

Senate Study Bill 3021

Bill Text

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1 1 Section 1. Section [805.6](#), subsection 1, paragraph c, Code
1 2 1999, is amended by adding the following new subparagraph
1 3 before subparagraph (1):

1 4 NEW SUBPARAGRAPH. (0) If the offense is one to which an
1 5 assessment of a minimum fine is applicable and the entry is
1 6 otherwise not prohibited by this section, an amount equal to
1 7 one and one-half times the minimum fine plus court costs.

1 8 Sec. 2. Section [805.6](#), subsection 1, paragraph c,
1 9 subparagraph (3), Code 1999, is amended to read as follows:

1 10 (3) If the violation is for any offense for which a court
1 11 appearance is mandatory, and an assessment of a minimum fine
1 12 is not applicable, the amount of one hundred dollars plus
1 13 court costs.

1 14 Sec. 3. Section [805.6](#), subsection 1, paragraph d, Code
1 15 1999, is amended to read as follows:

1 16 d. The written appearance defined in paragraph "b" shall
1 17 not be used for any offense other than a simple misdemeanor
1 18 and shall not be used for any offense under section 321.218 or
1 19 321A.32.

1 20 Sec. 4. Section [811.2](#), subsection 2, Code Supplement 1999,
1 21 is amended to read as follows:

1 22 2. DETERMINATION OF CONDITIONS. In determining which
1 23 conditions of release will reasonably assure the defendant's
1 24 appearance and the safety of another person or persons, the
1 25 magistrate shall, on the basis of available information, take
1 26 into account the nature and circumstances of the offense
1 27 charged, the defendant's family ties, employment, financial
1 28 resources, character and mental condition, the length of the
1 29 defendant's residence in the community, the defendant's record
1 30 of convictions, including the defendant's driving record, the
1 31 defendant's failure to pay any fine, surcharge, or court
1 32 costs, and the defendant's record of appearance at court
1 33 proceedings or of flight to avoid prosecution or failure to
1 34 appear at court proceedings.

1 35 EXPLANATION

2 1 This bill relates to the appearance in court and the
2 2 release from custody of certain criminal defendants.

2 3 The amendments to Code section 805.6 relate to a defendant
2 4 giving the court an unsecured appearance bond for certain
2 5 simple misdemeanor offenses. An unsecured appearance bond
2 6 given to the court authorizes the court to enter a conviction
2 7 and render judgment against the defendant in the amount of the
2 8 unsecured appearance bond if the defendant fails to appear in
2 9 court. The bill prohibits a defendant charged with driving
2 10 while the defendant's license is under suspension in violation
2 11 of Code section 321.218 or 321A.32 from giving the court an
2 12 unsecured appearance bond. Under existing law, a defendant
2 13 may give the court an unsecured appearance bond for any simple
2 14 misdemeanor offense including driving while under suspension
2 15 in violation of Code section 321.218 or 321A.32. The bill
2 16 effectively requires the issuance of an arrest warrant for a
2 17 defendant who fails to appear in court for driving while under
2 18 suspension in violation of Code section 321.218 or 321A.32.

2 19 The bill also requires an unsecured appearance bond equal
2 20 to one and one-half times any minimum fine for a simple
2 21 misdemeanor offense in which an unsecured appearance bond is

2 22 permitted. Under existing law, the amount of the unsecured
2 23 appearance bond is limited to \$100 plus court costs.
2 24 The amendment to Code section 811.2 relates to the release
2 25 conditions of a criminal defendant. The bill requires the
2 26 court to consider a defendant's driving record and failure to
2 27 pay a prior fine and court costs when considering the release
2 28 of a defendant from custody.
2 29 LSB 5127DP 78
2 30 jm/cf/24