

FILED MAR 02 '80  
JUDICIARY

SENATE FILE 2222  
BY BOLKCOM

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

**A BILL FOR**

1 An Act relating to the imposition of a courthouse security  
2 surcharge for motor vehicle and transportation violations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2222 JUDICIARY

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 fifteen dollar surcharge to be assessed  
5 against all violations of chapter 321 in the county. The  
6 resolution must specify the moneys raised from the fifteen  
7 dollar surcharge be used for courthouse security and specify  
8 the types of security measures that will be implemented with  
9 such moneys.

10 Sec. 2. Section 602.8102, subsection 135A, Code Supplement  
11 2003, is amended to read as follows:

12 135A. Assess the ~~drug-abuse-resistance-education-surcharge~~  
13 ~~as-provided-by-section~~ surcharges provided by sections 911.2,  
14 911.3, and 911.4.

15 Sec. 3. Section 602.8102, subsection 135B, Code Supplement  
16 2003, is amended by striking the subsection.

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

19 This subsection does not apply to amounts collected for  
20 victim restitution, the victim compensation fund, criminal  
21 penalty surcharge, law enforcement initiative surcharge,  
22 courthouse security surcharge, amounts collected as a result  
23 of procedures initiated under subsection 5 or under section  
24 8A.504, or sheriff's room and board fees.

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

27 NEW SUBSECTION. 4A. The clerk of the district court shall  
28 remit all moneys collected from the courthouse security  
29 surcharge to the county where a violation of section 321  
30 occurred for deposit in the county general fund no later than  
31 the fifteenth day of each month, if the county has adopted a  
32 resolution pursuant to section 331.301, subsection 16.

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

35 1. APPLICATION. Except as otherwise indicated, violations

1 of sections of the Code specified in sections 805.8A, 805.8B,  
2 and 805.8C are scheduled violations, and the scheduled fine  
3 for each of those violations is as provided in those sections,  
4 whether the violation is of state law or of a county or city  
5 ordinance. The criminal penalty surcharge required by section  
6 911.2 and the courthouse security surcharge required by  
7 section 911.4, if applicable, shall be added to the scheduled  
8 fine.

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

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

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

17 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
18 SURCHARGE.

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

24 Sec. 9. NEW SECTION. 911.4 COURTHOUSE SECURITY  
25 SURCHARGE.

26 1. The court or the clerk of the district court shall  
27 assess a surcharge in the amount of fifteen dollars for each  
28 violation of chapter 321, if the county board of supervisors  
29 in the county in which the violation occurred has passed a  
30 resolution pursuant to section 331.301, subsection 16,  
31 authorizing a courthouse security surcharge.

32 2. Pursuant to section 602.8108, subsection 4A, the  
33 surcharge shall be deposited in the county general fund of the  
34 county where the offense occurred.

35 3. The surcharge is subject to the provisions of chapter

1 909 governing the payment and collection of fines, as provided  
2 in section 909.8.

3 EXPLANATION

4 This bill allows a county to impose a courthouse security  
5 surcharge for a violation of Code chapter 321.

6 The bill provides that if a county adopts a resolution  
7 allowing a surcharge to be imposed for violations of Code  
8 chapter 321 which occur in the county, the court or the clerk  
9 of the district court shall assess a \$15 surcharge on such  
10 violations.

11 The bill directs the clerk of the district court to remit  
12 all courthouse surcharge moneys to the county where the  
13 violation of Code chapter 321 occurred for deposit in the  
14 county general fund. The bill requires all courthouse  
15 security surcharge moneys to be used by the county for  
16 courthouse security.

17 The bill provides that the courthouse security surcharge is  
18 exempt from the Code provisions allowing a county to retain a  
19 portion of delinquent surcharges collected by the county  
20 attorney because the courthouse security surcharge is already  
21 payable to the county.

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