

House Study Bill 96

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a criminalistics laboratory surcharge and
2 creating a criminalistics laboratory fund, making an
3 appropriation of surcharge moneys, and making related changes.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1060DP 80
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1 1 DIVISION I
1 2 Section 1. Section 602.8108, Code 2003, is amended by
1 3 adding the following new subsection:
1 4 NEW SUBSECTION. 7. A criminalistics laboratory fund is
1 5 created in the state treasury under the control of the
1 6 department of public safety. The fund shall consist of
1 7 appropriations made to the fund and transfers of interest,
1 8 earnings, and moneys required to be collected for deposit in
1 9 the fund, including moneys received from the criminalistics
1 10 laboratory surcharge provided in section 911.3. All moneys in
1 11 the fund are appropriated to the department of public safety
1 12 for use by the department in criminalistics laboratory
1 13 equipment purchasing, maintenance, depreciation, and training.
1 14 Any balance in the fund on June 30 of any fiscal year shall
1 15 not revert to any other fund of the state but shall remain
1 16 available for the purposes described in this subsection.
1 17 Sec. 2. Section 911.3, Code 2003, is amended by striking
1 18 the section and inserting in lieu thereof the following:
1 19 911.3 ADDITIONAL SURCHARGES.
1 20 1. In addition to the surcharge assessed in section 911.2,
1 21 the clerk of the district court shall assess the following
1 22 surcharges when applicable:
1 23 a. CRIMINALISTICS LABORATORY SURCHARGE. A surcharge equal
1 24 to two percent of any fine or forfeiture imposed for a
1 25 violation of any state law or city or county ordinance, except
1 26 an ordinance regulating the parking of motor vehicles. The
1 27 clerk shall remit all moneys received from the surcharge to
1 28 the treasurer of state for deposit in the criminalistics
1 29 laboratory fund as provided in section 602.8108, subsection 7.
1 30 b. DRUG ABUSE RESISTANCE EDUCATION SURCHARGE. A surcharge
1 31 in the amount of ten dollars if the violation arose out of a
1 32 violation of an offense provided for in chapter 321J or
1 33 chapter 124, division IV. The clerk shall remit all moneys
1 34 received from the surcharge to the treasurer of state for
1 35 deposit as provided in section 602.8108, subsection 3.
2 1 c. LAW ENFORCEMENT INITIATIVE SURCHARGE. A surcharge in
2 2 the amount of one hundred twenty-five dollars if an
2 3 adjudication of guilt or a deferred judgment has been entered
2 4 for a criminal violation under any of the following:
2 5 (1) Chapter 124, 155A, 453B, 713, 714, 715A, or 716.
2 6 (2) Section 719.8, 725.1, 725.2, or 725.3.
2 7 The clerk shall remit all moneys received from the
2 8 surcharge to the treasurer of state for deposit as provided in
2 9 section 602.8108, subsection 4.
2 10 2. The surcharges assessed in this section are subject to
2 11 the provisions of chapter 909 governing the payment and
2 12 collection of fines, as provided in section 909.8.
2 13 DIVISION II
2 14 Sec. 3. Section 331.302, subsection 2, Code 2003, is
2 15 amended to read as follows:
2 16 2. A county shall not provide a penalty in excess of a
2 17 five hundred dollar fine or in excess of thirty days
2 18 imprisonment for the violation of an ordinance. ~~The criminal~~
2 19 ~~penalty~~ A surcharge required by section 911.2 or 911.3 shall
2 20 be added to a county fine and is not a part of the county's
2 21 penalty.
2 22 Sec. 4. Section 364.3, subsection 2, Code 2003, is amended

2 23 to read as follows:

2 24 2. A city shall not provide a penalty in excess of a five
2 25 hundred dollar fine or in excess of thirty days imprisonment
2 26 for the violation of an ordinance. An amount equal to ten
2 27 percent of all fines collected by cities shall be deposited in
2 28 the account established in section 602.8108. However, one
2 29 hundred percent of all fines collected by a city pursuant to
2 30 section 321.236, subsection 1, shall be retained by the city.
2 31 ~~The criminal penalty~~ A surcharge required by section 911.2 or
2 32 911.3 shall be added to a city fine and is not a part of the
2 33 city's penalty.

2 34 Sec. 5. Section 602.8102, subsection 135A, Code 2003, is
2 35 amended to read as follows:

3 1 135A. Assess the ~~drug abuse resistance education surcharge~~
3 2 surcharges as provided by section ~~911.2~~ 911.3.

3 3 Sec. 6. Section 602.8102, subsection 135B, Code 2003, is
3 4 amended by striking the subsection.

3 5 Sec. 7. Section 602.8107, subsection 4, unnumbered
3 6 paragraph 2, Code 2003, is amended to read as follows:

3 7 This subsection does not apply to amounts collected for
3 8 victim restitution, the victim compensation fund, ~~criminal~~
3 9 ~~penalty surcharge, law enforcement initiative surcharge a~~
3 10 ~~surcharge collected pursuant to section 911.2 or 911.3,~~

3 11 amounts collected as a result of procedures initiated under
3 12 subsection 5 or under section 421.17, subsection 25, or
3 13 sheriff's room and board fees.

3 14 Sec. 8. Section 602.8108, subsection 2, Code 2003, is
3 15 amended to read as follows:

3 16 2. Except as otherwise provided, the clerk of the district
3 17 court shall report and submit to the state court
3 18 administrator, not later than the fifteenth day of each month,
3 19 the fines and fees received during the preceding calendar
3 20 month. Except as otherwise provided in ~~subsections 4 and 5~~
3 21 this section, the state court administrator shall deposit the
3 22 amounts received with the treasurer of state for deposit in
3 23 the general fund of the state. The state court administrator
3 24 shall report to the legislative fiscal bureau within thirty
3 25 days of the beginning of each fiscal quarter the amount
3 26 received during the previous quarter in the account
3 27 established under this section.

