

# **Judicial Branch Fees and Costs Bill House File 2789**

Last Action:

**House Floor**

April 5, 2006

**Executive Summary Only**

**An Act relating to assessing court costs, providing for indigent defense, and making appropriations to the Judicial Branch and Department of Inspections and Appeals.**

**Fiscal Services Division  
Legislative Services Agency**

## **NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

LSA Contact: Jennifer Acton (17846)

# EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

# HOUSE FILE 2789 JUDICIAL BRANCH FEES AND COSTS BILL

## BACKGROUND INFORMATION

- The 2005 General Assembly enacted HF 826 (Speed Limit Act), which increased simple misdemeanor court costs/filing fees from \$17 to \$30 and made the fees the same level as indictable filing fees. This generated approximately \$7.0 million for FY 2006 that was dedicated to the Judicial Branch for operations.
- Senate File 2273 (FY 2006 Supplemental Appropriations Bill) appropriates \$4.0 million from the General Fund to the State Public Defender for additional costs incurred for FY 2006 indigent defense claims.

## NEW FEES – REVENUE IMPACT

- House File 2789 increases the fee charged by the clerks of district court for filing and docketing a criminal case from \$30 to \$100 and the court costs/filing fees for a scheduled violation from \$30 to \$50. The estimated revenue impact of the \$20 increase in simple misdemeanor court costs/filing fees is \$8.7 million and the estimated revenue impact of the \$70 increase in indictable misdemeanor filing fees is \$600,000. The total revenue generated by increasing court costs is \$9.3 million. The revenues contained in this Bill are not subject to the 99.0% expenditure limitation rule.

## COLLECTION RATES

- Court revenues are estimated by multiplying the amount imposed by a collection rate. According to the Justice Data Warehouse, the collection rate for a simple misdemeanor court cost/filing fee increase from \$30 to \$50 ranges from 31.3% to 65.3% for the first year, depending on the type of simple misdemeanor. (This includes scheduled violations, including traffic and some simple misdemeanors and non-scheduled traffic violations under Chapter 321, Code of Iowa, and some simple misdemeanors.) The collection rate for an indictable misdemeanor filing fee increase from \$30 to \$100 is 17.2%. This includes aggravated and serious misdemeanors. This collection rate may be slightly understated since it also includes felonies. However, the majority of the court costs paid in the first year would be from serious and aggravated misdemeanors since the first year payment of felonies tends to be applied to restitution.

## FISCAL IMPACT

- House File 2789 directs the State Court Administrator to allocate \$13.0 million annually, from fees and fines collected by the Judicial Branch, to the Judicial Branch for salaries, maintenance, equipment, and miscellaneous purposes. This is a \$6.0 million increase to the Judicial Branch's current allocation and is in addition to the Judicial Branch's proposed \$123.3 million operating budget appropriation in HF 2557 (FY 2007 Judicial Branch Appropriations Bill). The \$13.0 million allocation will be shown in the Judicial Branch operating budget as a receipt, rather than an appropriation.
- House File 2789 also directs the State Court Administrator to allocate \$2.8 million annually, from the fees and fines collected by the clerks of district court, to the Office of the State Public Defender of the Department of Inspection and Appeals. The funds are to be used to compensate court-appointed attorneys representing indigent adults and juveniles. This is a \$5 per hour increase over current law. The \$2.8 million allocation is in addition to the proposed General Fund appropriation of \$25.2 million to the State Public Defender in HF 2558 (FY 2007 Justice System Appropriations Bill). The \$2.8 million allocation will be shown in the State Public Defender's Office budget as a receipt, rather than an appropriation.