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SENATE FILE  
BY BOLKCOM

146

JUDICIARY

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

A BILL FOR

1 An Act establishing a courthouse security surcharge, creating a  
2 courthouse security fund, and making appropriations to the  
3 fund.

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

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SC 146 JUDICIARY

1 Section 1. NEW SECTION. 12.91 COURTHOUSE SECURITY FUND.

2 A courthouse security fund is created as a separate fund in  
3 the state treasury. The fund shall consist of appropriations  
4 made to the fund and transfers of interest, earnings, and  
5 moneys required to be collected for deposit in the fund,  
6 including moneys received from the courthouse security  
7 surcharge provided for in section 911.5. The moneys in the  
8 fund shall be distributed by the treasurer of state to each  
9 county based upon the county's population in proportion to the  
10 total population of the state. The moneys distributed by the  
11 treasurer of state shall be used by the county for courthouse  
12 security costs related to equipment purchasing and  
13 maintenance, depreciation, personnel costs, and training. For  
14 purposes of this subsection, "population" means population as  
15 provided in section 41.1.

16 Sec. 2. Section 602.8102, subsection 135A, Code 2005, is  
17 amended to read as follows:

18 135A. Assess the surcharges provided by sections 911.2,  
19 911.3, and 911.4, and 911.5.

20 Sec. 3. Section 602.8108, Code 2005, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 9. The clerk of the district court shall  
23 remit all moneys collected from the courthouse security  
24 surcharge as provided for in section 911.5 to the state court  
25 administrator for deposit in the general fund of the state and  
26 the amount deposited is appropriated to the courthouse  
27 security fund created in section 12.91.

28 Sec. 4. Section 805.8, subsection 1, Code 2005, is amended  
29 to read as follows:

30 1. APPLICATION. Except as otherwise indicated, violations  
31 of sections of the Code specified in sections 805.8A, 805.8B,  
32 and 805.8C are scheduled violations, and the scheduled fine  
33 for each of those violations is as provided in those sections,  
34 whether the violation is of state law or of a county or city  
35 ordinance. The ~~criminal-penalty-surcharge~~ surcharges required

1 by section 911.1 and ~~the county enforcement surcharge required~~  
2 by section 911.4 or 911.5, if applicable, shall be added to  
3 the scheduled fine.

4 Sec. 5. Section 903.1, subsection 4, Code 2005, is amended  
5 to read as follows:

6 4. The surcharges required by sections 911.1, 911.2,  
7 911.3, and 911.4, and 911.5 shall be added to a fine imposed  
8 on a misdemeanor as provided in those sections, and are not a  
9 part of or subject to the maximums set in this section.

10 Sec. 6. Section 909.8, Code 2005, is amended to read as  
11 follows:

12 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
13 SURCHARGE.

14 The provisions of this chapter governing the payment and  
15 collection of a fine, except section 909.3A, also apply to the  
16 payment and collection of surcharges imposed pursuant to  
17 chapter 911. However, section 909.10 shall not apply to  
18 surcharges assessed under sections 911.3, and 911.4, and  
19 911.5.

20 Sec. 7. NEW SECTION. 911.5 COURTHOUSE SECURITY  
21 SURCHARGE.

22 1. In addition to any other surcharge, the court or clerk  
23 of the district court shall assess a courthouse security  
24 surcharge in the amount of fifteen dollars if the violation  
25 arose out of a violation of an offense provided for in chapter  
26 321.

27 2. In the event of multiple offenses, the surcharge shall  
28 be imposed for each applicable offense. The surcharge shall  
29 not be assessed for any offense for which the court defers the  
30 sentence or judgment or suspends the sentence.

31 3. The surcharge shall be remitted by the clerk of court  
32 as provided in section 602.8108, subsection 9.

33 EXPLANATION

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

1 The bill provides that a courthouse security surcharge  
2 shall be assessed in the amount of \$15 for each violation of  
3 Code chapter 321 (motor vehicles and laws of the road). The  
4 surcharge shall not be assessed for any offense for which the  
5 court defers the sentence or judgment or suspends the  
6 sentence. The bill provides that the court or the clerk of  
7 the district court shall assess the surcharge and the clerk of  
8 the district court shall remit the surcharge to the state  
9 court administrator for deposit in the general fund of the  
10 state. The bill provides that the surcharge moneys deposited  
11 in the general fund of the state are appropriated to the  
12 courthouse security fund under the control of the treasurer of  
13 state. The moneys in the fund are to be distributed by the  
14 treasurer of state to each county based upon the population of  
15 the county in proportion to the total population of the state.  
16 Under the bill, the office of county treasurer shall  
17 administer the funds, and the funds are to be used for  
18 courthouse security costs related to equipment purchasing and  
19 maintenance, depreciation, personnel costs, and training.  
20 The bill provides that the courthouse security surcharge is  
21 exempt from the Code provisions allowing a county to retain a  
22 portion of delinquent surcharges collected by the county  
23 attorney because the county enforcement surcharge is already  
24 payable to the county.

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