

registered pursuant to section 99B.10, subsection 4, prior to the effective date of this Act that is offered for use by the public at a location for which a class "A", class "B", class "C", or class "D" liquor control license or class "B" or class "C" beer permit has not been issued pursuant to chapter 123 shall be allowed to offer the device for use by the public until July 1, 2005.

2. On and after July 1, 2005, an owner of an electrical and mechanical amusement device as described in subsection 1 shall not offer the device for use by the public. However, the owner of a device shall be permitted to sell the device to a distributor, as defined in section 99B.1, as amended by this Act, or to a person authorized to offer the device to the public pursuant to section 99B.10, subsection 4, as amended by this Act for which a class "A", class "B", class "C", or class "D" liquor control license or class "B" or class "C" beer permit¹ has been issued pursuant to chapter 123.

Sec. 11. EFFECTIVE DATE — RETROACTIVE APPLICABILITY.

1. This Act,² being deemed of immediate importance, takes effect upon enactment.

2. The section of this Act amending 2003 Iowa Acts, chapter 147, section 5, is retroactively applicable to July 1, 2003, and is applicable on and after that date.

Approved April 28, 2004

CHAPTER 1119
SCHEDULED VIOLATIONS —
COUNTY ENFORCEMENT SURCHARGE
H.F. 2569

AN ACT establishing a county enforcement surcharge for citations issued by the county sheriff.

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

Section 1. Section 331.301, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The board of supervisors may by resolution allow a five dollar county enforcement surcharge to be assessed pursuant to section 911.4.

Sec. 2. Section 602.8102, subsection 135A, Code Supplement 2003, is amended to read as follows:

135A. Assess the ~~drug abuse resistance education surcharge as provided by section~~ surcharges provided by sections 911.2, 911.3, and 911.4.

Sec. 3. Section 602.8102, subsection 135B, Code Supplement 2003, is amended by striking the subsection.

Sec. 4. Section 602.8107, subsection 4, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or sheriff's room and board fees.

¹ See chapter 1175, §396 herein

² See chapter 1175, §343 herein

Sec. 5. Section 602.8108, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The clerk of the district court shall remit all moneys collected from the county enforcement surcharge to the county where the citation was issued for deposit in the county general fund no later than the fifteenth day of each month.

Sec. 6. Section 805.8, subsection 1, Code 2003, is amended to read as follows:

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.2 and the county enforcement surcharge required by section 911.4, if applicable, shall be added to the scheduled fine.

Sec. 7. Section 903.1, subsection 4, Code 2003, is amended to read as follows:

4. The ~~criminal penalty surcharge~~ surcharges required by sections 911.2, ~~and 911.3,~~ and 911.4 shall be added to a fine imposed on a misdemeanor, and is are not a part of or subject to the maximums set in this section.

Sec. 8. Section 909.8, Code 2003, is amended to read as follows:

909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO SURCHARGE.

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

Sec. 9. NEW SECTION. 911.4 COUNTY ENFORCEMENT SURCHARGE.

1. If the county has adopted a resolution pursuant to section 331.301, subsection 16, and a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff as defined in section 331.101, the court or the clerk of the district court shall assess a surcharge in the amount of five dollars for each applicable violation in addition to any fine, forfeiture, or other surcharge.

2. Pursuant to section 602.8108, subsection 4A, the surcharge shall be deposited in the county general fund of the county where the citation was issued.

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

Approved April 28, 2004