

House Study Bill 209

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

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

A BILL FOR

1 An Act relating to the assessment of a civil penalty upon the
2 entry of a deferred judgment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2604HC 81
5 jm/gg/14

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1 1 Section 1. Section 907.1, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. "Deferred judgment" means a sentencing option whereby
1 4 both the adjudication of guilt and the imposition of a
1 5 sentence are deferred by the court and whereby the court
1 6 assesses a civil penalty as provided in section 907.14 upon
1 7 the entry of the deferred judgment. The court retains the
1 8 power to pronounce judgment and impose sentence subject to the
1 9 defendant's compliance with conditions set by the court as a
1 10 requirement of the deferred judgment.

1 11 Sec. 2. Section 907.3, subsection 1, unnumbered paragraph
1 12 1, Code 2005, is amended to read as follows:

1 13 With the consent of the defendant, the court may defer
1 14 judgment and may place the defendant on probation upon
1 15 conditions as it may require. However, a civil penalty shall
1 16 be assessed as provided in section 907.14 upon the entry of a
1 17 deferred judgment. Upon a showing that the defendant is not
1 18 cooperating with the program of probation or is not responding
1 19 to it, the court may withdraw the defendant from the program,
1 20 pronounce judgment, and impose any sentence authorized by law.
1 21 Before taking such action, the court shall give the defendant
1 22 an opportunity to be heard on any matter relevant to the
1 23 proposed action. Upon fulfillment of the conditions of
1 24 probation and the payment of fees imposed and not waived by
1 25 the judicial district department of correctional services
1 26 under section 905.14, the defendant shall be discharged
1 27 without entry of judgment. Upon violation of the conditions
1 28 of probation, the court may proceed as provided in chapter
1 29 908.

1 30 Sec. 3. NEW SECTION. 907.14 DEFERRED JUDGMENT == CIVIL
1 31 PENALTY == DISTRIBUTION.

1 32 1. Upon the entry of a deferred judgment pursuant to
1 33 section 907.3, a defendant shall be assessed a civil penalty
1 34 of an amount not less than the amount of any criminal fine
1 35 authorized by law for the offense under section 902.9 or
2 1 section 903.1.

2 2 2. The clerk of the district court shall collect and remit
2 3 the civil penalty to the state court administrator for deposit
2 4 in the general fund of the state as provided in section
2 5 602.8108.

EXPLANATION

2 7 This bill relates to the assessment of a civil penalty upon
2 8 the entry of a deferred judgment criminal sentence.

2 9 Under the bill, if a defendant receives a deferred
2 10 judgment, the defendant shall be assessed a civil penalty of
2 11 an amount not less than the amount of the criminal fine
2 12 authorized by law for the offense under Code section 902.9
2 13 (felony) or Code section 903.1 (misdemeanor).

2 14 The bill provides that the clerk of the district court
2 15 shall collect and remit the civil penalty to the state court
2 16 administrator for deposit in the general fund of the state as
2 17 provided in Code section 602.8108.

2 18 Current law provides that upon receiving a deferred

2 19 judgment, the defendant does not pay a fine because no
2 20 judgment has been entered against the defendant.
2 21 LSB 2604HC 81
2 22 jm:rj/gg/14