

(SUCCESSOR TO HF 2456)
(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 2569

HOUSE FILE 2569

H-8378

1 Amend House File 2569 as follows:
2 1. Page 1, by striking lines 1 through 5.
3 2. Page 2, lines 20 and 21, by striking the words
4 "the county has adopted a resolution pursuant to
5 section 331.301, subsection 16, and".

By HOGG of Linn

H-8378 FILED APRIL 5, 2004

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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.

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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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Fiscal Services Division Legislative Services Agency Fiscal Note

HF 2569 - Scheduled Fines, Distribution (LSB 6073 HZ)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2569 imposes a \$5 county enforcement surcharge for citations issued by county sheriffs in addition to the fine and any other surcharge currently assessed.

Assumptions

1. In FY 2003, the sheriffs were identified as the arresting agency in approximately 63,000 State scheduled traffic citations. (However, the Clerks of Court did not always identify the arresting agency in the Iowa Court Information System.) The collection rate for scheduled traffic violations in HF 2569 in year one is 94.0%, for year two is 96.0%, and for year three and ongoing years is 96.5%.
2. There would be a one-time cost to the Judicial Branch of approximately \$7,000 for programming changes to the Iowa Court Information System (ICIS) in the Judicial Branch.
3. Increases data entry and case processing time for Clerk of Court offices by three to four minutes per case at \$0.27 per minute. The increased cost for data entry processing ranges from approximately \$51,000 to \$68,000 annually.
4. Allows each county's board of supervisors discretion in determining if the \$5 surcharge would be assessed in their county.
5. Under current law, counties must write a citation to the State offense for violations under Sections 805.8A, 805.8B, and 805.8C, Code of Iowa. If the county writes a citation to the State offense, 100.0% of the revenue generated from the fine is deposited to the State. (The only exception is for proof of insurance, in which 25.0% of the revenue is deposited to the counties and 50.0% is deposited to the Victim Compensation Fund and 25.0% to the State General Fund.) House File 2569 would allow an additional \$5 surcharge to be imposed on a citation issued by the county sheriff and the revenue from this surcharge will be deposited into the county general fund.

Fiscal Impact

State General Fund

House File 2569 will increase General Fund expenditures to the Judicial Branch by approximately \$68,000 in FY 2005. The estimate includes a one-time program cost of \$7,000. The estimated cost for FY 2006 and future years is \$61,000 annually.

County General Fund

The chart below shows the revenue anticipated from the county enforcement surcharge, which will be deposited into the county general fund in the county where the citation was issued. This estimate is based on all 99 counties implementing the \$5 surcharge.

Increased Revenue from the \$5 County Enforcement Surcharge

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
County Enforcement Surcharge	\$ 298,000	\$ 304,000	\$ 306,000

Sources

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

Dennis C Prouty

April 6, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2569

AN ACT

ESTABLISHING A COUNTY ENFORCEMENT SURCHARGE FOR CITATIONS
ISSUED BY THE COUNTY SHERIFF.

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

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

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

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

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

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

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

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

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

NEW SUBSECTION. 4A. The clerk of the district court shall remit all moneys collected from the county enforcement

surcharge to the county where the citation was issued for deposit in the county general fund no later than the fifteenth day of each month.

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

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.2 and the county enforcement surcharge required by section 911.4, if applicable, shall be added to the scheduled fine.

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

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

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

909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO SURCHARGE.

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

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

1. If the county has adopted a resolution pursuant to section 331.301, subsection 16, and a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff as defined in section 331.101, the court or the clerk of the district court shall assess a surcharge in the amount

of five dollars for each applicable violation in addition to any fine, forfeiture, or other surcharge.

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

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

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2569, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor