

Senate Study Bill 1150

Bill Text

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1 1 Section 1. Section [602.8102](#), Code 2001, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 135B. Assess the law enforcement
1 4 initiative surcharge as provided by section 911.3.
1 5 Sec. 2. Section [602.8107](#), subsection 4, unnumbered
1 6 paragraph 2, Code 2001, is amended to read as follows:
1 7 This subsection does not apply to amounts collected for
1 8 victim restitution, the victim compensation fund, criminal
1 9 penalty surcharge, law enforcement initiative surcharge,
1 10 amounts collected as a result of procedures initiated under
1 11 subsection 5 or under section 421.17, subsection 25, or
1 12 sheriff's room and board fees.
1 13 Sec. 3. Section [602.8108](#), Code 2001, is amended by adding
1 14 the following new subsection:
1 15 NEW SUBSECTION. 3A. When a court assesses the law
1 16 enforcement initiative surcharge under section 911.3, the
1 17 clerk of court shall remit to the treasurer of the state, no
1 18 later than the fifteenth day of each month, all the moneys
1 19 collected during the preceding month, for deposit in the
1 20 general fund of the state.
1 21 Sec. 4. Section [902.9](#), subsection 5, unnumbered paragraph
1 22 2, Code 2001, is amended to read as follows:
1 23 The criminal penalty surcharge required by

~~section~~

~~sections~~

1 24 911.2 and 911.3 shall be added to a fine imposed on a class
1 25 "C" or class "D" felon, as provided by that section, and is
1 26 not a part of or subject to the maximums set in this section.
1 27 Sec. 5. Section [903.1](#), subsection 4, Code 2001, is amended
1 28 to read as follows:
1 29 4. The criminal penalty surcharge required by

~~section~~

1 30 sections 911.2 and 911.3 shall be added to a fine imposed on a
1 31 misdemeanor, and is not a part of or subject to the maximums
1 32 set in this section.
1 33 Sec. 6. Section [909.8](#), Code 2001, is amended to read as
1 34 follows:
1 35 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO

~~CRIMINAL~~

2 1
~~PENALTY~~
~~SURCHARGE.~~
2 2 The provisions of this chapter governing the payment and
2 3 collection of a fine, except section 909.3A, also apply to the
2 4 payment and collection of

~~a criminal penalty surcharge~~

2 5 surcharges imposed pursuant to chapter 911. However, section
2 6 909.10 shall not apply to surcharges assessed under section

2 7 911.3.

2 8 Sec. 7. NEW SECTION. 911.3 LAW ENFORCEMENT INITIATIVE
2 9 SURCHARGE.

2 10 1. In addition to the surcharge assessed in section 911.2,
2 11 a law enforcement initiative surcharge of one hundred and
2 12 twenty-five dollars shall be assessed by the clerk of the
2 13 district court if an adjudication of guilt or a deferred
2 14 judgment has been entered for a criminal violation under any
2 15 of the following:

2 16 a. Chapter 124, 155A, 453B, 713, 714, 715A, or 716.

2 17 b. Section 719.8, 725.1, 725.2, or 725.3.

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

2 20 3. The surcharge is subject to the provisions of chapter
2 21 909 governing the payment and collection of fines, as provided
2 22 in section 909.8.

2 23 EXPLANATION

2 24 This bill provides for the assessment of a \$125 surcharge
2 25 for convictions of certain criminal offenses in addition to
2 26 any other fine, surcharge, or court cost assessed in a
2 27 criminal case.

2 28 The bill adds the surcharge to any drug-related criminal
2 29 offense under Code chapter 124, 155, or 453B. The surcharge
2 30 is added to any burglary, forgery, credit card, or theft-
2 31 related offense. The bill also adds the surcharge on any
2 32 offense involving damage to property or trespass upon property
2 33 under Code chapter 716. The surcharge is added to offenses
2 34 involving prostitution, pandering, pimping, or furnishing
2 35 drugs to an inmate.

3 1 The bill provides that the surcharge shall also apply to a
3 2 person who receives a deferred judgment for any offense listed
3 3 in the bill.

3 4 The bill further provides that the surcharge assessed shall
3 5 be remitted by the clerk of district court to the treasurer of
3 6 the state, for deposit in the general fund.

3 7 LSB 1476XL 79

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