

CHAPTER 1074**COLLECTION AND DISPOSITION OF COURT FEES, FINES, AND SURCHARGES***S.F. 413*

AN ACT relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 144.46, Code 1993, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD.

The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the clerk of the district court for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected by the state registrar under this section shall be deposited in the general fund of the state. Fees collected by the clerk of the district court shall be deposited in the ~~court revenue distribution~~ account established under section 602.8108. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 2. Section 321.491, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and shall must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's motor vehicle license be suspended. The department shall consider and act upon the recommendation.

Sec. 3. Section 331.427, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 101A.3, 101A.7, 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6, 602.8108, 904.908, and 906.17, and ~~911.3~~, and chapter 405A, and the following:

Sec. 4. Section 364.3, subsection 2, Code 1993, is amended to read as follows:

2. A city shall not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by cities shall be deposited in the ~~court revenue distribution~~ account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The criminal penalty surcharge required by section 911.2 shall be added to a city fine and is not a part of the city's penalty.

Sec. 5. Section 602.8105, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8105 FEES FOR CIVIL CASES AND OTHER SERVICES – COLLECTION AND DISPOSITION.

1. The clerk of the district court shall collect the following fees:

a. For filing and docketing a petition, other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, eighty dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13.

- b. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, twenty-five dollars.
- c. For entering a final decree of dissolution of marriage, thirty dollars. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.
- d. For filing and docketing a small claims action, the amounts specified in section 631.6.
- e. For an appeal from a judgment in small claims or for a writ of error, fifty dollars.
2. The clerk of the district court shall collect the following fees for miscellaneous services:
 - a. For filing an application for a license to marry, thirty dollars. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars. The court shall authorize the issuance of a marriage license without the payment of any fees imposed by this paragraph upon a showing that the applicant is unable to pay the fees.
 - b. For filing, entering, and endorsing a mechanic's lien, ten dollars, and if a suit is brought, the fee is taxable as other costs in the action.
 - c. For filing and entering an agricultural supply dealer's lien and any other statutory lien, ten dollars.
 - d. For a certificate and seal, ten dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person.
 - e. For certifying a change in title of real estate, ten dollars.
 - f. Other fees provided by law.
3. The clerk of the district court shall pay to the treasurer of state all fees which have come into the clerk's possession and which are unclaimed pursuant to section 556.8 accompanied by a form prescribed by the treasurer. Claims for payment of the moneys must be filed pursuant to chapter 556.

Sec. 6. Section 602.8106, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8106 COLLECTION OF FEES IN CRIMINAL CASES AND DISPOSITION OF FEES AND FINES.

1. The clerk of the district court shall collect the following fees:
 - a. Except as otherwise provided in paragraphs "b" and "c", for filing and docketing a criminal case to be paid by the county or city which has the duty to prosecute the criminal action, payable as provided in section 602.8109, thirty dollars. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and in habitual offender actions pursuant to section 321.556, and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.
 - b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, twenty-five dollars.
 - c. For filing and docketing a complaint or information or uniform citation and complaint for parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, one dollar, effective January 1, 1991. The court costs in cases of parking meter and overtime parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, or pursuant to a uniform citation and complaint, are eight dollars per information or complaint or per uniform citation and complaint effective January 1, 1991.
 - d. The court costs in scheduled violation cases where a court appearance is required are twenty-five dollars.
 - e. For court costs in scheduled violation cases where a court appearance is not required, fifteen dollars.

- f. For an appeal of a simple misdemeanor to the district court, fifty dollars.
2. The clerk of the district court shall remit ninety percent of all fines and forfeited bail to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The remaining ten percent shall be submitted to the state court administrator.
3. The clerk of the district court shall remit all fines and forfeited bail for violation of a county ordinance, except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the plaintiff in the action, and shall provide that county with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, the fines and forfeited bail collected for the violation shall be submitted to the state court administrator.
4. The clerk of the district court shall submit all other fines, fees, costs, and forfeited bail received from a magistrate to the state court administrator.

Sec. 7. Section 602.8108, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

602.8108 DISTRIBUTION OF COURT REVENUE.

1. The clerk of the district court shall establish an account and deposit in this account all revenue and other receipts. Not later than the fifteenth day of each month, the clerk shall distribute all revenues received during the preceding calendar month. Each distribution shall be accompanied by a statement disclosing the total amount of revenue received during the accounting period and any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk.
2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsection 5, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative fiscal bureau within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.
3. When a court assesses a criminal surcharge under section 911.2, the amounts collected shall be distributed as follows:
 - a. The clerk of the district court shall submit to the state court administrator, not later than the fifteenth day of each month, ninety-five percent of the surcharge collected during the preceding calendar month. The clerk shall remit the remainder to the county treasurer of the county that was the plaintiff in the action or to the city that was the plaintiff in the action.
 - b. Of the amount received from the clerk, the state court administrator shall allocate eighteen percent to be deposited in the fund established in section 912.14 and eighty-two percent to be deposited in the general fund.
4. A court technology and modernization fund is established as a separate fund in the state treasury. The state court administrator shall allocate one million dollars of the moneys received under subsection 2 to be deposited in the fund, which shall be administered by the supreme court and shall be used as follows:
 - a. Eighty percent shall be used to enhance the ability of the judicial department to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. Moneys in this paragraph shall not be used for the Iowa court information system.
 - b. Twenty percent shall be used in equal amounts to facilitate alternative dispute resolution and methods to resolve domestic abuse cases, which may include personnel for hearings under section 236.4.

where a court appearance is required are fifteen dollars as stated in section 602.8106, subsection 1. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

Sec. 16. Section 805.6, subsection 1, paragraph a, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other contrary requirements of this section, a uniform citation may be originated from a computerized device. The officer issuing the citation through a computerized device shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.

Sec. 17. Section 911.1, Code 1993, is amended to read as follows:

911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.

A criminal penalty surcharge shall be levied against certain law violators as provided in section 911.2. The surcharge shall be deposited as provided in ~~section 911.3~~ section 602.8108, subsection 3, and shall be used for the maintenance and improvement of criminal justice programs, law enforcement efforts, victim compensation, crime prevention, and improvement of the professional training of personnel, and the planning and support services of the criminal justice system.

Sec. 18. Section 911.3, Code 1993, is repealed.

Approved April 14, 1994

CHAPTER 1075

CITY EMERGENCY MEDICAL SERVICES DISTRICTS

H.F. 2116

AN ACT relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing a retroactive applicability date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 357G.1 DEFINITIONS.

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

1. "Council" means the city council of a city.
2. "District" means a city emergency medical services district.
3. "Trustee" means a trustee of a district.

Sec. 2. NEW SECTION. 357G.2 PETITION FOR PUBLIC HEARING.

1. The council shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall