

# Senate File 2428 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3279)

(AS AMENDED AND PASSED BY THE SENATE APRIL 22, 2008)

\_\_\_\_\_  
=New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the collection of delinquent debt owed the  
2 state and political subdivisions of the state by requiring  
3 offsets of gambling winnings, sanctioning of professional  
4 licenses, modifying provisions related to county attorney  
5 collections, writing off certain delinquent court debt,  
6 modifying provisions relating to the deposit of certain funds  
7 in the jury and witness fee fund, and making penalties  
8 applicable.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
10 SF 2428  
11 jm/ml/12

PAG LIN

1 1 DIVISION I  
1 2 GAMBLING SETOFF  
1 3 Section 1. Section 99D.2, Code 2007, is amended by adding  
1 4 the following new subsection:  
1 5 NEW SUBSECTION. 2A. "Claimant agency" means a state  
1 6 agency as defined in section 8A.504, subsection 1, or the  
1 7 state court administrator as defined in section 602.1101.  
1 8 Sec. 2. Section 99D.7, Code 2007, is amended by adding the  
1 9 following new subsection:  
1 10 NEW SUBSECTION. 22A. To require licensees to establish a  
1 11 process with the state for licensees to have electronic access  
1 12 to names and social security numbers of debtors of claimant  
1 13 agencies through a secured interactive web site maintained by  
1 14 the state.  
1 15 Sec. 3. NEW SECTION. 99D.28 SETOFF.  
1 16 1. A licensee or a person acting on behalf of a licensee  
1 17 shall be provided electronic access to the names of the  
1 18 persons indebted to a claimant agency pursuant to the process  
1 19 established pursuant to section 99D.7, subsection 22A. The  
1 20 electronic access provided by the claimant agency shall  
1 21 include access to the names of the debtors, their social  
1 22 security numbers, and any other information that assists the  
1 23 licensee in identifying the debtors. If the name of a debtor  
1 24 provided to the licensee through electronic access is  
1 25 retrieved by the licensee, and the winnings are equal to or  
1 26 greater than ten thousand dollars per occurrence, the  
1 27 retrieval of such a name shall constitute a valid lien upon  
1 28 and claim of lien against the winnings of the debtor whose  
1 29 name is electronically retrieved from the claimant agency. If  
1 30 a debtor's winnings are equal to or greater than ten thousand  
1 31 dollars per occurrence, the full amount of the debt shall be  
1 32 collectible from any winnings due the debtor without regard to  
1 33 limitations on the amounts that may be collectible in  
1 34 increments through setoff or other proceedings.  
1 35 2. The licensee is authorized and directed to withhold any  
2 1 winnings of a debtor which are paid out directly by the  
2 2 licensee subject to the lien created by this section and  
2 3 provide notice of such withholding to the winner when the  
2 4 winner appears and claims winnings in person. The licensee  
2 5 shall pay the funds over to the collection entity which  
2 6 administers the setoff program pursuant to section 8A.504.  
2 7 3. Notwithstanding any other provision of law to the  
2 8 contrary, the licensee may provide to a claimant agency all  
2 9 information necessary to accomplish and effectuate the intent  
2 10 of this section, and likewise the claimant agency may provide

2 11 all information necessary to accomplish and effectuate the  
2 12 intent of this section.

2 13 4. The information obtained by a claimant agency from the  
2 14 licensee in accordance with this section shall retain its  
2 15 confidentiality and shall only be used by a claimant agency in  
2 16 the pursuit of its debt collection duties and practices. An  
2 17 employee or prior employee of a claimant agency who unlawfully  
2 18 discloses any such information for any other purpose, except  
2 19 as otherwise specifically authorized by law, shall be subject  
2 20 to the penalties specified by law for unauthorized disclosure  
2 21 of confidential information by an agent or employee of the  
2 22 claimant agency.

2 23 5. The information obtained by a licensee from a claimant  
2 24 agency in accordance with this section shall retain its  
2 25 confidentiality and only be used by the licensee in the  
2 26 pursuit of debt collection duties and practices. An employee  
2 27 or prior employee of a licensee who unlawfully discloses any  
2 28 such information for any other purpose, except as otherwise  
2 29 specifically authorized by law, shall be subject to the same  
2 30 penalties specified by law for unauthorized disclosure of  
2 31 confidential information by an agent or employee of the  
2 32 licensee.

2 33 6. Except as otherwise provided in this chapter,  
2 34 attachments, setoffs, or executions authorized and issued  
2 35 pursuant to law shall be withheld if timely served upon the  
3 1 licensee.

3 2 7. A claimant agency or licensee, acting in good faith,  
3 3 shall not be liable for actions taken to comply with this  
3 4 section.

3 5 Sec. 4. Section 99F.1, Code Supplement 2007, is amended by  
3 6 adding the following new subsection:

3 7 NEW SUBSECTION. 3A. "Claimant agency" means a state  
3 8 agency as defined in section 8A.504, subsection 1, or the  
3 9 state court administrator as defined in section 602.1101.

3 10 Sec. 5. Section 99F.4, Code Supplement 2007, is amended by  
3 11 adding the following new subsection:

3 12 NEW SUBSECTION. 26. To require licensees to establish a  
3 13 process with the state for licensees to have electronic access  
3 14 to names and social security numbers of debtors of claimant  
3 15 agencies through a secured interactive web site maintained by  
3 16 the state.

3 17 Sec. 6. NEW SECTION. 99F.19 SETOFF.

3 18 1. A licensee or a person acting on behalf of a licensee  
3 19 shall be provided electronic access to the names of the  
3 20 persons indebted to a claimant agency pursuant to the process  
3 21 established pursuant to section 99F.4, subsection 26. The  
3 22 electronic access provided by the claimant agency shall  
3 23 include access to the names of the debtors, their social  
3 24 security numbers, and any other information that assists the  
3 25 licensee in identifying the debtors. If the name of a debtor  
3 26 provided to the licensee through electronic access is  
3 27 retrieved by the licensee, and the winnings are equal to or  
3 28 greater than ten thousand dollars per occurrence, the  
3 29 retrieval of such a name shall constitute a valid lien upon  
3 30 and claim of lien against the winnings of the debtor whose  
3 31 name is electronically retrieved from the claimant agency. If  
3 32 a debtor's winnings are equal to or greater than ten thousand  
3 33 dollars per occurrence, the full amount of the debt shall be  
3 34 collectible from any winnings due the debtor without regard to  
3 35 limitations on the amounts that may be collectible in  
4 1 increments through setoff or other proceedings.

4 2 2. The licensee is authorized and directed to withhold any  
4 3 winnings of a debtor which are paid out directly by the  
4 4 licensee subject to the lien created by this section and  
4 5 provide notice of such withholding to the winner when the  
4 6 winner appears and claims winnings in person. The licensee  
4 7 shall pay the funds over to the collection entity which  
4 8 administers the setoff program pursuant to section 8A.504.

