

CHAPTER 1074

CRIMINAL AND CIVIL PENALTIES, FINES, SURCHARGES, FEES, AND COSTS — RELATED FUNDS — COURT DEBT COLLECTION

S.F. 457

AN ACT relating to the criminal and juvenile justice system by modifying criminal penalties, surcharges, fines, fees, and costs, creating and modifying funds, making appropriations and allocating revenues, modifying installment agreements, modifying civil claims for reimbursement, restitution, and collection of court debt, and providing effective date provisions.

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

DIVISION I SURCHARGES ADDED TO CRIMINAL PENALTIES AND DISTRIBUTION OF SURCHARGE MONEYS

Section 1. [Section 331.301, subsection 16](#), Code 2020, is amended by striking the subsection.

Sec. 2. [Section 331.302, subsection 2](#), Code 2020, is amended to read as follows:

2. For a violation of an ordinance a county shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under [section 903.1, subsection 1](#), paragraph “a”. The ~~criminal penalty~~ crime services surcharge required by [section 911.1](#) shall be added to a county fine and is not a part of the county’s penalty.

Sec. 3. [Section 356.7, subsection 5](#), paragraph a, Code 2020, is amended to read as follows:

a. Of the moneys collected and credited to the county general fund as provided in [this section and section 602.8106, subsection 4](#), paragraph “b”, subparagraph (2), sixty percent of the moneys collected shall be used for the following purposes:

- (1) Courthouse security equipment and law enforcement personnel costs.
- (2) Infrastructure improvements of a jail, including new or remodeling costs.
- (3) Infrastructure improvements of juvenile detention facilities, including new or remodeling costs.
- (4) Medical and prescription drug costs of inmates in jail.

Sec. 4. [Section 364.3, subsection 2](#), Code 2020, is amended to read as follows:

2. For a violation of an ordinance a city shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under [section 903.1, subsection 1](#), paragraph “a”. An amount equal to ~~ten~~ twenty percent of all fines collected by cities shall be deposited in the 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~~ crime services surcharge required by [section 911.1](#) shall be added to a city fine and is not a part of the city’s penalty.

Sec. 5. [Section 602.8102, subsection 135A](#), Code 2020, is amended to read as follows:

135A. Assess the surcharges provided by [sections 911.1, 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4 and 911.5](#).

Sec. 6. [Section 602.8106, subsection 1](#), paragraphs d and e, Code 2020, are amended to read as follows:

d. For court costs in scheduled violation cases where a court appearance is required, ~~sixty~~ fifty-five dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, ~~sixty~~ fifty-five dollars.

Sec. 7. [Section 602.8106, subsections 2, 3, and 4](#), Code 2020, are amended to read as follows:

2. The clerk of the district court shall remit ~~ninety~~ eighty 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~~ twenty 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, ~~except all fines and forfeited bail for violation of a county ordinance relating to vehicle speed or weight restrictions shall be distributed pursuant to [subsection 4](#), paragraph “b”~~. ~~However, if~~ 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~~ distributed pursuant to [subsection 4](#), paragraph “b”.

4. *a.* ~~The~~ Except as provided in paragraph “b”, 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.

b. The fine amount for a violation that occurred within the boundaries of the county shall be distributed as follows:

(1) Ninety-one percent to the state court administrator.

(2) Nine percent to the county treasurer for deposit in the county general fund where the violation occurred.

Sec. 8. [Section 602.8107, subsection 1](#), paragraph b, Code 2020, is amended to read as follows:

b. (1) “Installment agreement” means an agreement made for the payment of court debt in excess of one hundred dollars in installments.

(2) The judicial branch may establish a threshold amount that is lower than the threshold amount specified in subparagraph (1) by court rule.

Sec. 9. [Section 602.8107, subsection 2](#), paragraph c, subparagraph (2), Code 2020, is amended to read as follows:

(2) Fines or penalties and ~~criminal penalty and law enforcement initiative surcharges~~ the crime services surcharge.

Sec. 10. [Section 602.8107, subsection 4](#), paragraph a, Code 2020, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the ~~criminal penalty~~ crime services surcharge, sex offender civil penalty, ~~drug abuse resistance education surcharge~~, ~~the law enforcement initiative surcharge~~, ~~county enforcement surcharge~~, ~~agricultural theft surcharge~~, amounts collected as a result of procedures initiated under [subsection 5](#) or under [section 8A.504](#), or fees charged pursuant to [section 356.7](#).

Sec. 11. [Section 602.8108, subsections 3 and 7](#), Code 2020, are amended to read as follows:

3. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ~~ninety-five percent~~ of all moneys collected from the ~~criminal penalty~~ crime services surcharge provided in [section 911.1](#) 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.~~ Of the amount received from the clerk, the state court administrator shall allocate ~~seventeen~~ and deposit each month forty-six percent in the juvenile detention home fund in [section 232.142](#), ~~thirty-two percent to be deposited in the victim compensation fund established in [section 915.94](#), and eighty-three percent to be deposited in the general fund~~ twenty percent in the criminalistics laboratory

fund established in [section 691.9](#), and two percent in the drug abuse resistance education fund established in [section 80E.4](#).

7. The clerk of the district court shall remit all moneys collected from the assessment of the ~~surecharges~~ surcharge provided in [sections section 911.2B and 911.2C](#) to the state court administrator for deposit in the address confidentiality program revolving fund created in [section 9.8](#).

Sec. 12. [Section 602.8108, subsection 4](#), Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ninety-one percent of all moneys collected from county enforcement as provided [section 602.8106, subsection 4](#), paragraph “b”, subparagraph (1), during the preceding calendar month. Of the amount received from the clerk, the state court administrator shall allocate and deposit one and three-tenths percent in the emergency medical services fund in [section 135.25](#), and shall allocate and deposit the remainder in the general fund of the state.

Sec. 13. [Section 602.8108, subsections 5 and 8](#), Code 2020, are amended by striking the subsections.

Sec. 14. [Section 602.8108](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 13. The clerk of the district court shall remit all moneys collected from the agricultural theft surcharge provided in [section 911.5](#) to the state court administrator no later than the fifteenth day of each month for deposit in the general fund of the state, and the amount deposited is appropriated to the department of agriculture and land stewardship to support the Iowa emergency food purchase program fund established in [section 190B.201](#).

Sec. 15. [Section 805.8, subsection 1](#), Code 2020, 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~~ crime services surcharge required by [section 911.1](#) and the ~~county enforcement~~ surcharge required by [section 911.4](#), if applicable, shall be added to the scheduled fine.

Sec. 16. [Section 902.9, subsection 2](#), Code 2020, is amended to read as follows:

2. The surcharges required by [sections 911.1, 911.2, 911.2A, and 911.3](#) [911.5](#) shall be added to a fine imposed on a class “C” or class “D” felon, as provided by those sections, and are not a part of or subject to the maximums set in [this section](#).

Sec. 17. [Section 903.1, subsection 4](#), Code 2020, is amended to read as follows:

4. The surcharges required by [sections 911.1, 911.2, 911.2A, 911.3, and 911.4](#) and [911.5](#) shall be added to a fine imposed on a misdemeanor as provided in those sections, and are not a part of or subject to the maximums set in [this section](#).

Sec. 18. [Section 911.1](#), Code 2020, is amended to read as follows:

911.1 Criminal penalty Crime services surcharge.

1. A ~~criminal penalty~~ crime services surcharge shall be levied against law violators as provided in [this section](#). When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance, except an ordinance regulating the parking of motor vehicles, the court ~~or the clerk of the district court~~ shall assess an additional penalty in the form of a criminal penalty crime services surcharge equal to ~~thirty-five~~ fifteen percent of the fine or forfeiture imposed.

2. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses.

3. When a fine or forfeiture is suspended in whole or in part, the court shall reduce the surcharge in proportion to the amount suspended.

4. The surcharge is subject to the provisions of [chapter 909](#) governing the payment and collection of fines, as provided in [section 909.8](#).

5. The surcharge shall be remitted by the clerk of court as provided in [section 602.8108, subsection 3](#).

Sec. 19. [Section 911.2A, subsection 1](#), Code 2020, is amended to read as follows:

1. In addition to any other surcharge, the court ~~or clerk of the district court~~ shall assess a human trafficking victim surcharge of one thousand dollars if an adjudication of guilt or a deferred judgment has been entered for a criminal violation of [section 725.1, subsection 2](#), or [section 710A.2, 725.2](#), or [725.3](#).

Sec. 20. [Section 911.2B](#), Code 2020, is amended to read as follows:

911.2B Domestic abuse assault, or sexual abuse, stalking, and human trafficking victim related crimes surcharge.

1. In addition to any other surcharge, the court ~~or clerk of the district court~~ shall assess a domestic abuse assault, domestic abuse protective order contempt, sexual abuse, stalking, and human trafficking victim surcharge of ~~one hundred~~ ninety dollars if an adjudication of guilt or a deferred judgment has been entered for a violation of [section 708.2A, 708.11](#), or [710A.2](#), or [chapter 709](#), or if a defendant is held in contempt of court for violating a domestic abuse protective order issued pursuant to [chapter 236](#).

2. In the event of multiple offenses, the surcharge shall be imposed for each applicable offense.

3. The surcharge shall be remitted by the clerk of court as provided in [section 602.8108, subsection 7](#).

Sec. 21. NEW SECTION. 911.5 Agricultural theft surcharge.

1. In addition to any other surcharge, the court or clerk of the district court shall assess an agricultural theft surcharge equal to five hundred dollars, if an adjudication of guilt or a deferred judgment has been entered for a criminal violation involving any of the following:

a. Theft of agricultural property under [section 714.2, subsection 1, 2, or 3](#).

b. Criminal mischief under [section 716.3, 716.4](#), or [716.5](#), by damaging, defacing, altering, or destroying agricultural property.

2. As used in [this section](#), agricultural property means any of the following:

a. A crop as defined in [section 717A.1](#).

b. Livestock as defined in [section 717.1](#).

c. (1) A colony or package as defined in [section 160.1A](#), or a hive where bees are kept as described in [section 160.5](#), if the department of agriculture and land stewardship is authorized by that chapter to inspect the colony, package, or hive or to regulate the movement of the colony, package, or hive.

(2) A queen bee that is part of a colony or is being moved to be part of a colony as described in subparagraph (1).

3. The surcharge shall be remitted by the clerk of the district court as provided in [section 602.8108, subsection 13](#).

Sec. 22. REPEAL. [Sections 911.2, 911.2C, 911.3](#), and [911.4](#), Code 2020, are repealed.

DIVISION II COURT FUNDS

Sec. 23. [Section 602.1302, subsection 1](#), Code 2020, is amended to read as follows:

1. Except as otherwise provided by [sections 602.1303, 602.1304](#), and [602.8108](#) or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in [section 602.11101](#).

Sec. 24. [Section 602.1304, subsection 1](#), Code 2020, is amended to read as follows:

1. Except as provided in [article 8](#) and ~~[subsection 2](#)~~ of [this section](#), all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

Sec. 25. [Section 602.1304, subsection 2](#), Code 2020, is amended by striking the subsection.

Sec. 26. [Section 602.8108, subsection 9](#), Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

9. *a.* A court technology and modernization fund is established as a separate fund in the state treasury. The state court administrator shall allocate seven million dollars of the moneys received under [subsection 2](#) to be deposited in the fund, which shall be administered by the judicial branch.

b. The moneys in the fund shall be used to enhance the ability of the judicial branch 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. The moneys in the collection fund may also be used for any the following:

(1) The Iowa court information system.

(2) Records management, equipment, services, and projects.

(3) Other technological improvements approved by the judicial branch.

(4) Electronic legal research equipment, systems, and projects.

(5) The study, development, and implementation of other innovations and projects that would improve the administration of justice.

(6) Capital improvements necessitated by the installation of or connection with the Iowa court information system, the Iowa communications network, or other like networks.

c. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. Notwithstanding [section 8.33](#), moneys in the fund shall not revert to the general fund. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the court technology and modernization fund shall remain in the court technology and modernization fund and any interest and earnings shall be in addition to the maximum annual deposit amount.

Sec. 27. TRANSFER OF REMAINING FUNDS. Any unobligated or unencumbered moneys remaining in the enhanced court collections fund in [section 602.1304](#) at the end of the fiscal year beginning July 1, 2019, and ending June 30, 2020, shall be transferred to the court technology and modernization fund.

DIVISION III CIVIL FEES AND COURT COSTS

Sec. 28. [Section 602.8105, subsections 1 and 2](#), Code 2020, are amended to read as follows:

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

a. Except as otherwise provided in [this subsection](#), for filing and docketing a petition, one hundred ~~eighty-five~~ ninety-five 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](#).

0b. For filing and docketing a petition for dissolution of marriage, which includes the docketing of any dissolution decree, two hundred sixty-five dollars. It is the intent of the general assembly that twenty percent of the funds generated from these fees be appropriated and used for sexual assault and domestic violence centers and eighty percent of the funds generated from these fees be appropriated to the general fund of the state.

b. For filing and docketing a petition pursuant to [chapter 598](#) other than a dissolution of marriage petition, one hundred ten dollars.

c. 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, one hundred ten dollars.

~~d. For entering a final decree of dissolution of marriage, fifty 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.~~

~~e. d. For filing and docketing a petition for adoption pursuant to [chapter 600](#), one hundred zero dollars. For multiple adoption petitions filed at the same time by the same petitioner under [section 600.3](#), the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.~~

~~f. e. For filing and docketing a small claims action, the amounts specified in [section 631.6](#).~~

~~g. f. For an appeal from a judgment in small claims or for filing and docketing a writ of error, one hundred eighty-five ninety-five dollars.~~

~~h. g. For a motion to show cause in a civil case, fifty sixty dollars.~~

~~i. h. For filing and docketing a transcript of the judgment in a civil case, fifty sixty dollars.~~

~~j. i. For filing a tribal judgment, one hundred ten dollars.~~

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing and entering any other statutory lien, fifty sixty dollars.

b. For a certificate and seal, ~~twenty~~ thirty 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 member of the armed services or other person.

c. For certifying a change in title of real estate, fifty sixty dollars.

d. For filing a praecipe to issue execution under [chapter 626](#), ~~twenty-five~~ thirty-five dollars. The fee shall be recoverable by the creditor from the debtor against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in [section 602.8109](#). However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to [section 602.8107, subsection 4](#).

e. For filing a praecipe to issue execution under [chapter 654](#), fifty sixty dollars.

f. For filing a confession of judgment under [chapter 676](#), fifty sixty dollars if the judgment is five thousand dollars or less, and one hundred ten dollars if the judgment exceeds five thousand dollars.

g. For filing a lis pendens, fifty sixty dollars.

h. For applicable convictions under [section 692A.110](#) prior to July 1, 2009, a civil penalty of two hundred ten dollars, and for applicable convictions under [section 692A.110](#) on or after July 1, 2009, a civil penalty of two hundred fifty sixty dollars.

i. Other fees provided by law.

Sec. 29. [Section 602.8106, subsection 1](#), paragraph d, Code 2020, is amended to read as follows:

d. For court costs in scheduled violation cases where a court appearance is required, ~~sixty~~ fifty-five dollars.

Sec. 30. [Section 631.6, subsection 1](#), paragraphs a and c, Code 2020, are amended to read as follows:

a. Fees for filing and docketing shall be ~~eighty-five~~ ninety-five dollars.

c. Postage charged for the mailing of original notice shall be ~~ten~~ twenty dollars.

DIVISION IV SCHEDULED VIOLATIONS

Sec. 31. [Section 321.24, subsection 12](#), Code 2020, is amended to read as follows:

12. A person who violates [this section](#) commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 2](#), paragraph "b".

Sec. 32. [Section 321.260, subsection 2](#), Code 2020, is amended to read as follows:

2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be guilty of a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 8, paragraph "c"](#). ~~In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars.~~

Sec. 33. [Section 321.262, subsection 2](#), Code 2020, is amended to read as follows:

2. The driver shall remain at the scene of the accident until the driver has fulfilled the requirements of [section 321.263](#). Any person failing to remain at the scene of the accident or fulfill the requirements of [section 321.263](#) under such circumstances shall be guilty of a simple misdemeanor and punished as provided in [section 321.482](#) punishable as a scheduled violation under [section 805.8A, subsection 14, paragraph "m"](#).

Sec. 34. [Section 321.264](#), Code 2020, is amended to read as follows:

321.264 Striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. A person who violates [this section](#) commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 14, paragraph "n"](#).

Sec. 35. [Section 321.265](#), Code 2020, is amended to read as follows:

321.265 Striking fixtures upon a highway.

The driver of a vehicle involved in an accident resulting in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer, or person in charge of the damaged property of the damage and shall inform the person of the driver's name and address and the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's license of the driver of the vehicle and shall report the accident when and as required in [section 321.266](#). A person who violates [this section](#) commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 14, paragraph "o"](#).

Sec. 36. [Section 321.324A](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person who violates [this section](#) commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 6, paragraph "0s"](#).

Sec. 37. [Section 321.371, subsection 2](#), Code 2020, is amended to read as follows:

2. A person who violates [this section](#) commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 14, paragraph "p"](#).

Sec. 38. [Section 321.372, subsection 5, paragraph b, subparagraph \(1\)](#), Code 2020, is amended to read as follows:

(1) For a first offense under [subsection 3](#), the person is guilty of a simple misdemeanor punishable by a fine of at least ~~two hundred fifty~~ three hundred forty-five dollars but not more than ~~six hundred seventy-five~~ nine hundred thirty dollars or by imprisonment for not more than thirty days, or by both. The department may require the person to attend and successfully complete, at the person's own expense, a driver improvement program approved by the department in lieu of driver's license suspension for the offense pursuant to [section 321.210](#).

Sec. 39. [Section 321.383, subsection 4](#), Code 2020, is amended to read as follows:

4. ~~Any~~ Except as provided in [subsection 5](#), any person who violates any provision of [this section](#) shall be fined as provided in ~~commits a simple misdemeanor punishable as a scheduled violation under~~ [section 805.8A, subsection 3](#).

Sec. 40. [Section 321.383](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person who operates a self-propelled implement of husbandry at a speed which exceeds the limit of thirty-five miles per hour commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 5](#).

Sec. 41. [Section 321.431, subsection 6](#), Code 2020, is amended to read as follows:

6. A person who violates [this section](#) commits a simple misdemeanor ~~punishable as a scheduled violation under~~ [section 805.8A, subsection 3](#), paragraph “ad”.

Sec. 42. [Section 805.8A](#), Code 2020, is amended to read as follows:

805.8A Motor vehicle and transportation scheduled violations.

1. *Parking violations.*

a. For parking violations under [sections 321.236, 321.239, 321.358, 321.360, and 321.361](#), the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation pursuant to [section 321.236](#) increases by five dollars if authorized by ordinance and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under [section 805.6](#), the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint required by [section 321.236, subsection 1](#), paragraph “b”, are not scheduled violations, and [this section](#) shall not apply to any offense charged in that manner. For a parking violation under [section 461A.38](#), the scheduled fine is ten dollars. For a parking violation under [section 321.362](#), the scheduled fine is twenty dollars.

b. For a parking violation under [section 321L.2A, subsection 2](#), the scheduled fine is twenty dollars.

c. For violations under [section 321L.2A, subsection 3, sections 321L.3, 321L.4, subsection 2, and section 321L.7](#), the scheduled fine is two hundred dollars.

2. *Title and registration violations.* For title or registration violations under the following sections, the scheduled fine is as follows:

a. Section 321.17	\$ 50	\$ 70.
b. Section 321.24	\$135.	
b. c. Section 321.25	\$100	\$135.
e. d. Section 321.32	\$ 20	\$ 30.
d. e. Section 321.34	\$ 20	\$ 30.
e. f. Section 321.37	\$ 20	\$ 30.
f. g. Section 321.38	\$ 20	\$ 30.
g. h. Section 321.41	\$ 20	\$ 30.
h. i. Section 321.45	\$100	\$135.
i. j. Section 321.46	\$100	\$135.
j. k. Section 321.47	\$100	\$135.
k. l. Section 321.48	\$100	\$135.
l. m. Section 321.52	\$100	\$135.
m. n. Section 321.55	\$ 50	\$ 70.
n. o. Section 321.57	\$100	\$135.
o. p. Section 321.62	\$100	\$135.
p. q. Section 321.67	\$100	\$135.
q. r. Section 321.98	\$ 50	\$ 70.
r. s. Section 321.99	\$200	\$260.
s. t. Section 321.104	\$100	\$135.
t. u. Section 321.115	\$ 30	\$ 45.

~~u.~~ v. Section 321.115A \$ 30 \$ 45.

3. *Equipment violations.* For equipment violations under the following sections, the scheduled fine is as follows:

- a. Section 321.234A \$ 50 \$ 70.
- b. Section 321.247 \$100 \$135.
- c. Section 321.317 \$ 20 \$ 30.
- d. Section 321.381 \$100 \$135.
- e. Section 321.381A \$100 \$135.
- f. Section 321.382 \$ 25 \$ 35.
- g. Section 321.383, subsection 4 \$ 30 \$ 45.
- h. Section 321.384 \$ 30 \$ 45.
- i. Section 321.385 \$ 30 \$ 45.
- j. Section 321.386 \$ 30 \$ 45.
- k. Section 321.387 \$ 20 \$ 30.
- l. Section 321.388 \$ 20 \$ 30.
- m. Section 321.389 \$ 20 \$ 30.
- n. Section 321.390 \$ 20 \$ 30.
- o. Section 321.392 \$ 20 \$ 30.
- p. Section 321.393 \$ 20 \$ 30.
- q. Section 321.398 \$ 30 \$ 45.
- r. Section 321.402 \$ 30 \$ 45.
- s. Section 321.403 \$ 30 \$ 45.
- t. Section 321.404 \$ 30 \$ 45.
- u. Section 321.404A \$ 25 \$ 35.
- v. Section 321.409 \$ 30 \$ 45.
- w. Section 321.415 \$ 30 \$ 45.
- x. Section 321.419 \$ 30 \$ 45.
- y. Section 321.420 \$ 30 \$ 45.
- z. Section 321.421 \$ 30 \$ 45.
- aa. Section 321.422 \$ 20 \$ 30.
- ab. Section 321.423 \$ 30 \$ 45.
- ac. Section 321.430 \$100 \$135.
- ad. Section 321.431 \$135.
- ~~ae.~~ ae. Section 321.432 \$ 20 \$ 30.
- ~~ae.~~ af. Section 321.433 \$ 30 \$ 45.
- ~~af.~~ ag. Section 321.436 \$ 20 \$ 30.
- ~~ag.~~ ah. Section 321.438 \$ 50 \$ 70.
- ~~ah.~~ ai. Section 321.439 \$ 20 \$ 30.
- ~~ai.~~ aj. Section 321.440 \$ 20 \$ 30.
- ~~aj.~~ ak. Section 321.441 \$ 20 \$ 30.
- ~~ak.~~ al. Section 321.442 \$ 20 \$ 30.
- ~~al.~~ am. Section 321.444 \$ 20 \$ 30.

4. *Driver’s license violations.* For driver’s license violations under the following sections, the scheduled fine is as follows:

- a. Section 321.174 \$ 200 \$ 260.
- b. Section 321.174A \$ 50 \$ 70.
- c. Section 321.178, subsection 2,
paragraph “a”, subparagraph (2) \$ 30 \$ 45.
- d. Section 321.180 \$ 50 \$ 70.
- e. Section 321.180B \$ 50 \$ 70.
- f. Section 321.193 \$ 50 \$ 70.
- g. Section 321.194 \$ 50 \$ 70.
- h. Section 321.216 \$ 100 \$ 135.
- i. Section 321.216B \$ 200 \$ 260.
- j. Section 321.216C \$ 200 \$ 260.
- k. Section 321.219 \$ 200 \$ 260.
- l. Section 321.220 \$ 200 \$ 260.

5. *Speed violations.*

a. For excessive speed violations in excess of the limit under [section 321.236](#), [subsections 5 and 11](#), [sections section 321.285](#), [section 321.383](#), [subsection 5](#), and [section 461A.36](#), the scheduled fine shall be the following:

(1) ~~Twenty~~ Thirty dollars for speed not more than five miles per hour in excess of the limit.

(2) ~~Forty~~ Fifty-five dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) ~~Eighty~~ One hundred five dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) ~~Ninety~~ One hundred twenty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred thirty-five dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Excessive speed by a school bus is punishable as provided in [subsection 10](#).

c. Excessive speed in conjunction with a violation of [section 321.278](#) is not a scheduled violation, whatever the amount of excess speed.

d. For a violation under [section 321.295](#), the scheduled fine is ~~fifty~~ seventy dollars.

6. *Operating violations.* For operating violations under the following sections, the scheduled fine is as follows:

a. [Section 321.236](#), [subsections 3, 4, 9, and 12](#) \$ 20 \$ 30.

b. [Section 321.275](#), [subsections 1 through 7](#) \$ 35 \$ 50.

c. [Section 321.277A](#) \$ 35 \$ 50.

d. [Section 321.288](#) \$100 \$135.

e. [Section 321.297](#) \$100 \$135.

f. [Section 321.299](#) \$100 \$135.

g. [Section 321.302](#) \$100 \$135.

h. [Section 321.303](#) \$100 \$135.

i. [Section 321.304](#), [subsections 1 and 2](#) \$100 \$135.

j. [Section 321.305](#) \$100 \$135.

k. [Section 321.306](#) \$100 \$135.

l. [Section 321.311](#) \$100 \$135.

m. [Section 321.312](#) \$100 \$135.

n. [Section 321.314](#) \$100 \$135.

o. [Section 321.315](#) \$ 35 \$ 50.

p. [Section 321.316](#) \$ 35 \$ 50.

q. [Section 321.318](#) \$ 35 \$ 50.

r. [Section 321.323](#) \$100 \$135.

0s. [Section 321.324A](#) \$135.

s. [Section 321.340](#) \$100 \$135.

t. [Section 321.353](#) \$100 \$135.

u. [Section 321.354](#) \$100 \$135.

v. [Section 321.363](#) \$ 35 \$ 50.

w. [Section 321.365](#) \$ 35 \$ 50.

x. [Section 321.366](#) \$100 \$135.

y. [Section 321.395](#) \$100 \$135.

7. *Failure to yield or obey violations.* For failure to yield or obey violations under the following sections, the scheduled fine is as follows:

a. [Section 321.257](#), [subsection 2](#), for a violation by an operator of a motor vehicle \$100 \$135.

b. [Section 321.298](#) \$100 \$135.

c. [Section 321.307](#) \$100 \$135.

d. [Section 321.313](#) \$100 \$135.

e. [Section 321.319](#) \$100 \$135.

f. [Section 321.320](#) \$100 \$135.

- g. Section 321.321\$100 \$135.
- h. Section 321.327\$100 \$135.
- i. Section 321.329.....\$100 \$135.
- j. Section 321.333.....\$100 \$135.

8. *Traffic sign or signal violations.* For traffic sign or signal violations under the following sections, the scheduled fine is as follows:

- a. Section 321.236, subsections 2 and 6.....\$ 35 \$ 50.
- b. Section 321.256\$100 \$135.
- c. Section 321.260, subsection 2.....\$455.
- ~~e.~~ d. Section 321.294\$100 \$135.
- ~~d.~~ e. Section 321.304, subsection 3\$100 \$135.
- ~~e.~~ f. Section 321.322\$100 \$135.

9. *Bicycle or pedestrian violations.* For bicycle or pedestrian violations under the following sections, the scheduled fine for a pedestrian or bicyclist is as follows:

- a. Section 321.234, subsections 3 and 4.....\$ 25 \$ 35.
- b. Section 321.236, subsection 10.....\$ 15 \$ 25.
- c. Section 321.257, subsection 2.....\$ 25 \$ 35.
- d. Section 321.275, subsection 8\$ 25 \$ 35.
- e. Section 321.325.....\$ 25 \$ 35.
- f. Section 321.326.....\$ 25 \$ 35.
- g. Section 321.328\$ 25 \$ 35.
- h. Section 321.331\$ 25 \$ 35.
- i. Section 321.332.....\$ 25 \$ 35.
- j. Section 321.397.....\$ 25 \$ 35.
- k. Section 321.434\$ 25 \$ 35.

9A. *Electric personal assistive mobility device violations.* For violations under section 321.235A, the scheduled fine is ~~fifteen~~ twenty-five dollars.

10. *School bus violations.* For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is one hundred ~~thirty-five~~ dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

11. a. *Emergency vehicle and equipment-related violations.* For violations relating to authorized emergency vehicles, fire apparatus and equipment, and police bicycles under the following sections, the scheduled fine is as follows:

- (1) Section 321.231\$100 \$135.
- (2) Section 321.323A, subsection 1\$100 \$135.
- (3) Section 321.324.....\$100 \$135.
- (4) Section 321.367.....\$100 \$135.
- (5) Section 321.368.....\$100 \$135.

b. *Violations relating to stationary nonemergency vehicles.* For violations relating to the approach of certain stationary nonemergency vehicles under section 321.323A, subsections 2 and 3, the scheduled fine is one hundred ~~thirty-five~~ dollars.

