

JAN 1 2 2005
PUBLIC SAFETY

HOUSE FILE 51
BY BOAL and HOGG

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal penalty surcharge, creating a
2 criminalistics laboratory fund, and appropriating criminal
3 penalty surcharge moneys to the fund.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 51

1 Section 1. Section 602.8108, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. The clerk of the district court shall remit to the
4 state court administrator, not later than the fifteenth day of
5 each month, ninety-five percent of all moneys collected from
6 the criminal penalty surcharge provided in section 911.1
7 during the preceding calendar month. The clerk shall remit
8 the remainder to the county treasurer of the county that was
9 the plaintiff in the action or to the city that was the
10 plaintiff in the action. Of the amount received from the
11 clerk, the state court administrator shall allocate ~~eighteen~~
12 six percent to be deposited in the criminalistics laboratory
13 fund established in subsection 9, seventeen percent to be
14 deposited in the victim compensation fund established in
15 section 915.94, and ~~eighty-two~~ seventy-seven percent to be
16 deposited in the general fund.

17 Sec. 2. Section 602.8108, Code 2005, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 9. A criminalistics laboratory fund is
20 created as a separate fund in the state treasury under the
21 control of the department of public safety. The fund shall
22 consist of appropriations made to the fund and transfers of
23 interest, earnings, and moneys required to be collected for
24 deposit in the fund, including moneys received from the
25 criminal penalty surcharge provided in section 911.1. All
26 moneys in the fund are appropriated to the department of
27 public safety for use by the department in criminalistics
28 laboratory equipment purchasing, maintenance, depreciation,
29 and training. Any balance in the fund on June 30 of any
30 fiscal year shall not revert to any other fund of the state
31 but shall remain available for the purposes described in this
32 subsection.

33 Sec. 3. Section 911.1, subsection 1, Code 2005, is amended
34 to read as follows:

35 1. A criminal penalty surcharge shall be levied against

1 law violators as provided in this section. When a court
2 imposes a fine or forfeiture for a violation of state law, or
3 a city or county ordinance, except an ordinance regulating the
4 parking of motor vehicles, the court or the clerk of the
5 district court shall assess an additional penalty in the form
6 of a criminal penalty surcharge equal to ~~thirty~~ thirty-two
7 percent of the fine or forfeiture imposed.

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EXPLANATION

9 This bill makes changes to the criminal penalty surcharge
10 and creates a criminalistics laboratory fund.

11 The bill increases the criminal penalty surcharge from 30
12 percent to 32 percent of any fine or forfeiture imposed for a
13 violation of any state law or city or county ordinance, except
14 parking violations. The bill requires that 6 percent of the
15 criminal penalty surcharge be deposited into the
16 criminalistics laboratory fund. The bill also requires that
17 17 percent of the criminal penalty surcharge be distributed to
18 the victim compensation fund and 77 percent be distributed to
19 the general fund of the state. Current law distributes 18
20 percent of the criminal penalty surcharge to the victim
21 compensation fund and 82 percent to the general fund of the
22 state, but does not provide for a distribution to the
23 criminalistics laboratory fund. The reduced percentages of
24 the criminal penalty surcharges distributed to the victim
25 compensation fund and to the general fund of the state are
26 offset by increasing the criminal penalty surcharge from 30
27 percent to 32 percent.

28 The bill creates the criminalistics laboratory fund under
29 the control of the department of public safety and
30 appropriates moneys in the fund to the department for
31 criminalistics laboratory equipment purchasing, maintenance,
32 depreciation, and training. The criminalistics laboratory is
33 created in Code section 691.1. Any balance in the fund on
34 June 30 of any fiscal year shall not revert to any other fund
35 in the state and shall remain available for the purposes

S.F. _____ H.F. 51

1 described in the bill.

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