4 9 3. Notwithstanding any other provision of law to the  
4 10 contrary, the licensee may provide to a claimant agency all  
4 11 information necessary to accomplish and effectuate the intent  
4 12 of this section, and likewise the claimant agency may provide  
4 13 all information necessary to accomplish and effectuate the  
4 14 intent of this section.

4 15 4. The information obtained by a claimant agency from the  
4 16 licensee in accordance with this section shall retain its  
4 17 confidentiality and shall only be used by a claimant agency in  
4 18 the pursuit of its debt collection duties and practices. An  
4 19 employee or prior employee of a claimant agency who unlawfully  
4 20 discloses any such information for any other purpose, except  
4 21 as otherwise specifically authorized by law, shall be subject

4 22 to the penalties specified by law for unauthorized disclosure  
4 23 of confidential information by an agent or employee of the  
4 24 claimant agency.

4 25 5. The information obtained by a licensee from a claimant  
4 26 agency in accordance with this section shall retain its  
4 27 confidentiality and only be used by the licensee in the  
4 28 pursuit of debt collection duties and practices. An employee  
4 29 or prior employee of a licensee who unlawfully discloses any  
4 30 such information for any other purpose, except as otherwise  
4 31 specifically authorized by law, shall be subject to the same  
4 32 penalties specified by law for unauthorized disclosure of  
4 33 confidential information by an agent or employee of the  
4 34 licensee.

4 35 6. Except as otherwise provided in this chapter,  
5 1 attachments, setoffs, or executions authorized and issued  
5 2 pursuant to law shall be withheld if timely served upon the  
5 3 licensee.

5 4 7. A claimant agency or licensee, acting in good faith,  
5 5 shall not be liable for actions taken to comply with this  
5 6 section.

## 5 7 DIVISION II

### 5 8 LICENSING SANCTIONS

#### 5 9 Sec. 7. NEW SECTION. 272D.1 DEFINITIONS.

5 10 As used in this chapter, unless the context otherwise  
5 11 requires:

5 12 1. "Certificate of noncompliance" means a document  
5 13 provided by the unit certifying the named person has  
5 14 outstanding liability placed with the unit and has not entered  
5 15 into an approved payment plan to pay the liability.

5 16 2. "Liability" means a debt or obligation placed with the  
5 17 unit for collection that is greater than one thousand dollars.  
5 18 For purposes of this chapter "liability" does not include  
5 19 support payments collected pursuant to chapter 252J.

5 20 3. "License" means a license, certification, registration,  
5 21 permit, approval, renewal, or other similar authorization  
5 22 issued to a person by a licensing authority which evidences  
5 23 the admission to, or granting of authority to engage in, a  
5 24 profession, occupation, business, industry, or recreation.  
5 25 "License" includes licenses for hunting and fishing, or other  
5 26 recreational activity.

5 27 4. "Licensee" means a person to whom a license has been  
5 28 issued, or who is seeking the issuance of a license.

5 29 5. "Licensing authority" means the supreme court, or an  
5 30 instrumentality, agency, board, commission, department,  
5 31 officer, organization, or any other entity of the state, which  
5 32 has authority within this state to suspend or revoke a license  
5 33 or to deny the renewal or issuance of a license authorizing a  
5 34 person to engage in a business, occupation, profession,  
5 35 recreation, or industry.

6 1 6. "Obligor" means a person with a liability placed with  
6 2 the unit.

6 3 7. "Person" means a licensee.

6 4 8. "Unit" means the centralized collection unit of the  
6 5 department of revenue.

6 6 9. "Withdrawal of a certificate of noncompliance" means a  
6 7 document provided by the unit certifying that the certificate  
6 8 of noncompliance is withdrawn and that the licensing authority  
6 9 may proceed with issuance, reinstatement, or renewal of the  
6 10 person's license.

#### 6 11 Sec. 8. NEW SECTION. 272D.2 PURPOSE AND USE.

6 12 1. Notwithstanding other statutory provisions to the  
6 13 contrary, the unit may utilize the process established in this  
6 14 chapter to collect liabilities placed with the unit.

6 15 2. Actions initiated by the unit under this chapter shall  
6 16 not be subject to contested case proceedings or further review  
6 17 pursuant to chapter 17A and any resulting court hearing shall  
6 18 be an original hearing before the district court.

6 19 3. Notwithstanding chapter 22, all of the following apply:

6 20 a. Information obtained by the unit under this chapter  
6 21 shall be used solely for the purposes of this chapter.

6 22 b. Information obtained by a licensing authority under  
6 23 this chapter shall be used solely for the purposes of this  
6 24 chapter.

6 25 4. Notwithstanding any other law to the contrary,  
6 26 information shall be exchanged by a licensing authority and  
6 27 the unit to effectuate this chapter.

#### 6 28 Sec. 9. NEW SECTION. 272D.3 NOTICE TO PERSON OF 6 29 POTENTIAL SANCTION OF LICENSE.

6 30 The unit shall proceed in accordance with this chapter only  
6 31 if the unit sends a notice to the person by regular mail to  
6 32 the last known address of the person. The notice shall

6 33 include all of the following:

6 34 1. The address and telephone number of the unit and the  
6 35 person's unit account number.

7 1 2. A statement that the person may request a conference  
7 2 with the unit to contest the action.

7 3 3. A statement that if, within twenty days of mailing of  
7 4 the notice to the person, the person fails to contact the unit  
7 5 to schedule a conference, the unit shall issue a certificate  
7 6 of noncompliance, bearing the person's name, social security  
7 7 number, and unit account number, to any appropriate licensing  
7 8 authority, certifying that the obligor has an outstanding  
7 9 liability placed with the unit.

7 10 4. A statement that in order to stay the issuance of a  
7 11 certificate of noncompliance the request for a conference  
7 12 shall be in writing and shall be received by the unit within  
7 13 twenty days of mailing of the notice to the person.

7 14 5. The names of the licensing authorities to which the  
7 15 unit intends to issue a certificate of noncompliance.

7 16 6. A statement that if the unit issues a certificate of  
7 17 noncompliance to an appropriate licensing authority, the  
7 18 licensing authority shall initiate proceedings to refuse to  
7 19 issue or renew, or to suspend or revoke the person's license,  
7 20 unless the unit provides the licensing authority with a  
7 21 withdrawal of a certificate of noncompliance.

7 22 Sec. 10. NEW SECTION. 272D.4 CONFERENCE.

7 23 1. The person may schedule a conference with the unit  
7 24 following mailing of the notice pursuant to section 272D.3, or  
7 25 at any time after service of notice of suspension, revocation,  
7 26 denial of issuance, or nonrenewal of a license from a  
7 27 licensing authority, to challenge the unit's actions under  
7 28 this chapter.

7 29 2. The request for a conference shall be made to the unit,  
7 30 in writing, and, if requested after mailing of the notice  
7 31 pursuant to section 272D.3, shall be received by the unit  
7 32 within twenty days following mailing of the notice.

