

House File 2379 - Introduced

HOUSE FILE 2379

BY THOMPSON

A BILL FOR

1 An Act creating a city enforcement surcharge.

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

1 Section 1. NEW SECTION. 364.26 City enforcement surcharge.

2 A city council may by resolution allow a five dollar city
3 enforcement surcharge to be assessed pursuant to section 911.5.

4 Sec. 2. Section 602.8102, subsection 135A, Code 2020, is
5 amended to read as follows:

6 135A. Assess the surcharges provided by sections 911.1,
7 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4, and 911.5.

8 Sec. 3. Section 602.8108, subsection 8, Code 2020, is
9 amended to read as follows:

10 8. a. The clerk of the district court shall remit all
11 moneys collected from the county enforcement surcharge pursuant
12 to section 911.4 to the county where the citation was issued
13 for deposit in the county general fund no later than the
14 fifteenth day of each month.

15 b. The clerk of the district court shall remit all moneys
16 collected from the city enforcement surcharge pursuant to
17 section 911.5 to the city of the peace officer who issued the
18 citation for deposit in the city general fund no later than the
19 fifteenth day of each month.

20 Sec. 4. Section 805.8, subsection 1, unnumbered paragraph
21 1, Code 2020, is amended to read as follows:

22 Except as otherwise indicated, violations of sections of
23 the Code specified in sections 805.8A, 805.8B, and 805.8C
24 are scheduled violations, and the scheduled fine for each of
25 those violations is as provided in those sections, whether the
26 violation is of state law or of a county or city ordinance. The
27 criminal penalty surcharge required by section 911.1, and the
28 county enforcement surcharge required by section 911.4, and
29 the city enforcement surcharge required by section 911.5, if
30 applicable, shall be added to the scheduled fine.

31 Sec. 5. Section 903.1, subsection 4, Code 2020, is amended
32 to read as follows:

33 4. The surcharges required by sections 911.1, 911.2,
34 911.2A, 911.3, and 911.4, and 911.5 shall be added to a fine
35 imposed on a misdemeanor as provided in those sections,

1 and are not a part of or subject to the maximums set in this
2 section.

3 Sec. 6. Section 911.4, subsection 2, Code 2020, is amended
4 to read as follows:

5 2. Pursuant to [section 602.8108, subsection 8, paragraph](#)
6 ["a"](#), the surcharge shall be deposited in the county general fund
7 of the county where the citation was issued.

8 Sec. 7. NEW SECTION. **911.5 City enforcement surcharge.**

9 1. If a city has adopted a resolution pursuant to section
10 364.26 and a court imposes a fine or forfeiture for any simple
11 misdemeanor punishable as a scheduled violation pursuant to
12 a citation issued by a peace officer appointed by the city,
13 the court or the clerk of the district court shall assess a
14 surcharge in the amount of five dollars for each applicable
15 violation in addition to any fine, forfeiture, or other
16 surcharge.

17 2. Pursuant to [section 602.8108, subsection 8, paragraph](#)
18 ["b"](#), the surcharge shall be deposited in the city general fund
19 of the city of the peace officer where the citation was issued.

20 3. The surcharge is subject to the provisions of chapter 909
21 governing the payment and collection of fines as provided in
22 section 909.8.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 Under current law, a county may adopt a resolution to assess
27 a \$5 surcharge when a court imposes a fine or forfeiture for
28 any simple misdemeanor punishable as a scheduled violation
29 pursuant to a citation issued by a county sheriff. This bill
30 permits a city council to adopt a resolution allowing a \$5 city
31 enforcement surcharge when a court imposes a fine or forfeiture
32 for any simple misdemeanor punishable as a scheduled violation
33 pursuant to a citation issued by a city peace officer. The
34 surcharge shall be deposited in the city general fund of the
35 city peace officer who issued the citation.

1 The bill makes conforming Code changes.