

House File 641 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 64)

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

A BILL FOR

1 An Act relating to judicial branch practices and procedures,
2 including distribution of court revenue to cities and
3 counties, and reporting requirements in pending
4 conservatorships, guardianships, estates, or trusts, and
5 providing an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1376HV 82
8 jm/je/5

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1 1 Section 1. Section 602.8107, subsection 4, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 All fines, penalties, court costs, fees, surcharges, and
1 4 restitution for court-appointed attorney fees or for expenses
1 5 of a public defender which are deemed delinquent by the clerk
1 6 pursuant to subsection 3 may be collected by the county
1 7 attorney or the county attorney's designee. Thirty-five
1 8 percent of the amounts collected by the county attorney or the
1 9 person procured or designated by the county attorney shall be
1 10 deposited in the general fund of the county if the county
1 11 attorney has filed the notice required in section 331.756,
1 12 subsection 5, unless the county attorney has discontinued
1 13 collection efforts on a particular delinquent amount. Up to
1 14 one million two hundred thousand dollars of the remainder
1 15 shall be paid each fiscal year to the clerks for distribution
1 16 under section 602.8108. If the threshold amount of one
1 17 million two hundred thousand dollars has been distributed
1 18 during the fiscal year on or before June 1 under section
1 19 602.8108, the remainder shall be distributed as provided in
1 20 subsection 5. The state court administrator shall notify the
1 21 clerks that the threshold amount has been distributed under
1 22 section 602.8108, and that the distribution of any additional
1 23 moneys collected by the county attorney shall be as provided
1 24 in subsection 5.

1 25 Sec. 2. Section 602.8109, subsection 2, unnumbered
1 26 paragraph 1, Code 2007, is amended to read as follows:
1 27 ~~No later than the fifteenth day of each calendar month the~~
1 28 ~~The clerk of the district court shall deliver a statement to~~
1 29 ~~the county auditor a statement no later than the fifteenth day~~
1 30 ~~of each month~~ disclosing all of the following:

1 31 Sec. 3. Section 602.8109, subsections 5 and 6, Code 2007,
1 32 are amended by striking the subsections and inserting in lieu
1 33 thereof the following:

1 34 5. The clerk of the district court shall deliver a
1 35 statement to the city clerk no later than the fifteenth day of
2 1 each month disclosing all of the following:

2 2 a. The specific amounts of statutory fees and costs that
2 3 are payable by the city to the clerk of the district court for
2 4 services rendered by the clerk or other state officers or
2 5 employees during the preceding month in connection with each
2 6 civil or criminal action, and the total of all such fees and
2 7 costs.

2 8 b. Any amounts collected by the clerk of the district
2 9 court during the preceding month as costs in an action when
2 10 such amounts are payable by law to the city as reimbursement
2 11 for costs incurred by the city in connection with a civil or
2 12 criminal action, and the total of all such amounts.

2 13 6. If the amount owed by the city under subsection 5,
2 14 paragraph "a", for a calendar month is greater than the amount
2 15 due to the city under subsection 5, paragraph "b", for that

2 16 month, the city shall remit the difference to the clerk of the
2 17 district court no later than the last of the month in which
2 18 the statement under subsection 5 is received.

2 19 Sec. 4. Section 602.8109, subsection 7, Code 2007, is
2 20 amended to read as follows:

2 21 7. If the amount due the city under subsection 5,
2 22 paragraph "b", for a calendar month is greater than the amount
2 23 owed by the city under subsection 5, paragraph "a", for that
2 24 month, the clerk of the district court shall remit the
2 25 difference to the city clerk no later than the last day of the
2 26 month in which the statement under subsection 5 is delivered.

2 27 8. Amounts not paid as required under subsection 3, 4, ~~5,~~
2 28 ~~or 6, or 7~~ shall bear interest for each day of delinquency at
2 29 the rate in effect as of the day of delinquency for time
2 30 deposits of public funds for eighty-nine days, as established
2 31 under section 12C.6.

2 32 Sec. 5. Section 633.669, subsection 1, paragraph b, Code
2 33 2007, is amended to read as follows:

2 34 b. An annual report within ninety days of the close of the
2 35 reporting period unless the court otherwise orders on good
3 1 cause shown.

3 2 Sec. 6. Section 633.670, subsection 1, paragraph b,
3 3 subparagraph (1), Code 2007, is amended to read as follows:

3 4 (1) Annually, within ninety days of the close of the
3 5 reporting period, unless the court otherwise orders on good
3 6 cause shown.

3 7 Sec. 7. Section 633.700, unnumbered paragraph 1, Code
3 8 2007, is amended to read as follows:

3 9 Unless specifically relieved from so doing, by the
3 10 instrument creating the trust, or by order of the court, the
3 11 trustee shall make a written report, under oath, to the court,
3 12 once each year within ninety days of the close of the
3 13 reporting period, and more often, if required by the court.

3 14 Such report shall state:

3 15 Sec. 8. Section 633.32, Code 2007, is repealed.

3 16 Sec. 9. EFFECTIVE DATE. The sections of this Act amending
3 17 sections 633.669, 633.670, and 633.700, and repealing section
3 18 633.32, take effect September 30, 2007.

3 19 EXPLANATION

3 20 This bill relates to judicial branch practices and
3 21 procedures, including distribution of court revenue to cities
3 22 and counties and reporting requirements in pending
3 23 conservatorships, guardianships, estates, and trusts.

3 24 Under the bill, if the county attorneys' combined
3 25 collection of delinquent fines, after the initial distribution
3 26 to the counties' general funds of 35 percent of the amount
3 27 collected, reaches the threshold amount of \$1.2 million in
3 28 Code section 602.8107, subsection 4, on or before June 1 of
3 29 the fiscal year, the county attorneys qualify to keep a
3 30 percentage of the delinquent fines collected as provided in
3 31 Code section 602.8107, subsection 5. Under current law, if
3 32 the threshold amount of \$1.2 million is reached the county
3 33 attorneys may qualify to keep a percentage of the delinquent
3 34 fines collected as provided in Code section 602.8107,
3 35 subsection 5, through the end of the fiscal year.

4 1 The bill modifies the manner in which court revenue is
4 2 reconciled between a city and the clerk of the district court.
4 3 The bill permits the clerk of the district court to offset any
4 4 amounts owed by the city to the clerk prior to distributing
4 5 any amounts owed to the city. The bill also permits the city
4 6 to offset any amounts owed by the clerk to the city prior to
4 7 distributing any amounts owed the clerk. Current law permits
4 8 the clerk of the district court and the county to offset
4 9 amounts owed prior to distribution in Code section 602.8109.

4 10 The bill requires a conservator, guardian, or trustee of a
4 11 trust subject to ongoing court supervision under the probate
4 12 code to file an annual report within 90 days of the close of
4 13 the requisite reporting period. The bill repeals Code section
4 14 633.32 requiring the clerk of the district court to notify the
4 15 fiduciary and the attorney for the fiduciary that a
4 16 delinquency has occurred and the fiduciary has 60 days to file
4 17 the inventory or report or the presiding judge will be
4 18 notified of the delinquency. These provisions of the bill
4 19 take effect September 30, 2007.

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