

Senate File 17 - Introduced

SENATE FILE 17
BY SODDERS

A BILL FOR

1 An Act relating to the county enforcement surcharge and
2 increasing a fee.

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

1 Section 1. Section 331.301, subsection 16, Code 2011, is
2 amended to read as follows:

3 16. The board of supervisors may by resolution allow a ~~five~~
4 ten dollar county enforcement surcharge to be assessed pursuant
5 to section 911.4.

6 Sec. 2. Section 602.8108, subsection 6, Code 2011, is
7 amended to read as follows:

8 6. The clerk of the district court shall remit all moneys
9 collected from the county enforcement surcharge pursuant to
10 section 911.4 to the county where the citation was issued ~~for~~
11 ~~deposit in the county general fund no later than the fifteenth~~
12 ~~day of each month.~~ Fifty percent of the surcharge moneys shall
13 be deposited in the county general fund and fifty percent of
14 the surcharge moneys shall be deposited in the county mental
15 health, mental retardation, and developmental disabilities
16 services fund created in section 331.424A.

17 Sec. 3. Section 911.4, Code 2011, is amended to read as
18 follows:

19 **911.4 County enforcement surcharge.**

20 1. If the county has adopted a resolution pursuant to
21 section 331.301, subsection 16, and a court imposes a fine or
22 forfeiture for any simple misdemeanor punishable as a scheduled
23 violation pursuant to a citation issued by ~~the sheriff as~~
24 ~~defined in section 331.101~~ a peace officer in that particular
25 county, the court or the clerk of the district court shall
26 assess a surcharge in the amount of ~~five~~ ten dollars for each
27 applicable violation in addition to any fine, forfeiture, or
28 other surcharge.

29 2. Pursuant to section 602.8108, subsection 6, the
30 surcharge shall be ~~deposited in~~ remitted to the county general
31 fund of the county where the citation was issued and deposited
32 as provided in that subsection.

33 3. The surcharge is subject to the provisions of chapter
34 909 governing the payment and collection of fines, as provided
35 in section 909.8.

1 4. As used in this section, "peace officer" means the
2 sheriff as defined in section 331.101 or a peace officer as
3 defined in section 97A.1.

4 EXPLANATION

5 This bill relates to the county enforcement surcharge, and
6 provides for a fee.

7 Under the bill, when a court imposes a fine or forfeiture
8 for any simple misdemeanor punishable as a scheduled violation
9 pursuant to a citation issued by a county sheriff or an officer
10 of the department of public safety, the court or the clerk of
11 the district court shall assess a county enforcement surcharge
12 in the amount of \$10 for each applicable violation. Current
13 law applies only to citations issued by a county sheriff
14 and the county enforcement surcharge is set at \$5 for each
15 violation.

16 The bill requires 50 percent of the surcharge amount to
17 be deposited into the general fund of the county where the
18 citation was issued, and the remaining 50 percent of the
19 surcharge to be deposited into the mental health, mental
20 retardation, and developmental disabilities services fund of
21 the county. Current law requires the surcharge amount to
22 be deposited into the general fund of the county where the
23 citation was issued.