

JAN 24 2005
WAYS AND MEANS

HOUSE FILE 123
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 51)

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 and creating a
2 criminalistics laboratory fund.

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

HF 123

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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 seventeen percent to be deposited in the victim compensation
13 fund established in section 915.94, and ~~eighty-two~~ eighty-
14 three percent to be deposited in the general fund.

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

17 NEW SUBSECTION. 9. A criminalistics laboratory fund is
18 created as a separate fund in the state treasury under the
19 control of the department of public safety. The fund shall
20 consist of appropriations made to the fund and transfers of
21 interest, and earnings. All moneys in the fund are
22 appropriated to the department of public safety for use by the
23 department in criminalistics laboratory equipment purchasing,
24 maintenance, depreciation, and training. Any balance in the
25 fund on June 30 of any fiscal year shall not revert to any
26 other fund of the state but shall remain available for the
27 purposes described in this subsection.

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

30 1. A criminal penalty surcharge shall be levied against
31 law violators as provided in this section. When a court
32 imposes a fine or forfeiture for a violation of state law, or
33 a city or county ordinance, except an ordinance regulating the
34 parking of motor vehicles, the court or the clerk of the
35 district court shall assess an additional penalty in the form

1 of a criminal penalty surcharge equal to ~~thirty~~ thirty-two
2 percent of the fine or forfeiture imposed.

3 EXPLANATION

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

6 The bill increases the criminal penalty surcharge from 30
7 percent to 32 percent of any fine or forfeiture imposed for a
8 violation of any state law or city or county ordinance, except
9 parking violations.

10 The bill also requires that 17 percent of the criminal
11 penalty surcharge remitted to the state be distributed to the
12 victim compensation fund and 83 percent be distributed to the
13 general fund of the state. Current law distributes 18 percent
14 of the criminal penalty surcharge remitted to the state to the
15 victim compensation fund and 82 percent to the general fund of
16 the state.

17 The bill creates the criminalistics laboratory fund under
18 the control of the department of public safety for
19 criminalistics laboratory equipment purchasing, maintenance,
20 depreciation, and training. Any balance in the fund on June
21 30 of any fiscal year shall not revert to any other fund in
22 the state and shall remain available for the purposes
23 described in the bill.

24 The criminalistics laboratory is created in Code section
25 691.1.

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**EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

FEBRUARY 16, 2005

**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 123 - Crime Laboratory Surcharge (LSB 1168 HV)

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Fiscal Note Version — New

Description

House File 123 increases the criminal penalty surcharge from 30.0% to 32.0% and creates a Criminalistics Laboratory Fund for the purchase of equipment, maintenance, depreciation, and training.

Assumptions

1. In calendar year 2004, \$47.1 million in State fines and forfeited bail were imposed and \$9.0 million in county and local government fines were imposed. The total revenue for calendar year 2004 was \$56.1 million. Parking violation revenue is not included in the estimate.
2. The cumulative collection rate for scheduled traffic fines in year one is 71.5%, year two is 81.2%, and year three and ongoing years is 93.8%. The cumulative collection rate for non-scheduled traffic fines in year one is 27.3%, year two is 31.0%, and year three and ongoing years is 36.0%.
3. The law will become effective July 1, 2005. A lag effect of six months is assumed from the law's effective date. An additional lag is assumed on the first full year of collection since the surcharge is a mixture of citations, felonies, and misdemeanors. The first full year of collection does not occur until the fourth year due to the lag applied in year one, the application of a three-year collection rate, and the case processing time of non-scheduled traffic violations.
4. The one-time cost for the Judicial Branch to program a new financial code in the Iowa Court Information System is approximately \$5,000.
5. Under current law, of the revenue received from the 30.0% criminal surcharge, the State share is 95.0% and the counties/local governments receive 5.0%. Of the 95.0% State share, 18.0% is distributed to the Victim Compensation Fund and 82.0% is deposited in the General Fund.
6. Under the Bill, of the revenue received from the 32.0% criminal surcharge, the State's share is 95.0% and the counties/local governments receive 5.0%. Of the 95.0% State share, 17.0% is distributed to the Victim Compensation Fund and 83.0% is deposited in the General Fund.
7. House File 123 adds a non-reversionary Criminalistics Laboratory Fund to the language in Section 602.8108(3), Code of Iowa. Receipts in this Fund consist of General Fund appropriations and interest earned.
8. The Victim Compensation Fund would receive approximately the same amount of funding under the 32.0% surcharge at a rate of 17.0% as it currently does under the 30.0% surcharge at a rate of 18.0%. The Victim Compensation Fund currently receives approximately \$1.6 million and under the Bill, the Victim Compensation Fund is estimated to receive approximately \$1.6 million (an increased amount of \$12,000 per year overall).

9. The estimated cost for crime lab instruments is \$523,000 annually or \$2.6 million over five years. The estimated cost for repair, replacement, and updating of lab equipment is \$129,000 annually or \$645,000 over five years. The ongoing yearly cost for equipment and training is estimated to be \$220,000. The estimated cost for maintenance agreements is \$150,000 annually. The estimate cost for instrument repair, replacement, and training is estimated to be \$871,000 annually or \$4.4 million over five years.

Fiscal Impact

House File 123 increases revenue to the General Fund, Victim Compensation Fund, and to county and local governments. The Bill also creates a new, non-reversionary fund within the Division of Criminal Investigation for the Crime Lab. The General Assembly has discretion over the amount appropriated to the Criminalistics Laboratory Fund. The chart below shows the anticipated increase in revenue from the surcharge by fiscal year:

Increased Revenue from the 32.0% Criminal Surcharge

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Total State General Fund:	\$ 342,000	\$ 485,000	\$ 531,000	\$ 577,000	\$ 577,000
Total Victim Comp Fund:	7,000	10,000	11,000	12,000	12,000
Total County/Local:	18,000	26,000	29,000	31,000	31,000
	<u>\$ 367,000</u>	<u>\$ 521,000</u>	<u>\$ 571,000</u>	<u>\$ 620,000</u>	<u>\$ 620,000</u>

Sources

Judicial Branch
 Department of Public Safety
 State Public Defender
 Department of Human Rights, Criminal Juvenile and Justice Planning Division

/s/ Holly M. Lyons

February 15, 2005

The fiscal note and correctional 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 Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