7 33 3. The unit shall notify the person of the date, time, and  
7 34 location of the conference by regular mail, with the date of  
7 35 the conference to be no earlier than ten days following  
8 1 issuance of notice of the conference by the unit. If the  
8 2 person fails to appear at the conference, the unit shall issue  
8 3 a certificate of noncompliance.

8 4 4. Following the conference, the unit shall issue a  
8 5 certificate of noncompliance unless any of the following  
8 6 applies:

8 7 a. The unit finds a mistake in the identity of the person.

8 8 b. The unit finds a mistake in determining the amount of  
8 9 the liability.

8 10 c. The unit determines the amount of the liability is not  
8 11 greater than one thousand dollars.

8 12 d. The obligor enters into an acceptable payment plan.

8 13 e. Issuance of a certificate of noncompliance is not  
8 14 appropriate under other criteria established in accordance  
8 15 with rules adopted by the department of revenue pursuant to  
8 16 chapter 17A.

8 17 5. The unit shall grant the person a stay of the issuance  
8 18 of a certificate of noncompliance upon receiving a timely  
8 19 written request for a conference, and if a certificate of  
8 20 noncompliance has previously been issued, shall issue a  
8 21 withdrawal of a certificate of noncompliance if the obligor  
8 22 enters into a written agreement with the unit to pay the  
8 23 liability.

8 24 6. If the person does not timely request a conference or  
8 25 does not pay the total amount of liability owed within twenty  
8 26 days of mailing of the notice pursuant to section 272D.3, the  
8 27 unit shall issue a certificate of noncompliance.

8 28 Sec. 11. NEW SECTION. 272D.5 WRITTEN AGREEMENT.

8 29 1. The obligor and the unit may enter into a written  
8 30 agreement for payment of the liability owed which takes into  
8 31 consideration the obligor's ability to pay and other criteria  
8 32 established by rule of the department of revenue. The written  
8 33 agreement shall include all of the following:

8 34 a. The method, amount, and dates of payments by the  
8 35 obligor.

9 1 b. A statement that upon breach of the written agreement  
9 2 by the obligor, the unit shall issue a certificate of  
9 3 noncompliance to any appropriate licensing authority.

9 4 2. A written agreement entered into pursuant to this  
9 5 section does not preclude any other remedy provided by law.

9 6 3. Following issuance of a certificate of noncompliance,  
9 7 if the obligor enters into a written agreement with the unit,  
9 8 the unit shall issue a withdrawal of the certificate of

9 9 noncompliance to any appropriate licensing authority and shall  
9 10 forward a copy of the withdrawal by regular mail to the  
9 11 obligor.

9 12 Sec. 12. NEW SECTION. 272D.6 DECISION OF THE UNIT.

9 13 1. If the unit mails a notice to a person pursuant to  
9 14 section 272D.3, and the person requests a conference pursuant  
9 15 to section 272D.4, the unit shall issue a written decision if  
9 16 any of the following conditions exist:

9 17 a. The person fails to appear at a scheduled conference  
9 18 under section 272D.4.

9 19 b. A conference is held under section 272D.4.

9 20 c. The obligor fails to comply with a written agreement  
9 21 entered into by the obligor and the unit under section 272D.5.

9 22 2. The unit shall send a copy of the written decision to  
9 23 the person by regular mail at the person's most recent address  
9 24 of record. If the decision is made to issue a certificate of  
9 25 noncompliance or to withdraw the certificate of noncompliance,  
9 26 a copy of the certificate of noncompliance or of the  
9 27 withdrawal of the certificate of noncompliance shall be  
9 28 attached to the written decision. The written decision shall  
9 29 state all of the following:

9 30 a. That the certificate of noncompliance or withdrawal of  
9 31 the certificate of noncompliance has been provided to the  
9 32 licensing authorities named in the notice provided pursuant to  
9 33 section 272D.3.

9 34 b. That upon receipt of a certificate of noncompliance,  
9 35 the licensing authority shall initiate proceedings to suspend,  
10 1 revoke, deny issuance, or deny renewal of a license, unless  
10 2 the licensing authority is provided with a withdrawal of a  
10 3 certificate of noncompliance from the unit.

10 4 c. That in order to obtain a withdrawal of a certificate  
10 5 of noncompliance from the unit, the obligor shall enter into a  
10 6 written agreement with the unit, comply with an existing  
10 7 written agreement with the unit, or pay the total amount of  
10 8 liability owed.

10 9 d. That if the unit issues a written decision which  
10 10 includes a certificate of noncompliance, the person may  
10 11 request a hearing as provided in section 272D.9, before the  
10 12 district court. The person may retain an attorney at the  
10 13 person's own expense to represent the person at the hearing.  
10 14 The review of the district court shall be limited to  
10 15 demonstration of a mistake of fact related to the amount of  
10 16 the liability owed or the identity of the person.

10 17 3. If the unit issues a certificate of noncompliance, the  
10 18 unit shall only issue a withdrawal of the certificate of  
10 19 noncompliance if any of the following applies:

10 20 a. The unit or the court finds a mistake in the identity  
10 21 of the person.

10 22 b. The unit or the court finds a mistake in the amount  
10 23 owed.

10 24 c. The obligor enters into a written agreement with the  
10 25 unit to pay the liability owed, the obligor complies with an  
10 26 existing written agreement, or the obligor pays the total  
10 27 amount of liability owed.

10 28 d. Issuance of a withdrawal of the certificate of  
10 29 noncompliance is appropriate under other criteria in  
10 30 accordance with rules adopted by the department of revenue  
10 31 pursuant to chapter 17A.

10 32 Sec. 13. NEW SECTION. 272D.7 CERTIFICATE OF  
10 33 NONCOMPLIANCE == CERTIFICATION TO LICENSING AUTHORITY.

10 34 1. If a person fails to respond to a notice of potential  
10 35 license sanction provided pursuant to section 272D.3 or the  
11 1 unit issues a written decision under section 272D.6 which  
11 2 states that the person is not in compliance, the unit shall  
11 3 issue a certificate of noncompliance to any appropriate  
11 4 licensing authority.

11 5 2. The certificate of noncompliance shall contain the  
11 6 person's name and social security number.

11 7 3. The certificate of noncompliance shall require all of  
11 8 the following:

11 9 a. That the licensing authority initiate procedures for  
11 10 the revocation or suspension of the person's license, or for  
11 11 the denial of the issuance or renewal of a license using the  
11 12 licensing authority's procedures.

11 13 b. That the licensing authority provide notice to the  
11 14 person, as provided in section 272D.8, of the intent to  
11 15 suspend, revoke, deny issuance, or deny renewal of a license  
11 16 including the effective date of the action. The suspension,  
11 17 revocation, or denial shall be effective no sooner than thirty  
11 18 days following provision of notice to the person.

