvenile delinquents surcharge under
33 section 232.192 shall not be added to the penalty, and the
34 court costs pursuant to section 805.9, subsection 6, shall not
35 be imposed:

1 Sec. 9. Section 902.9, unnumbered paragraph 2, Code 1999,
2 is amended to read as follows:

3 The criminal penalty surcharge required by section 911.2
4 and the home campus program for juvenile delinquents surcharge
5 under section 232.192 shall be added to a fine imposed on a
6 class "C" or class "D" felon, as provided by ~~that-section~~
7 those sections, and ~~is~~ are not a part of or subject to the
8 maximums set in this section.

9 Sec. 10. Section 903.1, subsection 4, Code 1999, is
10 amended to read as follows:

11 4. The criminal penalty surcharge required by section
12 911.2 and the home campus program for juvenile delinquents
13 surcharge under section 232.192 shall be added to a fine
14 imposed on a misdemeanor, and ~~is~~ are not a part of or subject
15 to the maximums set in this section.

16 Sec. 11. Section 909.8, Code 1999, is amended to read as
17 follows:

18 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO CRIMINAL
19 PENALTY SURCHARGE AND HOME CAMPUS PROGRAM FOR JUVENILE
20 DELINQUENTS SURCHARGES.

21 The provisions of this chapter governing the payment and
22 collection of a fine, except section 909.3A, also apply to the
23 payment and collection of a criminal penalty surcharge imposed
24 pursuant to chapter 911 and the home campus program for
25 juvenile delinquents surcharge under section 232.192.

26 Sec. 12. Section 909.10, subsection 1, Code 1999, is
27 amended to read as follows:

28 1. As used in this section, unless the context otherwise
29 requires, "delinquent amounts" means a fine, court-imposed
30 court costs in a criminal proceeding, or criminal surcharge
31 imposed pursuant to section 911.2, or the home campus program
32 for juvenile delinquents surcharge under section 232.192,
33 which remains unpaid after two years from the date that the
34 fine, court costs, or surcharge was imposed, and which is not
35 collected by the county attorney pursuant to section 602.8107.

1 However, if the fine may be paid in installments pursuant to
2 section 909.3, the fine is not a delinquent amount unless the
3 installment remains unpaid after two years from the date the
4 installment was due.

5 Sec. 13. JUVENILE FACILITIES AND SERVICES INTERIM STUDY.
6 The legislative council is requested to authorize an interim
7 study pertaining to the use of resources and facilities to
8 provide rehabilitative services to delinquent juveniles. The
9 study shall include an examination of the various federal,
10 state, and local public and private agencies involved in
11 providing services to delinquent juveniles; the availability
12 of current federal, state, local, and private funding for
13 programming for juveniles who are the subject of a delinquency
14 petition; the types and administration of facilities which
15 provide programming for delinquent juveniles; and various
16 alternative and innovative approaches taken in other states to
17 provide juvenile delinquency services. The findings from the
18 study, as well as any recommendations for other legislative
19 action, shall be included in a report to the general assembly
20 which convenes in January 2000.

21 EXPLANATION

22 This bill establishes a surcharge and a fund for a home
23 campus program for juvenile delinquents. The bill also
24 contains a request for a legislative interim study of juvenile
25 delinquency programming.

26 Under the bill, when a court imposes a fine or forfeiture
27 for a violation of a state law or of a city or county
28 ordinance other than an ordinance regulating motor vehicle
29 parking, the court is to assess an additional \$10 surcharge
30 per offense. The surcharge money is to be deposited in a
31 special fund in the state treasury and disbursed through
32 appropriations made by the general assembly for a home campus
33 program for juvenile delinquents. The treasurer of state is
34 to act as the custodian of the fund. The fund is to be
35 credited with interest and earnings on moneys in the fund and

1 moneys in the fund do not revert to any other fund.
2 The bill also contains a request to the legislative council
3 to establish a legislative interim study pertaining to
4 juvenile delinquency programming. The study is to include an
5 examination of the various federal, state, and local public
6 and private agencies involved in providing services to
7 delinquent juveniles; the availability of current federal,
8 state, local, and private funding for programming for
9 juveniles who are the subject of a delinquency petition; the
10 types and administration of facilities which provide
11 programming for delinquent juveniles; and various alternative
12 and innovative approaches taken in other states to provide
13 juvenile delinquency services. A report containing the study
14 findings and any recommendations for legislative action is to
15 be submitted to the general assembly which convenes in January
16 2000.

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