

S-3/29/99 Judiciary
S-3/30/99 Do Pass

MAR 17 1999

Place On Calendar

711

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 453)

Passed House, ^(P. 909) Date 03/29/99
Vote: Ayes 98 Nays 0
Approved _____

Passed Senate, Date 4/13/99 ^(P. 1084)
Vote: Ayes 49 Nays 0

A BILL FOR

1 An Act concerning the imposition of a drug abuse resistance
2 education surcharge for criminal alcohol beverage control
3 offenses.

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

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Senate Conference Comm.
4-12-00
(P. 1127)
McKebben
Boettger
Angels
Block
Grain

House Conf. Comm.
4-13-00
Jager
Boulder
Davis
Bell
Richardson

HF 711

1 Section 1. Section 911.2, Code 1999, is amended to read as
2 follows:

3 911.2 SURCHARGE.

4 When a court imposes a fine or forfeiture for a violation
5 of a state law, or of a city or county ordinance except an
6 ordinance regulating the parking of motor vehicles, the court
7 shall assess an additional penalty in the form of a surcharge
8 equal to thirty percent of the fine or forfeiture imposed. An
9 additional drug abuse resistance education surcharge of five
10 dollars shall be assessed by the clerk of the district court
11 if the violation arose out of a violation of an offense
12 provided for in chapter 123, chapter 321J, or chapter 124,
13 division IV. In the event of multiple offenses, the surcharge
14 shall be based upon the total amount of fines or forfeitures
15 imposed for all offenses. When a fine or forfeiture is
16 suspended in whole or in part, the surcharge shall be reduced
17 in proportion to the amount suspended.

18 The surcharge is subject to the provisions of chapter 909
19 governing the payment and collection of fines, as provided in
20 section 909.8.

21 EXPLANATION

22 This bill imposes the \$5 drug abuse resistance education
23 surcharge on violations arising out of an offense provided for
24 in Code chapter 123. Code chapter 123 governs alcoholic
25 beverages and includes offenses such as public intoxication,
26 consumption of alcohol by persons between the ages of 18 and
27 21, and sale of alcohol to minors.

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HOUSE FILE 711

S-3336

1 Amend House File 711, as passed by the House, as
2 follows:

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

5 "Section 1. NEW SECTION. 80E.4 DRUG ABUSE
6 PREVENTION, EDUCATION, AND TREATMENT FUND.

7 1. A drug abuse prevention, education, and
8 treatment fund is created in the office of the
9 treasurer of state under the authority of the drug
10 enforcement and abuse prevention coordinator which
11 shall consist of moneys credited to or deposited in
12 the fund.

13 2. Moneys in the fund shall be used for drug abuse
14 prevention, education, and treatment programs,
15 pursuant to criteria adopted by the coordinator.

16 3. Moneys in the fund are not subject to section
17 8.33. Notwithstanding section 12C.7, subsection 2,
18 interest or earnings on moneys in the fund shall be
19 credited to the fund.

20 Sec. _____. Section 602.8102, subsection 135A, Code
21 1999, is amended to read as follows:

22 135A. Assess the drug abuse resistance prevention,
23 education, and treatment surcharge as provided by
24 section 911.2.

25 Sec. _____. Section 602.8108, subsection 3,
26 paragraph c, Code 1999, is amended to read as follows:

27 c. Notwithstanding provisions of this subsection
28 to the contrary, all moneys collected from the drug
29 abuse resistance prevention, education, and treatment
30 surcharge provided in section 911.2 shall be remitted
31 to the treasurer of state for deposit in the general
32 fund-of-the-state-and-the-amount-deposited-is
33 appropriated-to-the-iowa-law-enforcement-academy-for
34 use-by-the drug abuse resistance prevention, education
35 program, and treatment fund established in section
36 80E.4."

37 2. Page 1, by striking line 9 and inserting the
38 following: "additional drug abuse resistance
39 prevention, education, and treatment surcharge of
40 five".

41 3. Title page, by striking line 1 and inserting
42 the following: "An Act establishing a drug abuse
43 prevention, education, and treatment fund, providing
44 moneys for the fund through a surcharge for that
45 purpose, and by imposing the".

46 4. Title page, line 2, by striking the word
47 "education".

