

Senate File 2223 - Introduced

SENATE FILE 2223
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3026)

A BILL FOR

1 An Act relating to the deferral of costs and fees in a court
2 proceeding for persons unable to pay such costs and fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 610.1, unnumbered paragraph 1, Code
2 2009, is amended to read as follows:

3 A court of the district court, court of appeals, or supreme
4 court shall authorize the commencement, prosecution, or
5 defense of a suit, action, proceeding, or appeal, whether
6 civil or criminal, through conviction, final judgment, or
7 decree, without the prepayment of fees, costs, or security
8 upon a showing that the person is unable to pay such costs or
9 give security. The person shall submit an affidavit stating
10 the nature of the suit, action, proceeding, or appeal and the
11 affiant's belief that there is an entitlement to redress.
12 Such affidavit shall also include a brief financial statement
13 showing the person's inability to pay costs, fees, or give
14 security. Any authorization to proceed without prepayment of
15 fees, costs, or security under this chapter may be made by the
16 court without hearing. The filing of an affidavit to proceed
17 without the prepayment of fees, costs, or security tolls the
18 applicable statute of limitations. Upon the denial of an
19 application and affidavit to proceed without the prepayment of
20 fees, costs, or security, the person shall have the remainder
21 of the limitations period in which to pay fees, costs, or give
22 security. This section does not allow the deferral of the cost
23 of a transcript.

24 Sec. 2. Section 610.3, Code 2009, is amended to read as
25 follows:

26 **610.3 Deferral of costs.**

27 When an application and supporting affidavit are filed and
28 approved by the court and a civil or criminal proceeding is
29 instituted, the court shall order that all fees, costs, and
30 security be deferred until after final disposition of the
31 proceeding.

32 Sec. 3. Section 610A.1, unnumbered paragraph 1, Code 2009,
33 is amended to read as follows:

34 Notwithstanding section 610.1, 610.3, or 822.5, if the
35 person bringing a civil action or appeal is an inmate of an

1 institution or facility under the control of the department
2 of corrections or a prisoner of a county or municipal jail or
3 detention facility, the inmate or prisoner shall pay in full
4 all fees and costs associated with the action or appeal.

5

EXPLANATION

6 This bill relates to deferral of costs (in forma pauperis) in
7 court proceedings.

8 The bill requires the court to authorize the commencement of
9 a court proceeding including criminal or civil matters through
10 conviction, final judgment, or decree, upon a showing a party
11 is unable to pay the fees and costs of such a proceeding.

12 The bill also specifies that all fees and costs, upon a
13 showing a party is unable to pay, be deferred until after final
14 disposition of the proceeding.

15 The bill does not affect provisions requiring an inmate or
16 prisoner to pay a portion of a filing fee related to any court
17 action as provided in Code section 610A.1.