

FILED FEB 13 '03

SENATE FILE 142

BY BOLKCOM

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

A BILL FOR

1 An Act establishing a courthouse security surcharge on criminal
 2 fines, creating a courthouse security 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
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 142 LOCAL GOVERNMENT

DIVISION I

1
2 Section 1. Section 331.552, Code 2003, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 10. Receive and disburse courthouse
5 security funds pursuant to section 602.8108.

6 Sec. 2. Section 602.8108, Code 2003, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 4A. A courthouse security fund is created
9 in the state treasury. The fund shall consist of
10 appropriations made to the fund and transfers of interest,
11 earnings, and moneys required to be collected for deposit in
12 the fund, including moneys received from the courthouse
13 security surcharge provided for in section 911.3. The moneys
14 in the fund shall be distributed by the treasurer of state to
15 each county based upon a county's population in proportion to
16 the total population of the state. The moneys distributed by
17 the treasurer of state shall be used by the county for
18 courthouse security costs related to equipment purchasing and
19 maintenance, depreciation, personnel costs, and training. For
20 purposes of this subsection, "population" means population as
21 provided in section 41.1.

22 Sec. 3. Section 911.3, Code 2003, is amended by striking
23 the section and inserting in lieu thereof the following:

24 911.3 ADDITIONAL SURCHARGES.

25 1. In addition to the surcharge assessed in section 911.2,
26 the clerk of the district court shall assess the following
27 surcharges when applicable:

28 a. COURTHOUSE SECURITY SURCHARGE. A surcharge in the
29 amount of fifteen dollars if the violation arose out of a
30 violation of an offense provided for in chapter 321. The
31 clerk shall remit all moneys received from the surcharge to
32 the treasurer of state for deposit as provided in section
33 602.8108, subsection 4A.

34 b. DRUG ABUSE RESISTANCE EDUCATION SURCHARGE. A surcharge
35 in the amount of ten dollars if the violation arose out of a

1 violation of an offense provided for in chapter 321J or
2 chapter 124, division IV. The clerk shall remit all moneys
3 received from the surcharge to the treasurer of state for
4 deposit as provided in section 602.8108, subsection 3.

5 c. LAW ENFORCEMENT INITIATIVE SURCHARGE. A surcharge in
6 the amount of one hundred twenty-five dollars if an
7 adjudication of guilt or a deferred judgment has been entered
8 for a criminal violation under any of the following:

9 (1) Chapter 124, 155A, 453B, 713, 714, 715A, or 716.

10 (2) Section 719.8, 725.1, 725.2, or 725.3.

11 The clerk shall remit all moneys received from the
12 surcharge to the treasurer of state for deposit as provided in
13 section 602.8108, subsection 4.

14 2. The surcharges assessed in this section are subject to
15 the provisions of chapter 909 governing the payment and
16 collection of fines, as provided in section 909.8.

17 DIVISION II

18 Sec. 4. Section 331.302, subsection 2, Code 2003, is
19 amended to read as follows:

20 2. A county shall not provide a penalty in excess of a
21 five hundred dollar fine or in excess of thirty days
22 imprisonment for the violation of an ordinance. ~~The-criminal~~
23 ~~penalty~~ A surcharge required by section 911.2 or 911.3 shall
24 be added to a county fine and is not a part of the county's
25 penalty.

26 Sec. 5. Section 364.3, subsection 2, Code 2003, is amended
27 to read as follows:

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

1 911.3 shall be added to a city fine and is not a part of the
2 city's penalty.

3 Sec. 6. Section 602.8102, subsection 135A, Code 2003, is
4 amended to read as follows:

5 135A. Assess the ~~drug-abuse-resistance-education-surcharge~~
6 surcharges as provided by section ~~911.2~~ 911.3.

7 Sec. 7. Section 602.8102, subsection 135B, Code 2003, is
8 amended by striking the subsection.

9 Sec. 8. Section 602.8107, subsection 4, unnumbered
10 paragraph 2, Code 2003, is amended to read as follows:

11 This subsection does not apply to amounts collected for
12 victim restitution, the victim compensation fund, ~~criminal~~
13 ~~penalty-surcharge, law-enforcement-initiative-surcharge a~~
14 surcharge collected pursuant to section 911.2 or 911.3,
15 amounts collected as a result of procedures initiated under
16 subsection 5 or under section 421.17, subsection 25, or
17 sheriff's room and board fees.