3 28 Sec. 9. Section 602.8108, subsection 3, paragraph c, Code
3 29 2003, is amended to read as follows:

3 30 c. Notwithstanding provisions of this subsection to the
3 31 contrary, all moneys collected from the drug abuse resistance
3 32 education surcharge provided in section ~~911.2~~ 911.3 shall be
3 33 remitted to the treasurer of state for deposit in the general
3 34 fund of the state and the amount deposited is appropriated to
3 35 the governor's office of drug control policy for use by the
4 1 drug abuse resistance education program and other programs
4 2 directed for a similar purpose.

4 3 Sec. 10. Section 805.8, subsection 1, Code 2003, is
4 4 amended to read as follows:

4 5 1. APPLICATION. Except as otherwise indicated, violations
4 6 of sections of the Code specified in sections 805.8A, 805.8B,
4 7 and 805.8C are scheduled violations, and the scheduled fine
4 8 for each of those violations is as provided in those sections,
4 9 whether the violation is of state law or of a county or city
4 10 ordinance. ~~The criminal penalty~~ A surcharge required by
4 11 section 911.2 or 911.3 shall be added to the scheduled fine.

4 12 Sec. 11. Section 805.8C, subsection 3, paragraph a, Code
4 13 2003, is amended to read as follows:

4 14 a. For violations of section 142B.6, the scheduled fine is
4 15 ~~twenty-five dollars, and is a civil penalty, and the criminal~~
4 16 ~~penalty~~ a surcharge under section 911.2 or 911.3 shall not be
4 17 added to the penalty, and the court costs pursuant to section
4 18 805.9, subsection 6, shall not be imposed. If the civil
4 19 penalty assessed for a violation of section 142B.6 is not paid
4 20 in a timely manner, a citation shall be issued for the
4 21 violation in the manner provided in section 804.1. However, a
4 22 person under age eighteen shall not be detained in a secure
4 23 facility for failure to pay the civil penalty. The
4 24 complainant shall not be charged a filing fee.

4 25 Sec. 12. Section 805.8C, subsection 3, paragraph c,
4 26 unnumbered paragraph 1, Code 2003, is amended to read as
4 27 follows:

4 28 For violations of section 453A.2, subsection 2, the
4 29 scheduled fine is as follows and is a civil penalty, and ~~the~~
4 30 ~~criminal penalty~~ a surcharge under section 911.2 or 911.3
4 31 shall not be added to the penalty, and the court costs
4 32 pursuant to section 805.9, subsection 6, shall not be imposed:

4 33 Sec. 13. Section 909.10, subsection 1, Code 2003, is

4 34 amended to read as follows:

4 35 1. As used in this section, unless the context otherwise
5 1 requires, "delinquent amounts" means a fine, court-imposed
5 2 court costs in a criminal proceeding, or ~~criminal~~ surcharge
5 3 imposed pursuant to section 911.2 ~~or 911.3~~, which remains
5 4 unpaid after two years from the date that the fine, court
5 5 costs, or surcharge was imposed, and which is not collected by
5 6 the county attorney pursuant to section 602.8107. However, if
5 7 the fine may be paid in installments pursuant to section
5 8 909.3, the fine is not a delinquent amount unless the
5 9 installment remains unpaid after two years from the date the
5 10 installment was due.

5 11 Sec. 14. Section 911.2, unnumbered paragraph 1, Code 2003,
5 12 is amended to read as follows:

5 13 When a court imposes a fine or forfeiture for a violation
5 14 of a state law, or of a city or county ordinance except an
5 15 ordinance regulating the parking of motor vehicles, the court
5 16 shall assess an additional penalty in the form of a surcharge
5 17 equal to thirty percent of the fine or forfeiture imposed. ~~Am~~

~~5 18 additional drug abuse resistance education surcharge of ten
5 19 dollars shall be assessed by the clerk of the district court
5 20 if the violation arose out of a violation of an offense~~

~~5 21 provided for in chapter 321J or chapter 124, division IV. In
5 22 the event of multiple offenses, the surcharge shall be based
5 23 upon the total amount of fines or forfeitures imposed for all
5 24 offenses. When a fine or forfeiture is suspended in whole or
5 25 in part, the surcharge shall be reduced in proportion to the
5 26 amount suspended.~~

5 27 EXPLANATION

5 28 This bill establishes a criminalistics laboratory surcharge
5 29 and creates a criminalistics laboratory fund.

5 30 DIVISION I. The bill provides that a criminalistics
5 31 laboratory surcharge be assessed that is equal to 2 percent of
5 32 any fine or forfeiture imposed for a violation of any state
5 33 law or city or county ordinance, except a parking violation.
5 34 The bill provides that a criminalistics laboratory surcharge
5 35 be collected by the clerk of court and remitted to the
6 1 treasurer of state for deposit in the criminalistics
6 2 laboratory fund established in the state treasury.

6 3 The bill provides that the criminalistics laboratory fund
6 4 be under the control of the department of public safety and
6 5 that any moneys in the fund be appropriated to the department
6 6 for criminalistics laboratory equipment purchase, maintenance,
6 7 depreciation, and training.

6 8 DIVISION II. The bill combines the criminalistics
6 9 laboratory surcharge into one Code section with most of the
6 10 existing criminal surcharges in the Code, except the general
6 11 criminal penalty surcharge. This division of the bill amends
6 12 various Code sections to conform with combining the surcharges
6 13 into one Code section.

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