

Redfern, Holveck, Angelo

Succeed
SF HF 2101 SSB 3007
Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT BILL)

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

A BILL FOR

1 An Act relating to monetary penalties for contempt of court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 665.4, Code 2001, is amended to read as
2 follows:

3 665.4 PUNISHMENT.

4 The punishment for contempt, where not otherwise
5 specifically provided, shall be:

6 1. In the supreme court or the court of appeals, by a fine
7 not exceeding one fifteen thousand dollars or by imprisonment
8 in a county jail not exceeding six months, or by both such
9 fine and imprisonment.

10 2. Before district judges, district associate judges, and
11 associate juvenile judges by a fine not exceeding five-hundred
12 ten thousand dollars or imprisonment in a county jail not
13 exceeding six months or by both such fine and imprisonment.

14 3. Before judicial magistrates, by a fine not exceeding
15 one five hundred dollars or imprisonment in a county jail not
16 exceeding thirty days.

17 EXPLANATION

18 This bill increases monetary fines for any contempt of
19 court penalty in the supreme court, the court of appeals, and
20 the district court, including magistrate court and juvenile
21 court.

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Getting Iowa to Work

MEMORANDUM

Date: December 19, 2001

To: General Assembly

From: Jane S. Farto, Deputy Director
Iowa Workforce Development
(515) 281-5082

RE: LSB #5355DP – An Act relating to monetary penalties for contempt of court.

This bill increases monetary fines for any contempt of court penalty in the Supreme Court, the court of appeals, and the district court, including magistrate court and juvenile court.

The fines for contempt of court of the Supreme Court, Court of Appeals, District Court Judges, District Associate Judges and Associate Juvenile judges were last increase in 1937. The fine for contempt of judicial magistrates was last increase in 1972. The current fines are not sufficient to encourage compliance with court orders such as search warrants, especially for business entities that have a very low risk of being jailed. Two \$500 contempt fines against the same company for failing to honor district court search warrants were argued before the Iowa Supreme Court in November 9, 2001.

REMITTED

FILED JAN 31 2002

SENATE FILE 2101
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3007)

(p. 514)
Passed Senate, Date 3/6/02 Passed House, Date _____
Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to monetary penalties for contempt of court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2101

S-5082

1 Amend Senate File 2101 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 633.20, subsection 3, Code
5 2001, is amended to read as follows:
6 3. A person appointed as an associate probate
7 judge shall have jurisdiction to audit accounts of
8 fiduciaries and to perform ministerial duties and
9 judicial functions as the court prescribes. A person
10 appointed as an associate probate judge shall have the
11 authority to punish for contempt of court."
12 2. Page 1, line 10, by inserting after the words
13 "associate judges," the following: "associate probate
14 judges,".
15 3. Title page, by striking line 1 and inserting
16 the following: "An Act relating to contempt of court
17 and monetary penalties for contempt."
18 4. By renumbering as necessary.

adopted 3/6/02

By JEFF LAMBERTI

S-5082 FILED FEBRUARY 27, 2002

SF 2101

1 Section 1. Section 665.4, Code 2001, is amended to read as
2 follows:

3 665.4 PUNISHMENT.

4 The punishment for contempt, where not otherwise
5 specifically provided, shall be:

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13 exceeding six months or by both such fine and imprisonment.

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18 This bill increases monetary fines for any contempt of
19 court penalty in the supreme court, the court of appeals, and
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Legislative Fiscal Bureau

Fiscal Note

SF 2101 - Contempt of Court Penalties (LSB 5355 SV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (Jennifer.Dean@legis.state.ia.us)

Fiscal Note Version - New

Description

This Bill increases monetary fines for any contempt of court penalty in the Supreme Court, the Court of Appeals, and the District Courts, including Magistrate Court and Juvenile Court. Pursuant to Chapter 665, Code of Iowa, there is no distinction between civil and criminal contempt of court.

Assumptions

1. There are no mandatory minimum fines for contempt of court.
2. The law will become effective July 1, 2002. A lag effect of six months is assumed.
3. Based on data from the Justice Data Warehouse, a portion of contempt of court fines will increase.
4. Sufficient information is not available to predict how many increased fines will be imposed at the maximum amount. The estimate assumes the average fine amount will be between the maximum under current law and the proposed maximum in SF 2101 (\$4,800 for District Court and \$200 for Magistrates).

Correctional Impact

Contempt of Court Convictions for calendar year 2001:

- Supreme Court: 1 contempt matter and no fine imposed.
- District Court: 1,303 contempt matters of which 49 fines were imposed.
- Magistrate Court: 996 contempt matters of which 188 fines were imposed.

The Justice Data Warehouse was able to identify contempt per convicting offense, however; fine amounts are reported as a total of all fines imposed in a case. When total fines per case, where at least one fine for contempt of court was imposed, are examined, 6.0% of District Court fines and 47.0% of Magistrate fines were at or above current maximums for contempt of court.

Fiscal Impact

Senate File 2101 would result in increased revenue as follows:

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2007</u>
Revenue:			
General Fund	\$ 2,100	\$ 5,500	\$ 9,600
Victim Compensation Fund	100	200	400
Total	<u>\$ 2,200</u>	<u>\$ 5,700</u>	<u>\$ 10,000</u>
Total County Revenue	\$ 25	\$ 66	\$ 117

Sources

Department of Human Rights, Criminal Juvenile Justice Planning
Judicial Branch

_____/s/ Dennis C Prouty

February 11, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

1 Section 1. Section 633.20, subsection 3, Code 2001, is
2 amended to read as follows:

3 3. A person appointed as an associate probate judge shall
4 have jurisdiction to audit accounts of fiduciaries and to
5 perform ministerial duties and judicial functions as the court
6 prescribes. A person appointed as an associate probate judge
7 shall have the authority to punish for contempt of court.

8 Sec. 2. Section 665.4, Code 2001, is amended to read as
9 follows:

10 665.4 PUNISHMENT.

11 The punishment for contempt, where not otherwise
12 specifically provided, shall be:

13 1. In the supreme court or the court of appeals, by a fine
14 not exceeding one fifteen thousand dollars or by imprisonment
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18 associate probate judges, and associate juvenile judges by a
19 fine not exceeding five-hundred ten thousand dollars or
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