

Withdrawn

MAR 4 2004

4/7/04

WAYS AND MEANS

HOUSE FILE 2456

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2292)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act establishing a county enforcement surcharge for citations  
 2 issued by the county sheriff.

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

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HF 2456

1 Section 1. Section 331.301, Code 2003, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 16. The board of supervisors may by  
4 resolution allow a five dollar county enforcement surcharge to  
5 be assessed pursuant to section 911.4.

6 Sec. 2. Section 602.8102, subsection 135A, Code Supplement  
7 2003, is amended to read as follows:

8 135A. Assess the ~~drug-abuse-resistance-education-surcharge~~  
9 ~~as-provided-by-section~~ surcharges provided by sections 911.2,  
10 911.3, and 911.4.

11 Sec. 3. Section 602.8102, subsection 135B, Code Supplement  
12 2003, is amended by striking the subsection.

13 Sec. 4. Section 602.8107, subsection 4, unnumbered  
14 paragraph 2, Code Supplement 2003, is amended to read as  
15 follows:

16 This subsection does not apply to amounts collected for  
17 victim restitution, the victim compensation fund, criminal  
18 penalty surcharge, law enforcement initiative surcharge,  
19 county enforcement surcharge, amounts collected as a result of  
20 procedures initiated under subsection 5 or under section  
21 8A.504, or sheriff's room and board fees.

22 Sec. 5. Section 602.8108, Code Supplement 2003, is amended  
23 by adding the following new subsection:

24 NEW SUBSECTION. 4A. The clerk of the district court shall  
25 remit all moneys collected from the county enforcement  
26 surcharge to the county where the citation was issued for  
27 deposit in the county general fund no later than the fifteenth  
28 day of each month.

29 Sec. 6. Section 805.8, subsection 1, Code 2003, is amended  
30 to read as follows:

31 1. APPLICATION. Except as otherwise indicated, violations  
32 of sections of the Code specified in sections 805.8A, 805.8B,  
33 and 805.8C are scheduled violations, and the scheduled fine  
34 for each of those violations is as provided in those sections,  
35 whether the violation is of state law or of a county or city

1 ordinance. The criminal penalty surcharge required by section  
2 911.2 and the county enforcement surcharge required by section  
3 911.4, if applicable, shall be added to the scheduled fine.

4 Sec. 7. Section 903.1, subsection 4, Code 2003, is amended  
5 to read as follows:

6 4. The ~~criminal-penalty-surcharge~~ surcharges required by  
7 sections 911.2, and 911.3, and 911.4 shall be added to a fine  
8 imposed on a misdemeanor, and ~~is~~ are not a part of or subject  
9 to the maximums set in this section.

10 Sec. 8. Section 909.8, Code 2003, is amended to read as  
11 follows:

12 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
13 SURCHARGE.

14 The provisions of this chapter governing the payment and  
15 collection of a fine, except section 909.3A, also apply to the  
16 payment and collection of surcharges imposed pursuant to  
17 chapter 911. However, section 909.10 shall not apply to  
18 surcharges assessed under section sections 911.3 and 911.4.

19 Sec. 9. NEW SECTION. 911.4 COUNTY ENFORCEMENT SURCHARGE.

20 1. If the county has adopted a resolution pursuant to  
21 section 331.301, subsection 16, and a court imposes a fine or  
22 forfeiture for any simple misdemeanor punishable as a  
23 scheduled violation pursuant to a citation issued by the  
24 sheriff as defined in section 331.101, the court or the clerk  
25 of the district court shall assess a surcharge in the amount  
26 of five dollars for each applicable violation in addition to  
27 any fine, forfeiture, or other surcharge.

28 2. Pursuant to section 602.8108, subsection 4A, the  
29 surcharge shall be deposited in the county general fund of the  
30 county where the citation was issued.

31 3. The surcharge is subject to the provisions of chapter  
32 909 governing the payment and collection of fines, as provided  
33 in section 909.8.

34 EXPLANATION

35 This bill imposes a county enforcement surcharge of \$5 on

1 fines or forfeitures imposed pursuant to citations issued by  
2 the county sheriff for state violations punishable as a  
3 scheduled fine, if the board of supervisors has authorized the  
4 assessment of the surcharge for that county. The county  
5 enforcement surcharge is in addition to the fine and any other  
6 surcharge currently assessed.

7 The bill directs the clerk of the district court to remit  
8 all moneys collected in the preceding month from the county  
9 enforcement surcharge to the county where the citation was  
10 issued for deposit in the county general fund.

11 The bill provides that the county enforcement surcharge is  
12 exempt from the Code provisions allowing a county to retain a  
13 portion of delinquent surcharges collected by the county  
14 attorney because the county enforcement surcharge is already  
15 payable to the county.

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