12. *Restrictions on vehicles.*

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is ~~thirty-five~~ fifty dollars.

b. For violations under section 321.437, the scheduled fine is ~~thirty-five~~ fifty dollars.

c. For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is two hundred ~~sixty~~ dollars.

d. For violations under section 321.466, the scheduled fine is ~~twenty~~ twenty-five dollars for each two thousand pounds or fraction thereof of overweight.

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and [section 805.9](#) applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although [section 805.9](#) is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

f. For a violation under [section 321E.16](#), other than the provisions relating to weight, the scheduled fine is two hundred sixty dollars.

13. *Motor carrier and other operator violations.*

a. (1) For a violation under [section 321.54](#), the scheduled fine is ~~thirty~~ forty-five dollars.

(2) For violations under [sections 326.22](#) and [326.23](#), the scheduled fine is fifty seventy dollars.

b. For a violation under [section 321.449](#), [321.449A](#), or [321.449B](#), the scheduled fine is fifty seventy dollars.

c. For violations under [sections 321.364](#), [321.450](#), [321.460](#), and [452A.52](#), the scheduled fine is two hundred sixty dollars.

d. For violations of [section 325A.3, subsection 6](#), or [section 325A.8](#), the scheduled fine is one hundred thirty-five dollars.

e. For violations of [chapter 325A](#), other than a violation of [section 325A.3, subsection 6](#), or [section 325A.8](#), the scheduled fine is ~~two~~ three hundred fifty twenty-five dollars.

f. For violations of [section 327B.1, subsection 1 or 3](#), the scheduled fine is ~~two~~ three hundred fifty twenty-five dollars.

14. *Miscellaneous violations.*

a. *Failure to obey a peace officer.* For a violation under [section 321.229](#), the scheduled fine is one hundred thirty-five dollars.

b. *Abandoning a motor vehicle.* For a violation under [section 321.91](#), the scheduled fine is two hundred sixty dollars.

c. *Seat belt or restraint violations.*

(1) For a violation under [section 321.445](#), the scheduled fine is fifty seventy dollars.

(2) For a violation under [section 321.446](#), the scheduled fine is one hundred thirty-five dollars.

d. *Litter and debris violations.* For violations under [sections 321.369](#) and [321.370](#), the scheduled fine is seventy ninety dollars.

e. *Open container violations.* For violations under [sections 321.284](#) and [321.284A](#), the scheduled fine is two hundred sixty dollars.

f. *Proof of financial responsibility.* If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of [section 321.20B, subsection 1](#), the scheduled fine is five six hundred forty-five dollars; otherwise, the scheduled fine for a violation of [section 321.20B, subsection 1](#), is ~~two~~ three hundred fifty twenty-five dollars. Notwithstanding [section 805.12](#), fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in [section 915.94](#), twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. *Speed detection jamming devices.* For a violation under [section 321.232](#), the scheduled fine is one hundred thirty-five dollars.

h. *Railroad crossing violations.* For violations under [sections 321.341](#), [321.342](#), [321.343](#), and [321.344](#), and [321.344B](#), the scheduled fine is two hundred sixty dollars.

i. *Road work zone violations.* The scheduled fine for any moving traffic violation under [chapter 321](#), as provided in [this section](#), shall be doubled if the violation occurs within any road work zone, as defined in [section 321.1](#). However, notwithstanding [subsection 5](#), the scheduled fine for violating the speed limit in a road work zone is as follows:

(1) One hundred ~~five~~ ninety-five dollars for speed not more than ten miles per hour over the posted speed limit.

(2) Three hundred ~~ninety~~ dollars for speed greater than ten but not more than twenty miles per hour over the posted speed limit.

(3) ~~Five Six~~ hundred forty-five dollars for speed greater than twenty but not more than twenty-five miles per hour over the posted speed limit.

(4) One thousand two hundred eighty-five dollars for speed greater than twenty-five miles per hour over the posted speed limit.

j. Vehicle component parts records violations. For violations under [section 321.95](#), the scheduled fine is ~~five~~ seventy dollars.

k. Actions against a person on a bicycle. For violations under [section 321.281](#), the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars.

l. Writing, sending, or viewing an electronic message while driving violations. For violations under [section 321.276](#), the scheduled fine is ~~thirty~~ forty-five dollars.

m. Leaving scene of traffic accident. For violations under [section 321.262](#), the scheduled fine is one hundred thirty-five dollars.

n. Striking unattended vehicle. For violations under [section 321.264](#), the scheduled fine is one hundred thirty-five dollars.

o. Striking fixtures upon highway. For violations under [section 321.265](#), the scheduled fine is one hundred thirty-five dollars.

p. Clearing up wrecks. For violations under [section 321.371](#), the scheduled fine is thirty-five dollars.

Sec. 43. [Section 805.8B](#), Code 2020, is amended to read as follows:

805.8B Navigation, recreation, hunting, and fishing scheduled violations.

1. *Navigation violations.*

a. For violations of registration, inspections, identification, and record provisions under [sections 462A.5, 462A.35, and 462A.37](#), and for unused or improper or defective lights and warning devices under [section 462A.9, subsections 3, 4, 5, 9, and 10](#), the scheduled fine is ~~ten~~ twenty dollars.

b. For violations of registration, identification, and record provisions under [sections 462A.4 and 462A.10](#), and for unused or improper or defective equipment under [section 462A.9, subsections 2, 6, 7, 8, 13, and 14](#), and [section 462A.11](#), and for operation violations under [sections 462A.26, 462A.31, and 462A.33](#), the scheduled fine is ~~twenty~~ thirty dollars.

c. For operating violations under [sections 462A.12, 462A.15, subsection 1, sections 462A.24, and 462A.34](#), the scheduled fine is ~~twenty-five~~ thirty-five dollars. However, a violation of [section 462A.12, subsection 2](#), is not a scheduled violation.

d. For violations of use, location, and storage of vessels, devices, and structures under [sections 462A.27, 462A.28, and 462A.32](#), the scheduled fine is ~~fifteen~~ twenty-five dollars.

e. For violations of all subdivision ordinances under [section 462A.17, subsection 2](#), except those relating to matters subject to regulation by authority of [section 462A.31, subsection 5](#), the scheduled fine is the same as prescribed for similar violations of state law. For violations of subdivision ordinances for which there is no comparable state law, the scheduled fine is ~~ten~~ twenty dollars.

2. *Snowmobile violations.*

a. For registration or user permit violations under [section 321G.3, subsection 1](#), or [section 321G.4B](#), the scheduled fine is ~~forty~~ sixty-five dollars.

b. (1) For operating violations under [section 321G.9](#), the scheduled fine is ~~forty~~ seventy dollars.

(2) For operating violations under [sections 321G.11 and 321G.13, subsection 1](#), paragraph “d”, the scheduled fine is ~~twenty~~ thirty dollars.

(3) For operating violations under [section 321G.13, subsection 1](#), paragraphs “a”, “b”, “e”, “f”, “g”, “h”, and “i”, and [section 321G.13, subsections 2 and 3](#), the scheduled fine is one hundred thirty-five dollars.

c. For improper or defective equipment under [section 321G.12](#), the scheduled fine is ~~twenty~~ thirty dollars.

d. For violations of [section 321G.19](#), the scheduled fine is ~~twenty~~ thirty dollars.

- e. For decal violations under [section 321G.5](#), the scheduled fine is ~~twenty~~ thirty dollars.
- f. For stop signal violations under [section 321G.17](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- g. For violations of [section 321G.20](#) and for education certificate violations under [section 321G.24, subsection 1](#), the scheduled fine is ~~fifty~~ seventy dollars.
- h. For violations of [section 321G.21](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- 2A. *All-terrain vehicle violations.*
- a. For registration or user permit violations under [section 321I.3, subsection 1](#), the scheduled fine is ~~fifty~~ seventy dollars.
- b. (1) For operating violations under [sections 321I.12 and 321I.14, subsection 1](#), paragraph “d”, the scheduled fine is ~~twenty~~ thirty dollars.
- (2) For operating violations under [section 321I.10, subsections 1 and 4](#), the scheduled fine is ~~fifty~~ seventy dollars.
- (3) For operating violations under [section 321I.14, subsection 1](#), paragraphs “a”, “e”, “f”, “g”, and “h”, and [section 321I.14, subsections 2, 3, 4, and 5](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- c. For improper or defective equipment under [section 321I.13](#), the scheduled fine is ~~twenty~~ thirty dollars.
- d. For violations of [section 321I.20](#), the scheduled fine is ~~twenty~~ thirty dollars.
- e. For decal violations under [section 321I.6](#), the scheduled fine is ~~twenty~~ thirty dollars.
- f. For stop signal violations under [section 321I.18](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- g. For violations of [section 321I.21](#) and for education certificate violations under [section 321I.26, subsection 1](#), the scheduled fine is ~~fifty~~ seventy dollars.
- h. For violations of [section 321I.22](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
3. *Hunting and fishing violations.*
- a. For violations of [section 484A.2](#), the scheduled fine is ~~ten~~ twenty dollars.
- b. For violations of [sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.8A, 483A.19, 483A.27, and 483A.27A](#), the scheduled fine is ~~twenty~~ thirty dollars.
- c. For violations of [sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28](#), the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- d. For violations of [sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2, sections 482.5, 482.7, 482.8, 482.10, and 483A.37](#), the scheduled fine is ~~fifty~~ seventy dollars.
- e. For violations of [sections 481A.57, 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42](#), the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- f. For violations of [section 481A.38](#) relating to the taking, pursuing, killing, trapping or ensnaring, buying, selling, possessing, or transporting any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:
- (1) For deer or turkey, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (2) For protected nongame, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (3) For mussels, frogs, spawn, or fish, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (4) For other game, the scheduled fine is ~~fifty~~ seventy dollars.
- (5) For fur-bearing animals, the scheduled fine is ~~seventy-five~~ one hundred dollars.
- g. For violations of [section 481A.38](#) relating to an attempt to take, pursue, kill, trap, buy, sell, possess, or transport any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:
- (1) For game or fur-bearing animals, the scheduled fine is ~~fifty~~ seventy dollars.
- (2) For protected nongame, the scheduled fine is ~~fifty~~ seventy dollars.
- (3) For mussels, frogs, spawn, or fish, the scheduled fine is ~~ten~~ twenty dollars.

h. For violations of [section 481A.48](#) relating to restrictions on game birds and animals, the scheduled fines are as follows:

- (1) For out-of-season, the scheduled fine is one hundred thirty-five dollars.
- (2) For over limit, the scheduled fine is one hundred thirty-five dollars.
- (3) For attempt to take, the scheduled fine is fifty seventy dollars.
- (4) For general waterfowl restrictions, the scheduled fine is fifty seventy dollars.
- (a) For no federal stamp, the scheduled fine is fifty seventy dollars.
- (b) For unplugged shotgun, the scheduled fine is ten twenty dollars.
- (c) For possession of other than steel shot, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (d) For early or late shooting, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (5) For possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred thirty-five dollars.
- (6) For possession of a prohibited rifle while hunting deer, the scheduled fine is ~~two three~~ hundred fifty twenty-five dollars.

i. For violations of [section 481A.67](#) relating to general violations of fishing laws, the scheduled fine is ~~twenty-five~~ thirty-five dollars.