11 19 Sec. 14. NEW SECTION. 272D.8 REQUIREMENTS AND PROCEDURES

11 20 OF LICENSING AUTHORITY.

11 21 1. A licensing authority shall maintain records of  
11 22 licensees by name, current known address, and social security  
11 23 number. The records shall be made available to the unit in an  
11 24 electronic format in order for the unit to match the names of  
11 25 the persons with any liability placed with the unit for  
11 26 collection.

11 27 2. In addition to other grounds for suspension,  
11 28 revocation, or denial of issuance or renewal of a license, a  
11 29 licensing authority shall include in rules adopted by the  
11 30 licensing authority as grounds for suspension, revocation, or  
11 31 denial of issuance or renewal of a license, the receipt of a  
11 32 certificate of noncompliance from the unit.

11 33 3. The supreme court shall prescribe rules for admission  
11 34 of persons to practice as attorneys and counselors pursuant to  
11 35 chapter 602, article 10, which include provisions, as  
12 1 specified in this chapter, for the denial, suspension, or  
12 2 revocation of the admission for failure to pay a liability  
12 3 placed with the unit.

12 4 4. a. A licensing authority that is issued a certificate  
12 5 of noncompliance shall initiate procedures for the suspension,  
12 6 revocation, or denial of issuance or renewal of licensure to a  
12 7 person. The licensing authority shall utilize existing rules  
12 8 and procedures for suspension, revocation, or denial of the  
12 9 issuance or renewal of a license.

12 10 b. In addition, the licensing authority shall provide  
12 11 notice to the person of the licensing authority's intent to  
12 12 suspend, revoke, or deny issuance or renewal of a license  
12 13 under this chapter. The suspension, revocation, or denial  
12 14 shall be effective no sooner than thirty days following  
12 15 provision of notice to the person. The notice shall state all  
12 16 of the following:

12 17 (1) The licensing authority intends to suspend, revoke, or  
12 18 deny issuance or renewal of a person's license due to the  
12 19 receipt of a certificate of noncompliance from the unit.

12 20 (2) The person must contact the unit to schedule a  
12 21 conference or to otherwise obtain a withdrawal of a  
12 22 certificate of noncompliance.

12 23 (3) Unless the unit furnishes a withdrawal of a  
12 24 certificate of noncompliance to the licensing authority within  
12 25 thirty days of the issuance of the notice under this section,  
12 26 the person's license will be revoked, suspended, or denied.

12 27 (4) If the licensing authority's rules and procedures  
12 28 conflict with the additional requirements of this section, the  
12 29 requirements of this section shall apply. Notwithstanding  
12 30 section 17A.18, the person does not have a right to a hearing  
12 31 before the licensing authority to contest the authority's  
12 32 actions under this chapter but may request a court hearing  
12 33 pursuant to section 272D.9 within thirty days of the provision  
12 34 of notice under this section.

12 35 5. If the licensing authority receives a withdrawal of a  
13 1 certificate of noncompliance from the unit, the licensing  
13 2 authority shall immediately reinstate, renew, or issue a  
13 3 license if the person is otherwise in compliance with  
13 4 licensing requirements established by the licensing authority.

13 5 Sec. 15. NEW SECTION. 272D.9 DISTRICT COURT HEARING.

13 6 1. Following the issuance of a written decision by the  
13 7 unit under section 272D.6 which includes the issuance of a  
13 8 certificate of noncompliance, or following provision of notice  
13 9 to the person by a licensing authority pursuant to section  
13 10 272D.8, a person may seek review of the decision and request a  
13 11 hearing before the district court by filing an application  
13 12 with the district court in the county where the majority of  
13 13 the liability was incurred, and sending a copy of the  
13 14 application to the unit by regular mail.

13 15 2. An application shall be filed to seek review of the  
13 16 decision by the unit or following issuance of notice by the  
13 17 licensing authority no later than within thirty days after the  
13 18 issuance of the notice pursuant to section 272D.8. The clerk  
13 19 of the district court shall schedule a hearing and mail a copy  
13 20 of the order scheduling the hearing to the person and the unit  
13 21 and shall also mail a copy of the order to the licensing  
13 22 authority, if applicable. The unit shall certify a copy of  
13 23 its written decision and certificate of noncompliance,  
13 24 indicating the date of issuance, and the licensing authority  
13 25 shall certify a copy of a notice issued pursuant to section  
13 26 272D.8, to the court prior to the hearing.

13 27 3. The filing of an application pursuant to this section  
13 28 shall automatically stay the actions of a licensing authority  
13 29 pursuant to section 272D.8. The hearing on the application  
13 30 shall be scheduled and held within thirty days of the filing

13 31 of the application. However, if the person fails to appear at  
13 32 the scheduled hearing, the stay shall be lifted and the  
13 33 licensing authority shall continue procedures pursuant to  
13 34 section 272D.8.

13 35 4. The scope of review by the district court shall be  
14 1 limited to demonstration of the amount of the liability owed  
14 2 or the identity of the person.

14 3 5. If the court finds that the unit was in error in  
14 4 issuing a certificate of noncompliance, or in failing to issue  
14 5 a withdrawal of a certificate of noncompliance, the unit shall  
14 6 issue a withdrawal of a certificate of noncompliance to the  
14 7 appropriate licensing authority.

14 8 DIVISION III  
14 9 COLLECTION OF DEBT

14 10 Sec. 16. Section 96.11, subsection 6, paragraph b,  
14 11 subparagraph (3), Code Supplement 2007, is amended to read as  
14 12 follows:

14 13 (3) Information obtained from an employing unit or  
14 14 individual in the course of administering this chapter and an  
14 15 initial determination made by a representative of the  
14 16 department under section 96.6, subsection 2, as to benefit  
14 17 rights of an individual shall not be used in any action or  
14 18 proceeding, except in a contested case proceeding or judicial  
14 19 review under chapter 17A. However, the department shall make  
14 20 information, which is obtained from an employing unit or  
14 21 individual in the course of administering this chapter and  
14 22 which relates to the employment and wage history of the  
14 23 individual, available to a county attorney for the county  
14 24 attorney's use in the performance of duties under section  
14 25 331.756, subsection 5, or section 602.8107. The department  
14 26 shall make such information electronically accessible to the  
14 27 county attorney at the county attorney's office, if requested,  
14 28 provided the county attorney's office pays the cost of the  
14 29 installation of the equipment to provide such access.

14 30 Information in the department's possession which may affect a  
14 31 claim for benefits or a change in an employer's rating account  
14 32 shall be made available to the interested parties. The  
14 33 information may be used by the interested parties in a  
14 34 proceeding under this chapter to the extent necessary for the  
14 35 proper presentation or defense of a claim.

15 1 Sec. 17. NEW SECTION. 321.11A PERSONAL INFORMATION  
15 2 DISCLOSURE == EXCEPTION.

