FILED FEB 19 01 SENATE FILE 235 BY MCCOY, DVORSKY, HAMMOND, HARPER, HORN, FIEGEN, CONNOLLY, KIBBIE, FRAISE, FINK, BLACK, and GRONSTAL

JUDICLARY

Passed	Senate,	Date	Passed	House,	Date	<u></u>
Vote:	Ayes	Nays	Vote:	Ayes	2	Nays
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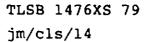
A BILL FOR

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An Act relating to the assessment of a law enforcement initiative
surcharge on certain criminal offenses.

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

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S.F. 235 H.F.

1 Section 1. Section 602.8102, Code 2001, is amended by 2 adding the following new subsection: 3 NEW SUBSECTION. 135B. Assess the law enforcement 4 initiative surcharge as provided by section 911.3. 5 Sec. 2. Section 602.8107, subsection 4, unnumbered 6 paragraph 2, Code 2001, is amended to read as follows: This subsection does not apply to amounts collected for 7 8 victim restitution, the victim compensation fund, criminal 9 penalty surcharge, law enforcement initiative surcharge, 10 amounts collected as a result of procedures initiated under 11 subsection 5 or under section 421.17, subsection 25, or 12 sheriff's room and board fees. 13 Sec. 3. Section 602.8108, Code 2001, is amended by adding 14 the following new subsection: NEW SUBSECTION. 15 3A. When a court assesses the law 16 enforcement initiative surcharge under section 911.3, the 17 clerk of court shall remit to the treasurer of the state, no 18 later than the fifteenth day of each month, all the moneys 19 collected during the preceding month, for deposit in the 20 general fund of the state. Sec. 4. Section 902.9, subsection 5, unnumbered paragraph 21 22 2, Code 2001, is amended to read as follows: 23 The criminal penalty surcharge required by section sections 24 911.2 and 911.3 shall be added to a fine imposed on a class 25 "C" or class "D" felon, as provided by that section, and is 26 not a part of or subject to the maximums set in this section. 27 Sec. 5. Section 903.1, subsection 4, Code 2001, is amended 28 to read as follows: 29 4. The criminal penalty surcharge required by section 30 sections 911.2 and 911.3 shall be added to a fine imposed on a 31 misdemeanant, and is not a part of or subject to the maximums 32 set in this section. 33 Sec. 6. Section 909.8, Code 2001, is amended to read as 34 follows: 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO ERIMINAL 35

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1 PENALTY SURCHARGE.

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The provisions of this chapter governing the payment and collection of a fine, except section 909.3A, also apply to the a payment and collection of a-criminal-penalty-surcharge surcharges imposed pursuant to chapter 911. <u>However, section</u> <u>909.10 shall not apply to surcharges assessed under section</u> <u>911.3.</u>

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8 Sec. 7. <u>NEW SECTION</u>. 911.3 LAW ENFORCEMENT INITIATIVE 9 SURCHARGE.

10 1. In addition to the surcharge assessed in section 911.2, 11 a law enforcement initiative surcharge of one hundred and 12 twenty-five dollars shall be assessed by the clerk of the 13 district court if an adjudication of guilt or a deferred 14 judgment has been entered for a criminal violation under any 15 of the following:

a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.

b. Section 719.8, 725.1, 725.2, or 725.3.

18 2. The surcharge shall be deposited in the general fund of 19 the state.

3. The surcharge is subject to the provisions of chapter 21 909 governing the payment and collection of fines, as provided 22 in section 909.8.

EXPLANATION

This bill provides for the assessment of a \$125 surcharge for convictions of certain criminal offenses in addition to any other fine, surcharge, or court cost assessed in a criminal case.

The bill adds the surcharge to any drug-related criminal offense under Code chapter 124, 155, or 453B. The surcharge all is added to any burglary, forgery, credit card, or theftrelated offense. The bill also adds the surcharge on any offense involving damage to property or trespass upon property ander Code chapter 716. The surcharge is added to offenses involving prostitution, pandering, pimping, or furnishing of drugs to an inmate.

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The bill provides that the surcharge shall also apply to a 2 person who receives a deferred judgment for any offense listed 3 in the bill.

The bill further provides that the surcharge assessed shall 5 be remitted by the clerk of district court to the treasurer of 6 the state, for deposit in the general fund.

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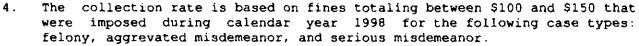
SENATE FILE 235 FISCAL NOTE

A fiscal note for Senate File 235 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 235 provides for the assessment of \$125 surcharge for convictions of certain criminal offenses in addition to any other fine, surcharge, or court cost assessed in a criminal case.

ASSUMPTIONS

- 1. The following convictions would have the \$125 surcharge imposed: drug offenses (all Chapters 124,155A, and 453B); burglary (all Chapter 713); (all Chapter 714); forgery/credit cards (all Chapter 715A); theft furnishing drugs to inmates (Section 719.8); vandalism (all Chapter 716); and prostitution/pimping/pandering (within Chapter 725).
- 2. The \$125 fee would be imposed even if no other fine is ordered as part of the sentence.
- 3. According to the Iowa Justice Data Warehouse, there were 38,805 convictions during FY 2000.



- 5. Fine collections were tracked through October, 2000. The overall collection rate through this period was 70.3%.
- Estimated revenues assume no change in annual convictions for the targeted 6. offenses over the period, and no change in the assumed collection rate.
- A lag effect of six months is assumed during the first year, to account 7. for the time between the law's effective date and the date of conviction for affected offenders.

TISCAL IMPACT

Senate File 235 would result in increased revenue to the General Fund as follows:

Year	1	\$1,162,000
Year	2	\$2,685,000
Year	3	\$3,205,000
Year	4	\$3,365,000
Year	5	\$3,365,000

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights Department of Public Safety Judicial Branch

(LSB 1476XS, JDD)



FILED MARCH 6, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR



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