

JUDICIARY  
FILED FEB 5 '03

SENATE FILE 89  
BY DVORSKY

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

**A BILL FOR**

1 An Act concerning the creation of and the method for imposition  
2 of the domestic violence shelter surcharge.

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

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SF 89  
JUDICIARY

1 Section 1. Section 602.8102, Code 2003, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 135C. Assess a domestic violence shelter  
4 surcharge of ten dollars as provided by section 911.4.

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

7 This subsection does not apply to amounts collected for  
8 victim restitution, the victim compensation fund, criminal  
9 penalty surcharge, law enforcement initiative surcharge,  
10 domestic violence shelter surcharge, amounts collected as a  
11 result of procedures initiated under subsection 5 or under  
12 section 421.17, subsection 25, or sheriff's room and board  
13 fees.

14 Sec. 3. Section 602.8108, Code 2003, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 7. When a court assesses the domestic  
17 violence shelter surcharge as provided in section 911.4, the  
18 clerk of court shall remit to the treasurer of state for  
19 deposit in the general fund of the state all moneys collected  
20 from the surcharge and the amounts deposited are appropriated  
21 to the department of justice for the purposes of the costs of  
22 operation of domestic violence shelters for victims of  
23 domestic abuse.

24 Sec. 4. Section 902.9, unnumbered paragraph 2, Code 2003,  
25 is amended to read as follows:

26 The criminal penalty surcharge required by sections 911.2,  
27 and 911.3, and 911.4 shall be added to a fine imposed on a  
28 class "C" or class "D" felon, as provided by those sections,  
29 and is not a part of or subject to the maximums set in this  
30 section.

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

33 4. The criminal penalty ~~surcharge~~ surcharges required by  
34 sections 911.2, and 911.3, and 911.4 shall be added to a fine  
35 imposed on a misdemeanor, and ~~is~~ are not a part of or subject

1 to the maximums set in this section.

2 Sec. 6. Section 909.8, Code 2003, is amended to read as  
3 follows:

4 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
5 SURCHARGE.

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

11 Sec. 7. NEW SECTION. 911.4 DOMESTIC VIOLENCE SHELTER  
12 SURCHARGE.

13 In addition to any of the surcharges assessed under this  
14 chapter, a domestic abuse shelter surcharge of ten dollars  
15 shall be assessed by the clerk of the district court if an  
16 adjudication of guilt or a deferred judgment has been entered  
17 for a criminal violation of section 708.2A.

18 EXPLANATION

19 This bill provides for the assessment of a \$10 surcharge  
20 for a conviction for domestic abuse assault pursuant to Code  
21 section 708.2A and provides the method by which the surcharge  
22 shall be administered.

23 The bill provides that the surcharge assessed shall be  
24 remitted by the clerk of the district court to the treasurer  
25 of state for deposit in the general fund and appropriated to  
26 the department of justice for the purposes of the costs of  
27 operation of domestic violence shelters for victims of  
28 domestic abuse.

29 The bill also provides that the domestic violence shelter  
30 surcharge shall not be included in the maximum statutory fine  
31 limits for both misdemeanor and felony domestic abuse assault  
32 offenses, and further excludes the surcharge from delinquent  
33 collections provisions.

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