- (1) For over limit catch, the scheduled fine is ~~thirty~~ forty-five dollars.
- (2) For under minimum length or weight, the scheduled fine is ~~twenty~~ thirty dollars.
- (3) For out-of-season fishing, the scheduled fine is fifty seventy dollars.

j. For violations of [section 481A.73](#) relating to trotlines and throwlines:

- (1) For trotline or throwline violations in legal waters, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (2) For trotline or throwline violations in illegal waters, the scheduled fine is fifty seventy dollars.

k. For violations of [section 481A.144, subsection 4](#), or [section 481A.145, subsections 4, 5, and 6](#), relating to minnows:

- (1) For general minnow violations, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (2) For commercial purposes, the scheduled fine is fifty seventy dollars.

l. For violations of [section 481A.87](#) relating to the taking or possessing of fur-bearing animals out of season:

- (1) For red fox, gray fox, or mink, the scheduled fine is one hundred thirty-five dollars.
- (2) For all other furbearers, the scheduled fine is fifty seventy dollars.

m. For violations of [section 482.4](#) relating to gear tags:

- (1) For commercial license violations, the scheduled fine is one hundred thirty-five dollars.
- (2) For no gear tags, the scheduled fine is ~~twenty-five~~ thirty-five dollars.

n. For violations of [section 482.11](#), the scheduled fine is one hundred thirty-five dollars.

o. For violations of rules adopted pursuant to [section 483A.1](#) relating to licenses and permits, the scheduled fines are as follows:

- (1) For a license or permit costing ten dollars or less, the scheduled fine is ~~twenty~~ thirty dollars.
- (2) For a license or permit costing more than ten dollars but not more than twenty dollars, the scheduled fine is ~~thirty~~ forty-five dollars.
- (3) For a license or permit costing more than twenty dollars but not more than forty dollars, the scheduled fine is fifty seventy dollars.
- (4) For a license or permit costing more than forty dollars but not more than fifty dollars, the scheduled fine is seventy ninety-five dollars.
- (5) For a license or permit costing more than fifty dollars but less than one hundred dollars, the scheduled fine is one hundred thirty-five dollars.
- (6) For a license or permit costing one hundred dollars or more, the scheduled fine is two times the cost of the original license or permit.

p. For violations of [section 483A.26](#) relating to false claims for licenses:

- (1) For making a false claim for a license by a resident, the scheduled fine is fifty seventy dollars.
- (2) For making a false claim for a license by a nonresident, the scheduled fine is one hundred thirty-five dollars.

q. For violations of [section 483A.36](#) relating to the conveyance of guns:

(1) For conveying an assembled, unloaded gun, the scheduled fine is ~~twenty-five~~ thirty-five dollars.

(2) For conveying a loaded gun, the scheduled fine is fifty seventy dollars.

4. *Ginseng violations.* For a violation of [section 456A.24, subsection 11](#), the scheduled fine is one hundred thirty-five dollars.

5. *Aquatic invasive species violations.* For violations of [section 456A.37, subsection 3](#), the scheduled fine is as follows:

a. For violations of [section 456A.37, subsection 3](#), paragraph “a”, the scheduled fine is ~~five~~ six hundred forty-five dollars.

b. For violations of [section 456A.37, subsection 3](#), paragraph “b”, the scheduled fine is ~~seventy-five~~ one hundred dollars.

c. For repeat violations of [section 456A.37, subsection 3](#), paragraph “a” or “b”, within the same twelve-month period, the scheduled fine shall include an additional fine of ~~five~~ six hundred forty-five dollars for each violation.

6. *Misuse of parks and preserves.*

a. For violations under [sections 461A.39, 461A.45, and 461A.50](#), the scheduled fine is ~~ten~~ twenty dollars.

b. For violations under [sections 461A.40, 461A.46, and 461A.49](#), the scheduled fine is ~~fifteen~~ twenty-five dollars.

c. For violations of [sections 461A.35, 461A.42, and 461A.44](#), the scheduled fine is fifty seventy dollars.

d. For violations of [section 461A.48](#), the scheduled fine is ~~twenty-five~~ thirty-five dollars.

e. For violations under [section 461A.43](#), the scheduled fine is ~~thirty~~ forty-five dollars.

Sec. 44. [Section 805.8C](#), Code 2020, is amended to read as follows:

805.8C Miscellaneous scheduled violations.

1. *Energy emergency violations.* For violations of an executive order issued by the governor under the provisions of [section 473.8](#), the scheduled fine is ~~fifty~~ seventy dollars.

2. *Alcoholic beverage violations.* For violations of [section 123.49, subsection 2](#), paragraph “h”, the scheduled fine for a licensee or permittee is one thousand ~~five~~ nine hundred twenty-five dollars, and the scheduled fine for a person who is employed by a licensee or permittee is ~~five~~ six hundred forty-five dollars.

3. *Violations related to smoking, tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes.*

a. For violations described in [section 142D.9, subsection 1](#), the scheduled fine is fifty dollars, and is a civil penalty, and the ~~criminal penalty~~ crime services surcharge under [section 911.1](#) shall not be added to the penalty, and the court costs pursuant to [section 805.9, subsection 6](#), shall not be imposed. If the civil penalty assessed for a violation described in [section 142D.9, subsection 1](#), is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in [section 804.1](#). However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

b. For violations of [section 453A.2, subsection 1](#), by an employee of a retailer, the scheduled fine is as follows:

(1) If the violation is a first offense, the scheduled fine is one hundred thirty-five dollars.

(2) If the violation is a second offense, the scheduled fine is ~~two~~ three hundred fifty twenty-five dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is ~~five~~ six hundred forty-five dollars.

c. For violations of [section 453A.2, subsection 2](#), the scheduled fine is as follows and is a civil penalty, and the ~~criminal penalty~~ crime services surcharge under [section 911.1](#) shall not be added to the penalty, and the court costs pursuant to [section 805.9, subsection 6](#), shall not be imposed:

(1) If the violation is a first offense, the scheduled fine is fifty seventy dollars.

(2) If the violation is a second offense, the scheduled fine is one hundred thirty-five dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is ~~two~~ three hundred fifty twenty-five dollars.

4. *Electrical or mechanical amusement device violations.*

a. For violations of legal age for operating an electrical or mechanical amusement device required to be registered as provided in [section 99B.53](#), pursuant to [section 99B.57, subsection 1](#), the scheduled fine is ~~two~~ three hundred fifty ~~twenty-five~~ dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For first offense violations concerning electrical or mechanical amusement devices as provided in [section 99B.54, subsection 2](#), the scheduled fine is ~~two~~ three hundred fifty ~~twenty-five~~ dollars.

5. *Gambling violations.*

a. For violations of legal age for gambling wagering under [section 99D.11, subsection 7, section 99F.9, subsection 5](#), and [section 725.19, subsection 1](#), the scheduled fine is ~~five~~ six ~~hundred forty-five~~ dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For legal age violations for entering or attempting to enter a facility under [section 99F.9, subsection 6](#), the scheduled fine is ~~five~~ six ~~hundred forty-five~~ dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

6. *Pseudoephedrine sales violations.* For violations of [section 126.23A, subsection 1](#), by an employee of a retailer, or for violations of [section 126.23A, subsection 2](#), paragraph “a”, by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is two hundred sixty dollars.

b. If the violation is a second offense, the scheduled fine is ~~two~~ three ~~hundred fifty~~ ~~twenty-five~~ dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is ~~five~~ six ~~hundred forty-five~~ dollars.

7. *Alcoholic beverage violations by persons eighteen, nineteen, or twenty years of age.* For first offense violations of [section 123.47, subsection 4](#), the scheduled fine is two hundred sixty dollars.

8. *Unlicensed premises owner — under eighteen years of age consumption or possession.* For first offense violations of [section 123.47, subsection 2](#), the scheduled fine is two hundred sixty dollars.

9. *Notification violations.* For violations of [section 229.22, subsection 6](#), the scheduled fine is one thousand dollars for a first violation and two thousand dollars for a second or subsequent violation. The scheduled fine under [this subsection](#) is a civil penalty, and the ~~criminal penalty crime services~~ surcharge under [section 911.1](#) shall not be added to the penalty.

10. *Scrap metal transaction violations.* For violations of [section 714.27](#), the scheduled fine is one hundred dollars for a first violation, five hundred dollars for a second violation within two years, and one thousand dollars for a third or subsequent violation within two years. The scheduled fine under [this subsection](#) is a civil penalty which shall be deposited into the general fund of the county or city if imposed by a designated officer or employee of a county or city, or deposited in the general fund of the state if imposed by a state agency, and the ~~criminal penalty crime services~~ surcharge under [section 911.1](#) shall not be added to the penalty.

11. *Trespassing violations.* For trespasses punishable under [section 716.8, subsection 1 or 5](#), the scheduled fine is two hundred sixty dollars for a first violation, ~~five~~ six ~~hundred forty-five~~ dollars for a second violation, and one thousand two hundred eighty-five dollars for a third or subsequent violation.

12. *Internet fantasy sports contest violations.* For violations of legal age for entering an internet fantasy sports contest under [section 99E.7](#), the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

DIVISION V
MISDEMEANOR AND FELONY FINES

Sec. 45. [Section 902.9, subsection 1](#), paragraphs d and e, Code 2020, are amended to read as follows:

d. A class “C” felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand ~~three hundred seventy~~ three hundred seventy dollars but not more than ~~ten thirteen thousand six hundred sixty~~ ten thousand six hundred sixty dollars.

e. A class “D” felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least ~~seven hundred fifty one thousand twenty-five~~ seven hundred fifty one thousand twenty-five dollars but not more than ~~seven ten thousand five two hundred forty-five~~ seven thousand five hundred forty-five dollars.

Sec. 46. [Section 903.1, subsections 1 and 2](#), Code 2020, are amended to read as follows:

1. If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to [section 232.45](#) on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, which fine shall not be suspended by the court, within the following limits:

a. For a simple misdemeanor, there shall be a fine of at least ~~sixty-five one hundred five~~ sixty-five one hundred five dollars but not to exceed ~~six eight hundred twenty-five fifty-five~~ six thousand five hundred fifty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

b. For a serious misdemeanor, there shall be a fine of at least ~~three four hundred fifteen~~ three thousand four hundred fifteen dollars but not to exceed ~~one two thousand eight five hundred seventy-five sixty~~ one thousand eight hundred fifty dollars. In addition, the court may also order imprisonment not to exceed one year.

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least ~~six eight hundred twenty-five fifty-five~~ six thousand five hundred fifty dollars but not to exceed ~~six eight thousand two five hundred fifty forty~~ six thousand five hundred fifty dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

DIVISION VI
CRIMINALISTICS LABORATORY FUND

Sec. 47. [Section 691.9](#), Code 2020, is amended to read as follows:

691.9 Criminalistics laboratory fund.

A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in [section 911.1](#), and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment and supply purchasing, maintenance, depreciation, ~~and training, and payments of the fees charged by the department of administrative services for the criminalistics laboratory facility in Ankeny.~~ Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in [this section](#).

DIVISION VII
DRUG ABUSE RESISTANCE EDUCATION FUND

Sec. 48. **NEW SECTION. 80E.4 Drug abuse resistance education fund.**

A drug abuse resistance education fund is created as a separate fund in the state treasury under the control of the governor’s office of drug control policy for use by the drug abuse resistance education program and other programs with a similar purpose. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in [section 911.1](#), and earnings. All moneys in the fund are appropriated to the governor’s office of drug control policy. Notwithstanding [section](#)

8.33, any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in [this section](#).

DIVISION VIII
EMERGENCY MEDICAL SERVICES FUND

Sec. 49. [Section 135.25](#), Code 2020, is amended to read as follows:
135.25 Emergency medical services fund.

An emergency medical services fund is created in the state treasury under the control of the department. The fund includes, but is not limited to, amounts appropriated by the general assembly, amounts transferred pursuant to [section 602.8108, subsection 4](#), and other moneys available from federal or private sources which are to be used for purposes of [this section](#). Funds remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain in the emergency medical services fund, notwithstanding [section 8.33](#). The fund is established to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of equipment for the provision of emergency medical services and by providing grants to counties for education and training in the delivery of emergency medical services, as provided in [this section](#) and [section 422D.6](#). A county seeking matching funds under [this section](#) shall apply to the emergency medical services division of the department. The department shall adopt rules concerning the application and awarding process for the matching funds and the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the emergency medical services needs of the counties. Moneys allocated by the department to a county for emergency medical services purposes may be used for equipment or training and education as determined by the board of supervisors pursuant to [section 422D.6](#).

DIVISION IX
FUNDING FOR JUVENILE DETENTION HOME FUND

Sec. 50. [Section 232.142, subsection 6](#), Code 2020, is amended to read as follows:

6. A juvenile detention home fund is created in the state treasury under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to [sections 321.218A and 321A.32A section 602.8108](#). The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes.

Sec. 51. [Section 321.210B, subsection 7](#), Code 2020, is amended to read as follows:

7. *a.* A civil penalty assessed pursuant to [section 321.218A, 321A.32A, or 321J.17](#) shall be added to the amount owing under the installment agreement.

~~*b.* The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to [section 321.218A or 321A.32A](#) and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state for deposit in the juvenile detention home fund created in [section 232.142](#).~~

e. b. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to [section 321J.17](#) and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state who shall deposit one-half of the money in the separate fund established in [section 915.94](#) and one-half of the money in the general fund of the state.

Sec. 52. [Section 321M.9, subsection 1](#), Code 2020, is amended to read as follows:

1. *Fees to counties.* Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under [this chapter](#) shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any

moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section ~~321.218A, 321A.32A, or 321J.17~~ shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

Sec. 53. [Section 331.557A, subsection 4](#), Code 2020, is amended to read as follows:

4. Accept payment of the civil ~~penalties~~ penalty assessed pursuant to [sections 321.218A, 321A.32A, and section 321J.17](#) and remit the ~~penalties~~ penalty to the state department of transportation.

Sec. 54. REPEAL. [Sections 321.218A and 321A.32A](#), Code 2020, are repealed.

DIVISION X NONRESIDENT STATE PARK USER FEE PILOT PROGRAM

Sec. 55. [Section 455A.14A, subsection 1](#), paragraph a, Code 2020, is amended to read as follows:

a. The department shall charge an entrance fee of five dollars per vehicle ~~for a~~ if the vehicle is operated by a nonresident of the state, which the nonresident operator shall pay.

Sec. 56. [Section 455A.14B, subsection 1](#), paragraph a, Code 2020, is amended to read as follows:

a. The department shall charge an entrance fee of five dollars per vehicle ~~for a~~ if the vehicle is operated by a nonresident of the state, which the nonresident operator shall pay.

Sec. 57. [Section 805.8C](#), Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 13. State park user fee violations. For failure to pay the entrance fee by a nonresident operator of a vehicle under [section 455A.14A, subsection 1](#), paragraph “a”, or under [section 455A.14B, subsection 1](#), paragraph “a”, the scheduled fine is fifteen dollars.

DIVISION XI IOWA EMERGENCY FOOD PURCHASE PROGRAM FUND

Sec. 58. **NEW SECTION. 190B.201 Iowa emergency food purchase program fund.**

1. An Iowa emergency food purchase program fund is established in the state treasury and shall be administered by the department of agriculture and land stewardship. The fund shall consist of moneys appropriated to the fund pursuant to [section 602.8108, subsection 13](#), and any other moneys appropriated to the fund.

2. The purpose of the fund is to relieve situations of emergency experienced by families or individuals who reside in this state, including low-income families and individuals and unemployed families and individuals, by distributing food to those persons, and the department may contract with an Iowa food bank association to manage the program.

3. The Iowa food bank association managing the program shall distribute food under the program to emergency feeding organizations in this state. The Iowa food bank association shall report to the department as required by the department.

4. “Iowa food bank association” means a private nonprofit entity that meets all of the following requirements:

a. The association is organized under [chapter 504](#).

b. The association qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from federal income tax under section 501(a) of the Internal Revenue Code.

c. The association’s members include food banks, or affiliations of food banks, that together serve all counties in this state.

d. The association’s principal office is located in this state.

5. Notwithstanding [section 8.33](#), moneys in the fund that remain unencumbered or obligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until two years following the last day of the fiscal year in which the funds were originally appropriated.

DIVISION XII
CIVIL CLAIMS FOR REIMBURSEMENT

Sec. 59. [Section 331.659, subsection 1](#), paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A Except for a civil claim for reimbursement under [section 356.7](#), a sheriff or a deputy sheriff shall not:

Sec. 60. [Section 356.7, subsection 2](#), paragraph i, Code 2020, is amended by striking the paragraph.

Sec. 61. [Section 356.7, subsection 4](#), Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. A claim for reimbursement shall be filed in a separate civil action rather than as a claim in the underlying criminal case.

Sec. 62. [Section 602.8102](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 105C. Apply payments made to a civil claim for reimbursement judgment under [section 356.7](#) to court debt, as defined in [section 602.8107](#), in the priority order set out in [section 602.8107, subsection 2](#), if the debtor has delinquent court debt.

Sec. 63. [Section 602.8105, subsection 1](#), Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* For a civil claim for reimbursement under [section 356.7](#), zero dollars.

Sec. 64. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIII
RESTITUTION

Sec. 65. [Section 602.8107, subsection 1](#), paragraph a, Code 2020, is amended by striking the paragraph and inserting in lieu thereof the following:

a. “*Court debt*” means all restitution, fees, and forfeited bail.

Sec. 66. [Section 602.8107, subsection 2](#), paragraphs b and c, Code 2020, are amended to read as follows:

b. (1) ~~If Except as provided in subparagraph (2), if~~ a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

(2) The clerk shall apply payments to pecuniary damages in other criminal cases when no case number is identified in priority order from the oldest judgment to the most recent judgment before applying payments to any other court debt.

c. Payments received under [this section](#) shall be applied in the following priority order:

(1) Pecuniary damages as defined in [section 910.1, subsection 3](#).

(2) Fines or penalties and criminal penalty and law enforcement initiative surcharges.

(3) Crime victim compensation program reimbursement.

(4) ~~Court costs, including correctional fees assessed pursuant to [sections 356.7](#) and [904.108](#)~~, court-appointed attorney fees, or public defender expenses.

Sec. 67. [Section 602.8107, subsection 4](#), paragraph a, Code 2020, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution involving pecuniary damages, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, or amounts collected as a result of

procedures initiated under [subsection 5](#) or under [section 8A.504](#), or fees charged pursuant to [section 356.7](#).

Sec. 68. [Section 909.3, subsection 1](#), Code 2020, is amended to read as follows:

1. All Unless a plan of payment has been issued pursuant to [chapter 910](#), fines imposed by the court shall be paid on the day the fine is imposed, and the person shall be instructed to pay such fines with the office of the clerk of the district court on the date of imposition.

Sec. 69. [Section 910.1](#), Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 01. “Category “A” restitution” means fines, penalties, and surcharges.

NEW SUBSECTION. 001. “Category “B” restitution” means the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender’s case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to [section 321J.2, subsection 13](#), paragraph “b”, court costs, court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, and payment to the medical assistance program pursuant to [chapter 249A](#) for expenditures paid on behalf of the victim resulting from the offender’s criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to [section 249A.50](#).

NEW SUBSECTION. 1A. “Financial affidavit” means a signed affidavit under penalty of perjury that provides financial information about the offender to enable the sentencing court or the department of corrections to make a determination regarding the ability of the offender to pay category “B” restitution. “Financial affidavit” includes the offender’s income, physical and mental health, age, education, employment, inheritance, other debts, other amounts of restitution owed, family circumstances, and any assets subject to execution, including but not limited to cash, accounts at financial institutions, stocks, bonds, and any other property which may be applied to the satisfaction of judgments.

NEW SUBSECTION. 3A. “Permanent restitution order” means an enforceable restitution order entered either at the time of sentencing or at a later date determined by the court.

NEW SUBSECTION. 3B. “Plan of payment” or “restitution plan of payment” means a plan for paying restitution wherein the defendant is ordered to pay a certain amount of money each month to repay outstanding restitution.

NEW SUBSECTION. 3C. “Plan of restitution” means a permanent restitution order, restitution plan of payment, any other court order relating to restitution, or any combination of the foregoing.

Sec. 70. [Section 910.1, subsection 4](#), Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. “Restitution” means pecuniary damages, category “A” restitution, and category “B” restitution.

Sec. 71. [Section 910.2](#), Code 2020, is amended by striking the section and inserting in lieu thereof the following:

910.2 Restitution or community service ordered by sentencing court.

1. a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that pecuniary damages be paid by each offender to the victims of the offender’s criminal activities, and that all other restitution be paid to the clerk of court subject to the following:

(1) Pecuniary damages and category “A” restitution shall be ordered without regard to an offender’s reasonable ability to make payments.

(2) Category “B” restitution shall be ordered subject to an offender’s reasonable ability to make payments pursuant to [section 910.2A](#).

b. Pecuniary damages shall be paid to victims in full before category “A” and category “B” restitution are paid.

c. In structuring a plan of restitution, the plan of payment shall provide for payments in the following order of priority:

(1) Pecuniary damages to the victim.

(2) Category “A” restitution.

- (3) Category “B” restitution in the following order:
- (a) Crime victim compensation program reimbursement.
 - (b) Public agencies.
 - (c) Court costs.
 - (d) Court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender.
 - (e) Contribution to a local anticrime organization.
 - (f) The medical assistance program.

2. *a.* When the offender is not reasonably able to pay all or a part of category “B” restitution, the court may require the offender in lieu of that portion of category “B” restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community.

b. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. When calculating the amount of community service to be performed in lieu of payment of court-appointed attorney fees, the court shall determine the approximate equivalent value of the expenses of the public defender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 72. NEW SECTION. 910.2A Reasonable ability to pay — category “B” restitution payments.

1. An offender is presumed to have the reasonable ability to make restitution payments for the full amount of category “B” restitution.

2. If an offender requests that the court determine the amount of category “B” restitution payments the offender is reasonably able to make toward paying the full amount of such restitution, the court shall hold a hearing and make such a determination, subject to the following provisions:

a. To obtain relief at such a hearing, the offender must affirmatively prove by a preponderance of the evidence that the offender is unable to reasonably make payments toward the full amount of category “B” restitution.

b. The offender must furnish the prosecuting attorney and sentencing court with a completed financial affidavit. Failure to furnish a completed financial affidavit waives any claim regarding the offender’s reasonable ability to pay.

c. The prosecuting attorney, the attorney for the defendant, and the court shall be permitted to question the offender regarding the offender’s reasonable ability to pay.

d. Based on the evidence offered at the hearing, including but not limited to the financial affidavit, the court shall determine the amount of category “B” restitution the offender is reasonably able to make payments toward, and order the offender to make payments toward that amount.

3. *a.* If an offender does not make a request as provided in [subsection 2](#) at the time of sentencing or within thirty days after the court issues a permanent restitution order, the court shall order the offender to pay the full amount of category “B” restitution.

b. An offender’s failure to request a determination pursuant to [this section](#) waives all future claims regarding the offender’s reasonable ability to pay, except as provided by [section 910.7](#).

4. If an offender requests that the court make a determination pursuant to [subsection 2](#), the offender’s financial affidavit shall be filed of record in all criminal cases for which the offender owes restitution and the affidavit shall be accessible by a prosecuting attorney or attorney for the offender without court order or appearance.

5. A court that makes a determination under [this section](#) is presumed to have properly exercised its discretion. A court is not required to state its reasons for making a determination.

Sec. 73. NEW SECTION. 910.2B Conversion of existing restitution orders.

1. All of the following, if entered by a district court prior to the effective date of this Act, shall be converted to permanent restitution orders:

- a.* A temporary restitution order.

- b. A supplemental restitution order.
- c. A restitution order that does not contain a determination of the defendant's reasonable ability to pay the restitution ordered.
 2. The only means by which a defendant may challenge the conversion of a restitution order is through the filing of a petition pursuant to [section 910.7](#).
 3. The provisions of [this chapter](#), including but not limited to the procedures in [section 910.2A](#), shall apply to a challenge to the conversion of an existing restitution order in the district court and on appeal.
 4. A challenge to the conversion of an existing restitution order to a permanent restitution order shall be filed in the district court no later than one year from the effective date of this Act.

Sec. 74. [Section 910.3](#), Code 2020, is amended to read as follows:

910.3 Determination of amount of restitution.

1. The county prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to [section 321J.2](#), [subsection 13](#), paragraph "b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing.
2. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expense of a public defender, and court costs including ~~correctional fees claimed by a sheriff or municipality pursuant to [section 356.7](#)~~, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing.
3. ~~If these the statements in [subsection 1 or 2](#) are provided to the presentence investigator, they shall become a part of the presentence report.~~
4. If pecuniary damage amounts are not available or are incomplete at the time of sentencing, the county prosecuting attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court.
5. The statement of pecuniary damages shall ordinarily be provided no later than thirty days after sentencing. However, a prosecuting attorney may file a statement of pecuniary damages within a reasonable time after the prosecuting attorney is notified by a victim of any pecuniary damages incurred.
6. If a defendant believes no person suffered pecuniary damages, the defendant shall so state.
7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. ~~At the time of sentencing or at a later date to be determined by the court, the~~
8. The court shall ~~set out the~~ enter a permanent restitution order setting out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in [section 814.6](#) and shall be considered in a properly perfected appeal.
9. ~~If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary permanent restitution order determining a reasonable amount for setting forth the amount of restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.~~
10. A permanent restitution order may be superseded by subsequent orders if additional or different restitution is ordered. A permanent restitution order entered after the time of sentencing shall only be challenged pursuant to [section 910.7](#).

Sec. 75. [Section 910.4, subsection 1](#), paragraph b, subparagraphs (1) and (2), Code 2020, are amended to read as follows:

(1) If the court extends the period of probation, the period of probation shall not be for more than the maximum period of probation for the offense committed except for an extension of a period of probation as authorized in [section 907.7](#). After discharge from probation or after the expiration of the period of probation, as extended if applicable, the failure of an offender to comply with the plan of restitution ~~ordered by the court~~ shall constitute contempt of court.

(2) If an offender's probation is revoked, the offender's assigned probation officer shall forward to the director of the Iowa department of corrections, all known information concerning the offender's restitution plan, restitution plan of payment, the restitution payment balance obligations, including but not limited to the plan of restitution, and any other pertinent information concerning or affecting restitution by the offender.

Sec. 76. [Section 910.4, subsections 2 and 3](#), Code 2020, are amended to read as follows:

2. When the offender is committed to a county jail, or to an alternate facility, the office or individual charged with supervision of the offender shall prepare a restitution plan of payment taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances and shall submit the plan to the court.

~~a. The office or individual charged with supervision of the offender shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court.~~

~~b. a.~~ When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service.

~~e. The court may approve or modify the plan of restitution and restitution plan of payment.~~

~~d. b.~~ When there is a significant change in the offender's income or circumstances, the office or individual which has supervision of the restitution plan of payment shall submit a modified ~~restitution~~ plan of payment to the court.

3. a. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

~~b. When If there has been a significant change in the offender's circumstances and or income have significantly changed~~, the receiving office or individual shall submit a new restitution plan of payment to the sentencing court ~~for approval or modification based on the considerations enumerated in this section.~~

Sec. 77. [Section 910.4](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding any other provision in [this chapter](#), the plan of payment shall be based on all information pertinent to the offender's reasonable ability to pay. The first monthly payment under such a plan shall be made within thirty days of the approval of the plan.

Sec. 78. [Section 910.6](#), Code 2020, is amended to read as follows:

910.6 Payment plan — copy to victims.

An office or individual preparing a restitution plan of payment or modified ~~restitution~~ plan of payment, ~~when it is approved by the court if approval is required under [section 910.4](#), or when the plan is completed if court approval under [section 910.4](#) is not required~~, shall forward a copy to the clerk of court in the county in which the offender was sentenced. The clerk of court shall forward a copy of the restitution plan of payment or modified plan of payment to the victim or victims.

Sec. 79. [Section 910.7, subsections 1 and 3](#), Code 2020, are amended to read as follows:

1. At any time during the period of probation, parole, or incarceration, the offender, the prosecuting attorney, or the office or individual who prepared the offender's restitution plan may petition the court on any matter related to the plan of restitution or restitution plan of payment and the court shall grant a hearing if on the face of the petition it appears that a hearing is warranted.

3. If a petition related to a plan of restitution has been filed, the offender, the ~~county prosecuting attorney~~, the department of corrections if the offender is currently confined in a correctional institution, the office or individual who prepared the offender's restitution plan, and the victim shall receive notice prior to any hearing under [this section](#).

Sec. 80. [Section 910.7](#), Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 4. An appellate court shall not review or modify an offender's plan of restitution, restitution plan of payment, or any other issue related to an offender's restitution under [this subsection](#), unless the offender has exhausted the offender's remedies under [this section](#) and obtained a ruling from the district court prior to the issue being raised in the appellate courts.

NEW SUBSECTION. 5. Appellate review of a district court ruling under [this section](#) shall be by writ of certiorari.

Sec. 81. [Section 910.9, subsection 3](#), Code 2020, is amended to read as follows:

3. ~~Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff or municipality pursuant to [section 356.7](#), and court-appointed attorney fees ordered pursuant to [section 815.9](#), including the expenses for public defenders, Category "A" restitution and category "B" restitution shall not be withheld by the clerk of court until all pecuniary damages to victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender shall notify all victims that full restitution has been made. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.~~

Sec. 82. FINANCIAL AFFIDAVIT — SUPREME COURT RULES. The supreme court shall adopt rules prescribing the form and content of the financial affidavit.

Sec. 83. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV COLLECTION OF COURT DEBT

Sec. 84. [Section 321.40, subsection 10](#), Code 2020, is amended to read as follows:

10. a. The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in [section 602.8107](#), which is being collected by the ~~private collection designee~~ department of revenue pursuant to [section 602.8107, subsection 3](#), or the county attorney pursuant to [section 602.8107, subsection 4](#). The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews an installment agreement as defined in [section 602.8107](#), that is satisfactory to the ~~private collection designee~~ department of revenue, the county attorney, or the county attorney's designee, the ~~private collection designee~~ department of revenue, county attorney, or a county attorney's designee shall provide the county treasurer with written or electronic notice of the installment agreement within five days of entering into the installment agreement. The county treasurer shall temporarily lift the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains in compliance with the installment agreement entered into with the ~~private collection designee~~ department of revenue or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions.

Sec. 85. [Section 321.210A, subsection 2](#), Code 2020, is amended to read as follows:

2. If after suspension, the person enters into an installment agreement with the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue in accordance with [section 321.210B](#) to pay the fine, penalty, court cost, or surcharge, the person's license shall be reinstated by the department upon receipt of a report of an executed installment agreement.

Sec. 86. [Section 321.210B, subsections 1, 3, 8, 9, 11, and 13](#), Code 2020, are amended to read as follows:

1. *a.* If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in [section 602.8107, subsection 2](#), and the person's driver's license has been suspended pursuant to [section 321.210A](#), or the clerk of the district court has reported the delinquency to the department as required by [section 321.210A](#), the person may execute an installment agreement as defined in [section 602.8107](#) with the county attorney, the county attorney's designee, or the ~~private collection designee under contract with the judicial branch pursuant to [section 602.8107, subsection 5](#)~~ department of revenue, to pay the delinquent amount and the civil penalty assessed in [subsection 7](#) in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

b. Cases involving court debt assigned to a county attorney, a county attorney's designee, or the ~~private collection designee~~ department of revenue shall remain so assigned.

3. The county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

8. *a.* Except as provided in paragraph "b", upon determination by the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue that the person is in default, the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall notify the clerk of the district court.

b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph "a" indicating that the person's financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under [subsection 1](#), the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph.

(2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes of calculating the number of installment agreements a person may execute in a person's lifetime under [subsection 12](#).

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue, shall report the default to the department of transportation.

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in [section 602.8107, subsection 2](#), and the person's driver's license has been suspended pursuant to [section 321.210A](#), the person may enter into a second installment agreement with the county attorney, county attorney's designee, or the ~~private collection designee~~ department of revenue to pay the delinquent amount and the civil penalty, if assessed, in [subsection 7](#) in installments.

13. Except for a civil penalty assessed and collected pursuant to [subsection 7](#), any amount collected under the installment agreement by the county attorney or the county attorney's designee shall be distributed as provided in [section 602.8107, subsection 4](#), and any amount

collected by the ~~private collection designee~~ department of revenue shall be deposited with the clerk of the district court for distribution under [section 602.8108](#).

Sec. 87. [Section 602.8107, subsection 3](#), Code 2020, is amended to read as follows:

3. ~~Collection by private collection designee under contract with the judicial branch department of revenue.~~

a. (1) Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the ~~private collection designee under contract with the judicial branch pursuant to subsection 5~~ to collect debts owed to the clerk of the ~~district court~~ department of revenue, unless the case has been assigned to the county attorney under paragraph "c".

(2) The department of revenue may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court.

b. In addition, court debt which is being collected under an installment agreement pursuant to [section 321.210B](#) which is in default that remains delinquent shall remain assigned to the ~~private collection designee~~ department of revenue if the installment agreement was executed with the ~~private collection designee~~ department of revenue; or to the county attorney or county attorney's designee if the installment agreement was executed with the county attorney or county attorney's designee.

c. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, and if a county attorney has filed with the clerk of the district court a notice of full commitment to collect delinquent court debt pursuant to [subsection 4](#), the case shall be assigned to the county attorney as provided in [subsection 4](#). The judicial branch shall assign cases with delinquent court debt to a county attorney in the same format and with the same frequency as cases with delinquent court debt are assigned to the ~~private collection designee~~ department of revenue under paragraph "a", and a county attorney shall not be required to file an individual notice of full commitment to collect delinquent court debt for each assigned case. If the county attorney or the county attorney's designee, while collecting delinquent court debt pursuant to [subsection 4](#), determines that a person owes additional court debt for which a case has not been assigned by the judicial branch, the county attorney or the county attorney's designee shall notify the clerk of the district court of the appropriate case numbers and the judicial branch shall assign these cases to the county attorney for collection if the additional court debt is delinquent.

Sec. 88. [Section 602.8107, subsection 4](#), unnumbered paragraph 1, Code 2020, is amended to read as follows:

The county attorney or the county attorney's designee may collect court debt after the court debt is deemed delinquent pursuant to [subsection 2](#). In order to receive a percentage of the amounts collected pursuant to [this subsection](#), the county attorney must first file with the clerk of the district court on or before July 1 of the first year the county attorney collects court debt under [this subsection](#), a notice of full commitment to collect delinquent court debt, and a memorandum of understanding with the state court administrator for all cases assigned to the county for collection by the court. The notice shall contain a list of procedures which will be initiated by the county attorney. For a county attorney filing a notice of full commitment for the first time, the cases involving delinquent court debt previously assigned to the ~~private collection designee~~ department of revenue shall remain assigned to the ~~private collection designee~~ department of revenue. Cases involving delinquent court debt assigned to the county attorney after the filing of a notice of full commitment by the county attorney shall remain assigned to the county attorney. A county attorney who chooses to discontinue collection of delinquent court debt shall file with the clerk of the district court on or before May 15 a notice of the intent to cease collection of delinquent court debt at the start of the next fiscal year. If a county attorney ceases collection efforts, or if the state court administrator deems that a county attorney collections program has become ineligible to collect as specified in paragraph "f", all cases involving delinquent court debt assigned to the county attorney shall be transferred on July 1 to the ~~private collection designee~~ department of revenue for

collection, except that debt associated with any existing installment agreement shall remain assigned to the county for collection unless an installment payment becomes delinquent, after which the delinquent debt associated with the installment agreement shall be transferred promptly to the ~~private collection designee~~ department of revenue for collection.

Sec. 89. [Section 602.8107, subsection 4](#), paragraph f, Code 2020, is amended to read as follows:

f. Beginning July 1, 2017, within two years of beginning to collect delinquent court debt, a county attorney shall be required to collect one hundred percent of the applicable threshold amount specified in paragraph “c”. If a county attorney collects more than eighty percent but less than one hundred percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney specifying that in order to remain eligible to participate in the county attorney collection program, the county attorney must collect at least one hundred twenty-five percent of the applicable threshold amount by the end of the next fiscal year. If a county attorney who has been given such a notice fails to collect one hundred twenty-five percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney that the county is ineligible to participate in the county attorney collection program for the next two fiscal years and all existing and future court cases with delinquent court debt shall be assigned to the ~~private collection designee~~ department of revenue. The provisions of this paragraph apply to all counties, including those counties where delinquent court debt is collected pursuant to a [chapter 28E](#) agreement with one or more counties.

Sec. 90. [Section 602.8107, subsection 5](#), Code 2020, is amended by striking the subsection.

Sec. 91. [Section 602.8107, subsection 7](#), Code 2020, is amended to read as follows:

7. *Reports*. The judicial branch shall prepare a report aging the court debt. ~~The report shall include the amounts collected by the private collection designee, the distribution of these amounts, and the amount of the fee collected by the private collection designee.~~ In addition, the report shall include the amounts written off pursuant to [subsection 6](#). The judicial branch shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

Sec. 92. EFFECTIVE DATE. This division of this Act takes effect January 1, 2021.

DIVISION XV
EFFECTIVE DATE

Sec. 93. EFFECTIVE DATE. Unless otherwise provided, this Act takes effect July 15, 2020.

Approved June 25, 2020