15 3 1. Notwithstanding section 321.11, the department, upon  
15 4 request, shall provide personal information that identifies a  
15 5 person by the social security number of the person to the  
15 6 following:

15 7 a. The department of revenue for the purpose of collecting  
15 8 debt.

15 9 b. The judicial branch for the purpose of collecting court  
15 10 debt pursuant to section 602.8107.

15 11 c. The department of administrative services for the  
15 12 purpose of administering the setoff program pursuant to  
15 13 section 8A.504.

15 14 2. The social security number obtained by the department  
15 15 of revenue or the judicial branch shall retain its  
15 16 confidentiality and shall only be used for the purposes  
15 17 provided in this section.

15 18 Sec. 18. Section 321.40, Code Supplement 2007, is amended  
15 19 by adding the following new subsection:

15 20 NEW SUBSECTION. 9. a. The clerk of the district court  
15 21 shall notify the county treasurer of any delinquent court  
15 22 debt, as defined in section 602.8107, which is being collected  
15 23 by the county attorney pursuant to section 602.8107,  
15 24 subsection 4. The county treasurer shall refuse to renew the  
15 25 vehicle registration of the applicant upon such notification  
15 26 from the clerk of the district court in regard to such  
15 27 applicant.

15 28 b. If the applicant enters into or renews a payment plan  
15 29 that is satisfactory to the county attorney or the county  
15 30 attorney's designee, the county attorney shall provide the  
15 31 county treasurer with written or electronic notice of the  
15 32 payment plan within five days of entering into such a plan.  
15 33 The county treasurer shall temporarily lift the registration  
15 34 hold on an applicant for a period of ten days if the treasurer  
15 35 receives such notice in order to allow the applicant to  
16 1 register a vehicle for the year. If the applicant remains  
16 2 current with the payment plan entered into with the county  
16 3 attorney or the county attorney's designee, subsequent lifts  
16 4 of registration holds shall be granted without additional  
16 5 restrictions.

16 6 Sec. 19. Section 321.210A, subsection 2, Code Supplement

16 7 2007, is amended to read as follows:

16 8 2. If after suspension, the person enters into an  
16 9 installment agreement with the county attorney, the county  
16 10 attorney's designee, or the centralized collection unit of the  
16 11 department of revenue in accordance with section 321.210B to  
16 12 pay the fine, penalty, court cost, or surcharge, the person's  
16 13 license shall be reinstated by the department upon receipt of  
16 14 a report of an executed installment agreement.

16 15 Sec. 20. Section 321.210A, Code Supplement 2007, is  
16 16 amended by adding the following new subsection:

16 17 NEW SUBSECTION. 3. If the county attorney or the county  
16 18 attorney's designee, while collecting delinquent court debt  
16 19 pursuant to section 602.8107, determines that the person has  
16 20 been convicted of an additional violation of a law regulating  
16 21 the operation of a motor vehicle, the county attorney or the  
16 22 county attorney's designee shall notify the clerk of the  
16 23 district court of the appropriate case numbers, and the clerk  
16 24 of the district court shall notify the department for the  
16 25 purpose of instituting suspension procedures pursuant to this  
16 26 section.

16 27 Sec. 21. Section 321.210B, Code Supplement 2007, is  
16 28 amended to read as follows:

16 29 321.210B INSTALLMENT AGREEMENT.

16 30 1. If a person's fine, penalty, surcharge, or court cost  
16 31 is deemed delinquent as provided in section 602.8107,  
16 32 subsection ~~3~~ 2, and the person's driver's license has been  
16 33 suspended pursuant to section 321.210A, the person may execute  
16 34 an installment agreement with the county attorney, ~~or~~ the  
16 35 county attorney's designee, or the centralized collection unit  
17 1 of the department of revenue to pay the delinquent amount and  
17 2 the fee assessed in subsection 7 in installments. Prior to  
17 3 execution of the installment agreement, the person shall  
17 4 provide the county attorney, ~~or~~ the county attorney's  
17 5 designee, or the centralized collection unit of the department  
17 6 of revenue with a financial statement in order for the parties  
17 7 to the agreement to determine the amount of the installment  
17 8 payments.

17 9 2. ~~¶~~ If the person enters into an installment agreement  
17 10 with the county attorney or the county attorney's designee,  
17 11 the person shall execute an installment agreement in the  
17 12 county where the fine, penalty, surcharge, or court cost was  
17 13 imposed. If the county where the fine, penalty, surcharge, or  
17 14 court cost was imposed does not have an installment agreement  
17 15 program, the person shall execute an installment agreement in  
17 16 the person's county of residence. If the county of residence  
17 17 does not have an installment agreement program, the person may  
17 18 execute an installment agreement with any county attorney or  
17 19 county attorney's designee.

17 20 3. The county attorney, ~~or~~ the county attorney's designee,  
17 21 or the centralized collection unit of the department of  
17 22 revenue shall file the installment agreement with the clerk of  
17 23 the district court in the county where the fine, penalty,  
17 24 surcharge, or court cost was imposed, within five days of  
17 25 execution of the agreement.

17 26 4. Upon receipt of an executed installment agreement and  
17 27 after the first installment payment, the clerk of the district  
17 28 court shall report the receipt of the executed installment  
17 29 agreement to the department of transportation.

17 30 5. Upon receipt of the report from the clerk of the  
17 31 district court and payment of the reinstatement fee as  
17 32 provided in section 321.191, the department shall immediately  
17 33 reinstate the driver's license of the person unless the  
17 34 driver's license of the person is otherwise suspended,  
17 35 revoked, denied, or barred under another provision of law.

18 1 6. If a driver's license is reinstated upon receipt of a  
18 2 report of an executed installment agreement the driver shall  
18 3 provide proof of financial responsibility pursuant to section  
18 4 321A.17, if otherwise required by law.

18 5 7. The civil penalty, if assessed pursuant to section  
18 6 321.218A, shall be added to the amount owing under the  
18 7 installment agreement. The clerk of the district court shall  
18 8 transmit to the department, from the first moneys collected,  
18 9 an amount equal to the amount of any civil penalty assessed  
18 10 and added to the installment agreement. The department shall  
18 11 transmit the money received from the clerk of the district  
18 12 court pursuant to this subsection to the treasurer of state  
18 13 for deposit in the juvenile detention home fund created in  
18 14 section 232.142.

18 15 8. Upon determination by the county attorney, ~~or~~ the  
18 16 county attorney's designee, or the centralized collection unit  
18 17 of the department of revenue that the person is in default,



18 18 the county attorney, ~~or~~ the county attorney's designee, ~~or the~~  
18 19 centralized collection unit shall notify the clerk of the  
18 20 district court.

18 21 9. The clerk of the district court, upon receipt of a  
18 22 notification of a default from the county attorney, ~~or~~ the  
18 23 county attorney's designee, or the centralized collection unit  
18 24 of the department of revenue shall report the default to the  
18 25 department of transportation.

18 26 10. Upon receipt of a report of a default from the clerk  
18 27 of the district court, the department shall suspend the  
18 28 driver's license of a person as provided in section 321.210A.  
18 29 For purposes of suspension and reinstatement of the driver's  
18 30 license of a person in default, the suspension and any  
18 31 subsequent reinstatement shall be considered a suspension  
18 32 pursuant to section 321.210A.

18 33 11. If a new fine, penalty, surcharge, or court cost is  
18 34 imposed on a person after the person has executed an  
18 35 installment agreement with the county attorney, ~~or~~ the county  
19 1 attorney's designee, the centralized collection unit of the  
19 2 department of revenue, and the new fine, penalty, surcharge,  
19 3 or court cost is deemed delinquent as provided in section  
19 4 602.8107, subsection 3 2, and the person's driver's license  
19 5 has been suspended pursuant to section 321.210A, the person  
19 6 may enter into a second installment agreement with the county  
19 7 attorney, ~~or~~ county attorney's designee, or the centralized  
19 8 collection unit of the department of revenue to pay the  
19 9 delinquent amount and the fee, if assessed, in subsection 7 in  
19 10 installments.

19 11 12. If an installment agreement is in default, the fine,  
19 12 penalty, surcharge, or court cost covered under the agreement  
19 13 shall not become part of any new installment agreement.

19 14 13. A person is eligible to enter into five installment  
19 15 agreements in the person's lifetime.

19 16 14. Except for the civil penalty if assessed and collected  
19 17 pursuant to subsection 7, any amount collected under the  
19 18 installment agreement by the county attorney or the county  
19 19 attorney's designee shall be distributed as provided in  
19 20 section 602.8107, subsection 4, and any amount collected by  
19 21 the centralized collection unit of the department of revenue  
19 22 shall be deposited with the clerk of the district court for  
19 23 distribution under section 602.8108.

19 24 Sec. 22. Section 331.756, subsection 5, paragraph e, Code  
19 25 Supplement 2007, is amended by striking the paragraph.

19 26 Sec. 23. Section 602.8102, Code Supplement 2007, is  
19 27 amended by adding the following new subsection:

19 28 NEW SUBSECTION. 105B. Facilitate the collection of court  
19 29 debt pursuant to section 602.8107.

19 30 Sec. 24. Section 602.8107, Code Supplement 2007, is  
19 31 amended by striking the section and inserting in lieu thereof  
19 32 the following:

19 33 602.8107 COLLECTION OF COURT DEBT.

19 34 1. As used in this section, "court debt" means all fines,  
19 35 penalties, court costs, fees, forfeited bail, surcharges under  
20 1 chapter 911, victim restitution, restitution for  
20 2 court-appointed attorney fees or for expenses of a public  
20 3 defender, or fees charged pursuant to section 356.7 or  
20 4 904.108.

20 5 2. CLERK OF THE DISTRICT COURT COLLECTION. Court debt  
20 6 shall be owed and payable to the clerk of the district court.  
20 7 All amounts collected shall be distributed pursuant to  
20 8 sections 602.8106 and 602.8108 or as otherwise provided by  
20 9 this Code. The clerk may accept payment of an obligation or a  
20 10 portion thereof by credit card. Any fees charged to the clerk  
20 11 with respect to payment by credit card may be paid from  
20 12 receipts collected by credit card.

20 13 a. If the clerk receives payment from a person who is an  
20 14 inmate at a correctional institution or who is under the  
20 15 supervision of a judicial district department of correctional  
20 16 services, the payment shall be applied to the balance owed  
20 17 under the identified case number of the case which has  
20 18 resulted in the placement of the person at a correctional  
20 19 institution or under the supervision of the judicial district  
20 20 department of correctional services.

20 21 b. If a case number is not identified, the clerk shall  
20 22 apply the payment to the balance owed in the criminal case  
20 23 with the oldest judgment against the person.

20 24 c. Payments received under this section shall be applied  
20 25 in the following priority order:

20 26 (1) Pecuniary damages as defined in section 910.1,  
20 27 subsection 3.

20 28 (2) Fines or penalties and criminal penalty and law

20 29 enforcement initiative surcharges.  
20 30 (3) Crime victim compensation program reimbursement.  
20 31 (4) Court costs, including correctional fees assessed  
20 32 pursuant to sections 356.7 and 904.108, court-appointed  
20 33 attorney fees, or public defender expenses.  
20 34 d. The court debt is deemed delinquent if it is not paid  
20 35 within thirty days after the date it is assessed. An amount  
21 1 which was ordered by the court to be paid on a date fixed in  
21 2 the future pursuant to section 909.3 is deemed delinquent if  
21 3 it is not received by the clerk within thirty days after the  
21 4 fixed future date set out in the court order. If an amount  
21 5 was ordered to be paid by installments, and an installment is  
21 6 not received within thirty days after the date it is due, the  
21 7 entire amount of the court debt is deemed delinquent.  
21 8 3. COLLECTION BY CENTRALIZED COLLECTION UNIT OF DEPARTMENT  
21 9 OF REVENUE. Thirty days after court debt has been assessed,  
21 10 or if an installment payment is not received within thirty  
21 11 days after the date it is due, the judicial branch may assign  
21 12 a case to the centralized collection unit of the department of  
21 13 revenue or its designee to collect debts owed to the clerk of  
21 14 the district court for a period of sixty days. In addition,  
21 15 court debt which is being collected under an installment  
21 16 agreement pursuant to section 321.210B which is in default  
21 17 that remains delinquent may also be assigned to the  
21 18 centralized collection unit of the department of revenue or  
21 19 its designee.  
21 20 a. The department of revenue may impose a fee established  
21 21 by rule to reflect the cost of processing which shall be added  
21 22 to the debt owed to the clerk of the district court. Any  
21 23 amounts collected by the unit shall first be applied to the  
21 24 processing fee. The remaining amounts shall be remitted to  
21 25 the clerk of the district court for the county in which the  
21 26 debt is owed. The judicial branch may prescribe rules to  
21 27 implement this subsection. These rules may provide for  
21 28 remittance of processing fees to the department of revenue or  
21 29 its designee.  
21 30 b. Satisfaction of the outstanding court debt occurs only  
21 31 when all fees or charges and the outstanding court debt is  
21 32 paid in full. Payment of the outstanding court debt only  
21 33 shall not be considered payment in full for satisfaction  
21 34 purposes.  
21 35 c. The department of revenue or its collection designee  
22 1 shall file with the clerk of the district court a notice of  
22 2 the satisfaction of each portion of the court debt to the full  
22 3 extent of the moneys collected in satisfaction of the court  
22 4 debt. The clerk of the district court shall record the notice  
22 5 and enter a satisfaction for the amounts collected.  
22 6 4. COUNTY ATTORNEY COLLECTION. The county attorney or the  
22 7 county attorney's designee may collect court debt sixty days  
22 8 after the court debt is deemed delinquent pursuant to  
22 9 subsection 2. In order to receive a percentage of the amounts  
22 10 collected pursuant to this subsection, the county attorney  
22 11 must file annually with the clerk of the district court on or  
22 12 before July 1 a notice of full commitment to collect  
22 13 delinquent court debt and must file on the first day of each  
22 14 month a list of the cases in which the county attorney or the  
22 15 county attorney's designee is pursuing the collection of  
22 16 delinquent court debt. The list shall include a list of cases  
22 17 where delinquent court debt is being collected under an  
22 18 installment agreement pursuant to section 321.210B, and a list  
22 19 of cases in default which are no longer being collected under  
22 20 an installment agreement but remain delinquent. The annual  
22 21 notice shall contain a list of procedures which will be  
22 22 initiated by the county attorney.  
22 23 a. This subsection does not apply to amounts collected for  
22 24 victim restitution, the victim compensation fund, the criminal  
22 25 penalty surcharge, drug abuse resistance education surcharge,  
22 26 the law enforcement initiative surcharge, county enforcement  
22 27 surcharge, amounts collected as a result of procedures  
22 28 initiated under subsection 5 or under section 8A.504, or fees  
22 29 charged pursuant to section 356.7.  
22 30 b. Amounts collected by the county attorney or the county  
22 31 attorney's designee shall be distributed in accordance with  
22 32 paragraphs "c" and "d".  
22 33 c. (1) Forty percent of the amounts collected by the  
22 34 county attorney or the person procured or designated by the  
22 35 county attorney shall be deposited in the general fund of the  
23 1 county if the county attorney has filed the notice required by  
23 2 this subsection, unless the county attorney has discontinued  
23 3 collection efforts on a particular delinquent amount.  
23 4 (2) Of the remaining sixty percent, the following amounts

23 5 shall be paid each fiscal year to the clerk of the district  
23 6 court for distribution under section 602.8108:

23 7 (a) For a county with a population greater than one  
23 8 hundred fifty thousand, an amount up to five hundred thousand  
23 9 dollars.

23 10 (b) For a county with a population greater than one  
23 11 hundred thousand but not more than one hundred fifty thousand,  
23 12 an amount up to four hundred thousand dollars.

23 13 (c) For a county with a population greater than fifty  
23 14 thousand but not more than one hundred thousand, an amount up  
23 15 to two hundred fifty thousand dollars.

23 16 (d) For a county with a population greater than twenty=six  
23 17 thousand but not more than fifty thousand, an amount up to one  
23 18 hundred thousand dollars.

23 19 (e) For a county with a population greater than fifteen  
23 20 thousand but not more than twenty=six thousand, an amount up  
23 21 to fifty thousand dollars.

23 22 (f) For a county with a population equal to or less than  
23 23 fifteen thousand, an amount up to twenty=five thousand  
23 24 dollars.

23 25 (3) After the threshold amount has been distributed  
23 26 pursuant to subparagraph (2), any additional moneys collected  
23 27 shall be distributed to the individual county as provided in  
23 28 paragraph "d".

23 29 d. Any additional moneys collected by an individual county  
23 30 after the threshold amount in paragraph "c" has been  
23 31 distributed shall be distributed by the state court  
23 32 administrator as follows: forty percent of any additional  
23 33 moneys collected by the county attorney or the person procured  
23 34 or designated by the county attorney shall be deposited in the  
23 35 general fund of the county where the moneys were collected;  
24 1 twenty percent of the remaining sixty percent collected by the  
24 2 county attorney or the person procured or designated by the  
24 3 county attorney shall be deposited with the office of the  
24 4 county attorney that collected the moneys; and the remainder  
24 5 shall be paid to the clerk of the district court for  
24 6 distribution under section 602.8108 or the state court  
24 7 administrator may distribute the remainder under section  
24 8 602.8108 if the additional moneys have already been received  
24 9 by the state court administrator.

24 10 e. (1) A county may enter into an agreement pursuant to  
24 11 chapter 28E with one or more other counties for the purpose of  
24 12 collecting delinquent court debt pursuant to this subsection.

24 13 (2) Notwithstanding paragraph "c", if a county subject to  
24 14 the threshold amount in paragraph "c", subparagraph (2),  
24 15 subparagraph subdivision (e) or (f) enters into such an  
24 16 agreement exclusively with a county or counties subject to the  
24 17 threshold amount in paragraph "c", subparagraph (2),  
24 18 subparagraph subdivision (e) or (f), the threshold amount  
24 19 applicable to all of the counties combined shall be a single  
24 20 threshold amount, equal to the threshold amount attributable  
24 21 to the county with the largest population.

24 22 f. The county attorney shall file with the clerk of the  
24 23 district court a notice of the satisfaction of each portion of  
24 24 the court debt to the full extent of the moneys collected in  
24 25 satisfaction of the court debt. The clerk of the district  
24 26 court shall record the notice and enter a satisfaction for the  
24 27 amounts collected.

24 28 5. ASSIGNMENT TO PRIVATE COLLECTION DESIGNEE.

24 29 a. The judicial branch may contract with a private  
24 30 collection designee for the collection of court debt sixty  
24 31 days after the court debt in a case is deemed delinquent  
24 32 pursuant to subsection 2 if the county attorney is not  
24 33 collecting the court debt in a case pursuant to subsection 4.  
24 34 The judicial branch shall solicit requests for proposals prior  
24 35 to entering into any contract pursuant to this subsection.

25 1 b. The contract shall provide for a collection fee equal  
25 2 to twenty=five percent of the amount of the court debt in a  
25 3 case deemed delinquent. The collection fee as calculated  
25 4 shall be added to the amount of the court debt deemed  
25 5 delinquent. The amount of the court debt deemed delinquent  
25 6 and the collection fee shall be owed by and collected from the  
25 7 defendant. The collection fee shall be used to compensate the  
25 8 private collection designee. The contract may also assess the  
25 9 private collection designee an initial fee for entering into  
25 10 the contract.

25 11 c. The judicial branch may consult with the department of  
25 12 revenue and the department of administrative services when  
25 13 entering into the contract with the private collection  
25 14 designee.

25 15 d. Subject to the provisions of paragraph "b", the amounts

25 16 collected pursuant to this subsection shall be distributed as  
25 17 provided in subsection 2. Any initial fee collected by the  
25 18 judicial branch shall be deposited into the general fund of  
25 19 the state.

25 20 e. The judicial branch or the private collection designee  
25 21 shall file with the clerk of the district court a notice of  
25 22 the satisfaction of each portion of the court debt to the full  
25 23 extent of the moneys collected in satisfaction of the court  
25 24 debt. The clerk of the district court shall record the notice  
25 25 and enter a satisfaction for the amounts collected.

25 26 6. WRITE OFF OF OLD DEBT. If any portion of the court  
25 27 debt in a case remains uncollected after sixty-five years from  
25 28 the date of imposition, the judicial branch shall write off  
25 29 the debt as uncollectible and close the case file for the  
25 30 purposes of collection pursuant to this section.

25 31 7. REPORTS. The judicial branch shall prepare a report  
25 32 aging the court debt. The report shall include the amounts  
25 33 collected by the private collection designee, the distribution  
25 34 of these amounts, and the amount of the fee collected by the  
25 35 private collection designee. In addition, the report shall  
26 1 include the amounts written off pursuant to subsection 6. The  
26 2 judicial branch shall provide the report to the  
26 3 co-chairpersons and ranking members of the joint  
26 4 appropriations subcommittee on the justice system, the  
26 5 legislative services agency, and the department of management  
26 6 by December 15 of each year.

26 7 Sec. 25. NEW SECTION. 901.5C PRONOUNCEMENT OF JUDGMENT  
26 8 AND SENTENCE == SOCIAL SECURITY NUMBER.

26 9 1. Prior to pronouncement of judgment and sentence  
26 10 pursuant to section 901.5, or prior to pleading guilty for an  
26 11 offense that does not require a court appearance, the  
26 12 defendant shall provide the defendant's social security number  
26 13 to the clerk of the district court or the court.

26 14 2. The clerk of the district court shall duly note the  
26 15 social security number in the case file.

26 16 3. The defendant's social security number shall be  
26 17 considered a confidential record exempted from public access  
26 18 under section 22.7, but shall be disclosed by the clerk of the  
26 19 district court for the limited purpose of collecting court  
26 20 debt pursuant to section 602.8107.

26 21 4. Failure or refusal to provide a social security number  
26 22 pursuant to this section shall not delay the pronouncement of  
26 23 judgment and sentence pursuant to section 901.5.

26 24 Sec. 26. Section 907.7, Code 2007, is amended to read as  
26 25 follows:

26 26 907.7 LENGTH OF PROBATION.

26 27 1. The length of the probation shall be for a term as the  
26 28 court shall fix but not to exceed five years if the offense is  
26 29 a felony or not to exceed two years if the offense is a  
26 30 misdemeanor.

26 31 2. The length of the probation shall not be less than one  
26 32 year if the offense is a misdemeanor and shall not be less  
26 33 than two years if the offense is a felony.

26 34 3. ~~However, the~~ The court may subsequently reduce the  
26 35 length of the probation if the court determines that the  
27 1 purposes of probation have been fulfilled and the fees imposed  
27 2 under section 905.14 have been paid to or waived by the  
27 3 judicial district department of correctional services and that  
27 4 court debt collected pursuant to section 602.8107 has been

27 5 paid. The purposes of probation are to provide maximum  
27 6 opportunity for the rehabilitation of the defendant and to  
27 7 protect the community from further offenses by the defendant  
27 8 and others.

27 9 4. In determining the length of the probation, the court  
27 10 shall determine what period is most likely to provide maximum  
27 11 opportunity for the rehabilitation of the defendant, to allow  
27 12 enough time to determine whether or not rehabilitation has  
27 13 been successful, and to protect the community from further  
27 14 offenses by the defendant and others.

27 15 Sec. 27. Section 907.9, subsections 1, 2, and 4, Code  
27 16 2007, are amended to read as follows:

27 17 1. At any time that the court determines that the purposes  
27 18 of probation have been fulfilled and ~~any~~ fees imposed under  
27 19 ~~sections 815.9 and section 905.14 and court debt collected~~  
27 20 pursuant to section 602.8107 have been paid, the court may  
27 21 order the discharge of a person from probation.

27 22 2. At any time that a probation officer determines that  
27 23 the purposes of probation have been fulfilled and ~~any~~ fees  
27 24 imposed under ~~sections 815.9 and section 905.14 and court debt~~  
27 25 collected pursuant to section 602.8107 have been paid, the  
27 26 officer may order the discharge of a person from probation

27 27 after approval of the district director and notification of  
27 28 the sentencing court and the county attorney who prosecuted  
27 29 the case.

27 30 4. At the expiration of the period of probation ~~and~~ if the  
27 31 fees imposed under ~~sections 815.9 and section 905.14 and court~~  
27 32 ~~debt collected pursuant to section 602.8107 have been paid or~~  
27 33 ~~on condition that unpaid supervision fees be paid, the court~~  
27 34 ~~shall order the discharge of the person from probation, and~~  
27 35 ~~the. If portions of the court debt remain unpaid, the person~~  
28 1 ~~shall establish a payment plan with the clerk of the district~~  
28 2 ~~court prior to the discharge. The court shall forward to the~~  
28 3 governor a recommendation for or against restoration of  
28 4 citizenship rights to that person upon discharge. A person  
28 5 who has been discharged from probation shall no longer be held  
28 6 to answer for the person's offense. Upon discharge from  
28 7 probation, if judgment has been deferred under section 907.3,  
28 8 the court's criminal record with reference to the deferred  
28 9 judgment shall be expunged. The record maintained by the  
28 10 state court administrator as required by section 907.4 shall  
28 11 not be expunged. The court's record shall not be expunged in  
28 12 any other circumstances.

28 13 Sec. 28. Section 909.8, Code 2007, is amended to read as  
28 14 follows:

28 15 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
28 16 SURCHARGE.

28 17 The provisions of this chapter governing the payment and  
28 18 collection of a fine, except section 909.3A, also apply to the  
28 19 payment and collection of surcharges imposed pursuant to  
28 20 chapter 911. ~~However, section 909.10 shall not apply to~~  
28 21 ~~surcharges assessed under sections 911.3 and 911.4.~~

28 22 Sec. 29. Section 909.10, Code 2007, is repealed.

28 23 Sec. 30. DEPARTMENT OF REVENUE == COLLECTION SYSTEM  
28 24 UPGRADE. The director of the department of revenue shall  
28 25 enhance the computer assisted collections system of the  
28 26 department to the current web-based technical version and  
28 27 implement related process and procedure improvements that will  
28 28 generate revenue and cost benefits. The director shall  
28 29 procure the enhancements from the current vendor, and such  
28 30 enhancements shall be considered as an upgrade to that  
28 31 vendor's contract with the department.

28 32 Sec. 31. COLLECTION OF DELINQUENT DEBT == PROCESSING OR  
28 33 COLLECTION FEE. If court debt is being collected pursuant to  
28 34 section 602.8107, as amended by this Act, for court debt  
28 35 imposed, assessed, or deemed delinquent prior to the effective  
29 1 date of this Act, a processing fee or collection fee shall be  
29 2 added to the court debt as provided in this Act.

29 3 Sec. 32. LEGISLATIVE INTENT. It is the intent of the  
29 4 general assembly that the judicial branch enter into a  
29 5 contract with a private collection designee by August 1, 2008,  
29 6 and begin collection efforts pursuant to section 602.8107, as  
29 7 amended by this Act, on August 1, 2008.

29 8 SF 2428  
29 9 jm/ml/12