48 5. By renumbering as necessary.

By LARRY McKIBBEN
ANDY McKEAN
O. GENE MADDOX

JOHNNIE HAMMOND
ROBERT E. DVORSKY

adopted
4/13/99
(P. 1084)

SENATE AMENDMENT TO HOUSE FILE 711

H-1579

- 1 Amend House File 711, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. NEW SECTION. 80E.4 DRUG ABUSE
 6 PREVENTION, EDUCATION, AND TREATMENT FUND.
 7 1. A drug abuse prevention, education, and
 8 treatment fund is created in the office of the
 9 treasurer of state under the authority of the drug
 10 enforcement and abuse prevention coordinator which
 11 shall consist of moneys credited to or deposited in
 12 the fund.
 13 2. Moneys in the fund shall be used for drug abuse
 14 prevention, education, and treatment programs,
 15 pursuant to criteria adopted by the coordinator.
 16 3. Moneys in the fund are not subject to section
 17 8.33. Notwithstanding section 12C.7, subsection 2,
 18 interest or earnings on moneys in the fund shall be
 19 credited to the fund.
 20 Sec. _____. Section 602.8102, subsection 135A, Code
 21 1999, is amended to read as follows:
 22 135A. Assess the drug abuse resistance prevention,
 23 education, and treatment surcharge as provided by
 24 section 911.2.
 25 Sec. _____. Section 602.8108, subsection 3,
 26 paragraph c, Code 1999, is amended to read as follows:
 27 c. Notwithstanding provisions of this subsection
 28 to the contrary, all moneys collected from the drug
 29 abuse resistance prevention, education, and treatment
 30 surcharge provided in section 911.2 shall be remitted
 31 to the treasurer of state for deposit in the ~~general~~
 32 ~~fund-of-the-state-and-the-amount-deposited-is~~
 33 ~~appropriated-to-the-Iowa-law-enforcement-academy-for~~
 34 ~~use-by-the~~ drug abuse resistance prevention, education
 35 program, and treatment fund established in section
 36 80E.4."
 37 2. Page 1, by striking line 9 and inserting the
 38 following: "additional drug abuse resistance
 39 prevention, education, and treatment surcharge of
 40 five".
 41 3. Title page, by striking line 1 and inserting
 42 the following: "An Act establishing a drug abuse
 43 prevention, education, and treatment fund, providing
 44 moneys for the fund through a surcharge for that
 45 purpose, and by imposing the".
 46 4. Title page, line 2, by striking the word
 47 "education".
 48 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1579 FILED APRIL 13, 1999

House Refused 4/19/99 (p. 1440)
Senate Insists 4/11/00 (p. 1100)

**HOUSE FILE 711
FISCAL NOTE**

The estimate for **House File 711 as passed by Senate** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 711, as passed by the Senate, applies the \$5.00 Drug Abuse Resistance Education (D.A.R.E.) Surcharge to offenses covered by Chapter 123, Code of Iowa, which governs offenses involving alcoholic beverages.

House File 711, as passed by the Senate, renames the Drug Abuse Resistance Education Surcharge to the Drug Abuse Prevention, Education, and Treatment Surcharge. The Bill requires all funds collected by the Surcharge be deposited with the Treasurer of State. The funds are for grants to drug abuse prevention, education, and treatment programs. The Drug Enforcement and Abuse Prevention Coordinator (i.e., the Governor's Alliance on Substance Abuse [GASA] Director) is to adopt grant criteria and administer the grant program.

ASSUMPTIONS

1. The Drug Abuse Resistance Education (D.A.R.E.) Surcharge generates approximately \$73,000 annually for the Drug Abuse Resistance Education (D.A.R.E.) Program.
2. There are approximately 7,700 additional offenses annually which will be assessed the Surcharge because of the changes in this Bill.
3. The Judicial Branch has a collection rate of 60.0% for the Surcharge.

FISCAL IMPACT

House File 711, as passed by the Senate, will generate an additional \$23,000 in revenues annually for the Drug Abuse Prevention, Education, and Treatment Program. Combined with the existing revenues, the Program will have total annual funding of approximately \$96,000.

SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1979hv.3, MDF)

FILED APRIL 13, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR