

**House Study Bill 780 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON THOMSON)

**A BILL FOR**

- 1 An Act prohibiting warrant resolution clinics, including
- 2 enforcement mechanisms, providing penalties, and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 804.32 Warrant resolution clinics  
2 prohibited.

3 1. As used in this section, "*warrant resolution clinic*"  
4 means any prearranged event, program, assembly, arrangement,  
5 docket setting, or coordinated effort, whether formal or  
6 informal, other than a regularly scheduled court proceeding  
7 held within a courthouse or judicial facility, designed or  
8 having the practical effect of allowing individuals with  
9 outstanding arrest warrants to appear and resolve such warrants  
10 without being subject to immediate arrest and custodial  
11 processing, regardless of how such event, program, assembly,  
12 arrangement, docket setting, or effort is designated or  
13 characterized.

14 2. An entity, organization, county attorney, law  
15 enforcement agency, judicial officer, nonprofit organization,  
16 or any other person shall not organize, sponsor, host, fund,  
17 promote, or participate in a warrant resolution clinic.

18 3. A person who has an outstanding warrant for the person's  
19 arrest shall only resolve such warrant by any of the following:

20 a. Surrendering to a peace officer or at a law enforcement  
21 agency.

22 b. Appearing at a scheduled court hearing as directed by a  
23 magistrate or judge under standard judicial procedures.

24 c. Through a written motion filed in an individual, pending  
25 case, agreed to by the prosecuting attorney, and ruled on by  
26 the court under standard judicial procedures in the ordinary  
27 course of the case, and not as part of any event, program, or  
28 arrangement prohibited by this section.

29 4. The use of public funds or facilities for the purpose of  
30 hosting a warrant resolution clinic is strictly prohibited.

31 5. A person shall not shall evade or attempt to evade the  
32 prohibitions of this section by conducting a substantially  
33 equivalent program, event, or arrangement under a different  
34 name, structure, or designation. A program, event, or  
35 arrangement is substantially equivalent if its primary purpose

1 or practical effect is to allow individuals with outstanding  
2 arrest warrants to appear and resolve those warrants without  
3 being subject to immediate arrest and custodial processing.  
4 Evidence that a program is substantially equivalent includes  
5 but is not limited to:

6     *a.* Block-scheduling or clustering warrant cases on a single  
7 docket day with an explicit or implicit understanding that  
8 attending individuals will not be subject to immediate arrest.

9     *b.* Advertising or communicating to individuals with  
10 outstanding warrants that they may appear at a particular time  
11 and place to resolve warrants without risk of arrest.

12     *c.* Coordinating between law enforcement, court personnel,  
13 attorneys, or community organizations to facilitate  
14 noncustodial warrant resolution outside of standard judicial  
15 procedures.

16     6. A violation of this section is subject to the following  
17 penalties:

18     *a.* (1) A public official or employee who knowingly violates  
19 this section commits a simple misdemeanor.

20     (2) In addition to the penalty provided in subparagraph  
21 (1), a public official or employee who knowingly violates this  
22 section is also subject to removal from office or employment  
23 pursuant to applicable law.

24     *b.* A private person that knowingly organizes, sponsors,  
25 hosts, or funds a warrant resolution clinic or substantially  
26 equivalent program in violation of this section commits a  
27 simple misdemeanor and is also subject to a civil penalty of  
28 not more than ten thousand dollars per violation, recoverable  
29 by the attorney general in an action in district court.

30     7. Any person may report a suspected violation of this  
31 section to the office of the attorney general. Upon receipt  
32 of a report or upon the attorney general's own initiative, the  
33 attorney general may investigate suspected violations and may  
34 bring a civil enforcement action in district court seeking  
35 injunctive relief, civil penalties as provided in subsection

1 6, and recovery of costs and reasonable attorney fees. The  
2 attorney general shall establish a procedure for receiving and  
3 reviewing reports under this subsection and shall make such  
4 procedure publicly available.

5 8. Any resident of a county in which a warrant resolution  
6 clinic or substantially equivalent program is conducted or  
7 planned in violation of this section may bring a civil action  
8 in district court to do any of the following:

9 a. Obtain injunctive or declaratory relief to prevent or  
10 restrain the violation.

11 b. Recover actual damages, if any.

12 c. Recover reasonable attorney fees and court costs if the  
13 plaintiff substantially prevails.

14 9. In addition to any other penalty, any county organizing,  
15 sponsoring, hosting, funding, promoting, or participating in a  
16 warrant resolution clinic shall not receive any funds having  
17 their origin in court debt, as defined in section 602.8107,  
18 including but not limited to fees or remittances arising  
19 from or related to the collection of past due fines and fees  
20 constituting court debt.

21 10. This section preempts and supersedes any ordinance,  
22 resolution, policy, rule, or other action by a city, county,  
23 or other political subdivision of this state that authorizes,  
24 permits, funds, or facilitates a warrant resolution clinic or  
25 any substantially equivalent program, event, or arrangement as  
26 described in this section. No political subdivision of this  
27 state shall enact or enforce any provision that conflicts with  
28 or purports to authorize conduct prohibited by this section.

29 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
30 importance, takes effect upon enactment.

31

#### EXPLANATION

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

34 This bill prohibits warrant resolution clinics and includes  
35 enforcement mechanisms.

1 The bill defines "warrant resolution clinic" as any  
2 prearranged event, program, assembly, arrangement, docket  
3 setting, or coordinated effort, whether formal or informal,  
4 other than a regularly scheduled court proceeding held within  
5 a courthouse or judicial facility, designed or having the  
6 practical effect of allowing individuals with outstanding  
7 arrest warrants to appear and resolve such warrants without  
8 being subject to immediate arrest and custodial processing,  
9 regardless of how such event, program, assembly, arrangement,  
10 docket setting, or effort is designated or characterized.

11 The bill provides that an entity, organization, county  
12 attorney, law enforcement agency, judicial officer, nonprofit  
13 organization, or any other person shall not organize, sponsor,  
14 host, fund, promote, or participate in a warrant resolution  
15 clinic. A person who has an outstanding warrant for the  
16 person's arrest may only resolve the warrant by surrendering  
17 to a peace officer or at a law enforcement agency, appearing  
18 at a scheduled court hearing as directed by a magistrate or  
19 judge under standard judicial procedures, or through a written  
20 motion filed in an individual, pending case, agreed to by the  
21 prosecuting attorney, and ruled on by the court under standard  
22 judicial procedures in the ordinary course of the case.

23 The bill prohibits the use of public funds or facilities for  
24 the purpose of hosting a warrant resolution clinic.

25 The bill provides that a person shall not evade or  
26 attempt to evade the prohibitions of the bill by conducting  
27 a substantially equivalent program, event, or arrangement  
28 under a different name, structure, or designation. The bill  
29 provides examples of substantially equivalent programs that are  
30 prohibited.

31 A public official or employee who knowingly violates the  
32 bill commits a simple misdemeanor, and is also subject to  
33 removal from office or employment pursuant to applicable law.  
34 A private person that knowingly organizes, sponsors, hosts, or  
35 funds a warrant resolution clinic or substantially equivalent

1 program in violation of the bill commits a simple misdemeanor  
2 and is also subject to a civil penalty of not more than \$10,000  
3 per violation, recoverable by the attorney general in an action  
4 in district court. A simple misdemeanor is punishable by  
5 confinement for no more than 30 days and a fine of at least \$105  
6 but not more than \$855.

7 The bill provides that any person may report a suspected  
8 violation of the bill to the office of the attorney general.  
9 The attorney general may investigate suspected violations and  
10 may bring a civil enforcement action in district court seeking  
11 injunctive relief, civil penalties, and recovery of costs and  
12 reasonable attorney fees.

13 The bill provides that any resident of a county in which  
14 a warrant resolution clinic or substantially equivalent  
15 program is conducted or planned in violation of the bill may  
16 bring a civil action in district court to obtain injunctive  
17 or declaratory relief to prevent or restrain the violation,  
18 recover actual damages, and recover reasonable attorney fees  
19 and court costs.

20 The bill provides that any county organizing, sponsoring,  
21 hosting, funding, promoting, or participating in a warrant  
22 resolution clinic is not entitled to receive any funds having  
23 their origin in court debt including but not limited to fees or  
24 remittances arising from or related to the collection of past  
25 due fines and fees constituting court debt.

26 The bill takes effect upon enactment.