18 Sec. 9. Section 602.8108, subsection 2, Code 2003, is
19 amended to read as follows:

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

32 Sec. 10. Section 602.8108, subsection 3, paragraph c, Code
33 2003, is amended by striking the paragraph.

34 Sec. 11. Section 602.8108, Code 2003, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4B. All moneys collected from the drug
2 abuse resistance education surcharge provided in section 911.3
3 shall be remitted to the treasurer of state for deposit in the
4 general fund of the state and the amount deposited is
5 appropriated to the governor's office of drug control policy
6 for use by the drug abuse resistance education program and
7 other programs directed for a similar purpose.

8 Sec. 12. Section 805.8, subsection 1, Code 2003, is
9 amended to read as follows:

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

17 Sec. 13. Section 805.8C, subsection 3, paragraph a, Code
18 2003, is amended to read as follows:

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

30 Sec. 14. Section 805.8C, subsection 3, paragraph c,
31 unnumbered paragraph 1, Code 2003, is amended to read as
32 follows:

33 For violations of section 453A.2, subsection 2, the
34 scheduled fine is as follows and is a civil penalty, and ~~the~~
35 ~~criminal penalty~~ a surcharge under section 911.2 or 911.3

1 shall not be added to the penalty, and the court costs
2 pursuant to section 805.9, subsection 6, shall not be imposed:

3 Sec. 15. Section 909.10, subsection 1, Code 2003, is
4 amended to read as follows:

5 1. As used in this section, unless the context otherwise
6 requires, "delinquent amounts" means a fine, court-imposed
7 court costs in a criminal proceeding, or ~~criminal~~ surcharge
8 imposed pursuant to section 911.2 or 911.3, which remains
9 unpaid after two years from the date that the fine, court
10 costs, or surcharge was imposed, and which is not collected by
11 the county attorney pursuant to section 602.8107. However, if
12 the fine may be paid in installments pursuant to section
13 909.3, the fine is not a delinquent amount unless the
14 installment remains unpaid after two years from the date the
15 installment was due.

16 Sec. 16. Section 911.2, unnumbered paragraph 1, Code 2003,
17 is amended to read as follows:

18 When a court imposes a fine or forfeiture for a violation
19 of a state law, or of a city or county ordinance except an
20 ordinance regulating the parking of motor vehicles, the court
21 shall assess an additional penalty in the form of a surcharge
22 equal to thirty percent of the fine or forfeiture imposed. An
23 ~~additional-drug-abuse-resistance-education-surcharge-of-ten~~
24 ~~dollars-shall-be-assessed-by-the-clerk-of-the-district-court~~
25 ~~if-the-violation-arose-out-of-a-violation-of-an-offense~~
26 ~~provided-for-in-chapter-321J-or-chapter-1247-division-IV.~~ In
27 the event of multiple offenses, the surcharge shall be based
28 upon the total amount of fines or forfeitures imposed for all
29 offenses. When a fine or forfeiture is suspended in whole or
30 in part, the surcharge shall be reduced in proportion to the
31 amount suspended.

32 EXPLANATION

33 This bill establishes a courthouse security surcharge and
34 creates a courthouse security fund.

35 DIVISION I. The bill provides that a courthouse security

1 surcharge be assessed in the amount of \$15 for each violation
2 of Code chapter 321 (motor vehicles and laws of the road).
3 The bill provides that the courthouse security surcharge be
4 collected by the clerk of the district court and remitted to
5 the treasurer of state for deposit in the courthouse security
6 fund. The bill provides that the moneys in the fund shall be
7 distributed by the treasurer of state to each county based
8 upon the population of the county in proportion to the total
9 population of the state. Under the bill, the office of county
10 treasurer shall administer the funds, and the funds are to be
11 used for courthouse security costs related to equipment
12 purchasing and maintenance, depreciation, personnel costs, and
13 training.

14 DIVISION II. The bill combines the courthouse security
15 surcharge into one Code section with most of the existing
16 criminal surcharges in the Code, except the general criminal
17 penalty surcharge. This division of the bill amends various
18 Code sections to conform with combining the surcharges into
19 one Code section.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35