

MAR 7 2006  
APPROPRIATIONS CALENDAR

HOUSE FILE **2689**  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 749)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to assessing court costs, providing for indigent  
2 defense, and making appropriations to the judicial branch and  
3 department of inspections and appeals.

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

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HF 2689

1 Section 1. Section 602.1304, subsection 2, paragraph b,  
2 Code Supplement 2005, is amended to read as follows:

3 b. For each fiscal year, a judicial collection estimate  
4 for that fiscal year shall be equally and proportionally  
5 divided into a quarterly amount. The judicial collection  
6 estimate shall be calculated by using the state revenue  
7 estimating conference estimate made by December 15 pursuant to  
8 section 8.22A, subsection 3, of the total amount of fines,  
9 fees, civil penalties, costs, surcharges, and other revenues  
10 collected by judicial officers and court employees for deposit  
11 into the general fund of the state. The revenue estimating  
12 conference estimate shall be reduced by the maximum amounts  
13 allocated to the Iowa prison infrastructure fund pursuant to  
14 section 602.8108A, the court technology and modernization fund  
15 pursuant to section 602.8108, subsection 7, the judicial  
16 branch pursuant to section 602.8108, subsection 8, the  
17 department of inspections and appeals pursuant to section  
18 602.8108, subsection 8A, and the road use tax fund pursuant to  
19 section 602.8108, subsection 9, and the remainder shall be the  
20 judicial collection estimate. In each quarter of a fiscal  
21 year, after revenues collected by judicial officers and court  
22 employees equal to that quarterly amount are deposited into  
23 the general fund of the state, after the required amount is  
24 deposited during the quarter into the Iowa prison  
25 infrastructure fund pursuant to section 602.8108A and into the  
26 court technology and modernization fund pursuant to section  
27 602.8108, subsection 7, and after the required amount is  
28 allocated to the judicial branch pursuant to section 602.8108,  
29 subsection 8, and after the required amount is allocated to  
30 the department of inspections and appeals pursuant to section  
31 602.8108, subsection 8A, the director of the department of  
32 administrative services shall deposit the remaining revenues  
33 for that quarter into the enhanced court collections fund in  
34 lieu of the general fund. However, after total deposits into  
35 the collections fund for the fiscal year are equal to the

1 maximum deposit amount established for the collections fund,  
2 remaining revenues for that fiscal year shall be deposited  
3 into the general fund. If the revenue estimating conference  
4 agrees to a different estimate at a later meeting which  
5 projects a lesser amount of revenue than the initial estimate  
6 amount used to calculate the judicial collection estimate, the  
7 director of the department of administrative services shall  
8 recalculate the judicial collection estimate accordingly. If  
9 the revenue estimating conference agrees to a different  
10 estimate at a later meeting which projects a greater amount of  
11 revenue than the initial estimate amount used to calculate the  
12 judicial collection estimate, the director of the department  
13 of administrative services shall recalculate the judicial  
14 collection estimate accordingly but only to the extent that  
15 the greater amount is due to an increase in the fines, fees,  
16 civil penalties, costs, surcharges, or other revenues allowed  
17 by law to be collected by judicial officers and court  
18 employees.

19 Sec. 2. Section 602.8106, subsection 1, paragraphs a, b,  
20 d, and e, Code Supplement 2005, are amended to read as  
21 follows:

22 a. Except as otherwise provided in paragraphs "b" and "c",  
23 for filing and docketing a criminal case to be paid by the  
24 county or city which has the duty to prosecute the criminal  
25 action, payable as provided in section 602.8109, thirty fifty  
26 dollars. When judgment is rendered against the defendant,  
27 costs collected from the defendant shall be paid to the county  
28 or city which has the duty to prosecute the criminal action to  
29 the extent necessary for reimbursement for fees paid.  
30 However, the fees which are payable by the county to the clerk  
31 of the district court for services rendered in criminal  
32 actions prosecuted under state law and the court costs taxed  
33 in connection with the trial of those actions or appeals from  
34 the judgments in those actions are waived.

35 b. For filing and docketing of a complaint or information

1 for a simple misdemeanor and a complaint or information for a  
2 nonscheduled simple misdemeanor under chapter 321, thirty  
3 fifty dollars.

4 d. The court costs in scheduled violation cases where a  
5 court appearance is required, thirty fifty dollars.

6 e. For court costs in scheduled violation cases where a  
7 court appearance is not required, thirty fifty dollars.

8 Sec. 3. Section 602.8108, subsection 2, Code Supplement  
9 2005, is amended to read as follows:

10 2. Except as otherwise provided, the clerk of the district  
11 court shall report and submit to the state court  
12 administrator, not later than the fifteenth day of each month,  
13 the fines and fees received during the preceding calendar  
14 month. Except as provided in subsections 3, 4, 5, 7, 8, 8A,  
15 and 9, the state court administrator shall deposit the amounts  
16 received with the treasurer of state for deposit in the  
17 general fund of the state. The state court administrator  
18 shall report to the legislative services agency within thirty  
19 days of the beginning of each fiscal quarter the amount  
20 received during the previous quarter in the account  
21 established under this section.

22 Sec. 4. Section 602.8108, subsection 8, Code Supplement  
23 2005, is amended to read as follows:

24 8. The state court administrator shall allocate to the  
25 judicial branch for the fiscal year beginning July 1, 2005  
26 2006, and for each fiscal year thereafter, seven thirteen  
27 million dollars of the moneys received annually under  
28 subsection 2, to be used for salaries of supreme court  
29 justices, appellate court judges, district court judges,  
30 district associate judges, judicial magistrates and staff,  
31 state court administrator, clerk of the supreme court,  
32 district court administrators, clerks of the district court,  
33 juvenile court officers, board of law examiners and board of  
34 examiners of shorthand reporters and judicial qualifications  
35 commission, receipt and disbursement of child support

1 payments, reimbursement of the auditor of state for expenses  
2 incurred in completing audits of the offices of the clerks of  
3 the district court during the fiscal year, and maintenance,  
4 equipment, and miscellaneous purposes.

5 Sec. 5. Section 602.8108, Code Supplement 2005, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 8A. The state court administrator shall  
8 allocate to the office of the state public defender of the  
9 department of inspections and appeals for the fiscal year  
10 beginning July 1, 2006, and for each fiscal year thereafter,  
11 two million eight hundred thousand dollars of the moneys  
12 received annually under subsection 2, to be used for fees of  
13 court-appointed attorneys for indigent adults and juveniles,  
14 in accordance with section 232.141 and chapter 815.

15 Sec. 6. Section 815.7, Code 2005, is amended to read as  
16 follows:

17 815.7 FEES TO ATTORNEYS.

18 An attorney who has not entered into a contract authorized  
19 under section 13B.4 and who is appointed by the court to  
20 represent any person ~~charged-with-a-crime-in-this-state,~~  
21 ~~seeking-postconviction-relief,-against-whom-a-contempt-action~~  
22 ~~is-pending,-appealing-a-criminal-conviction,-appealing-a~~  
23 ~~denial-of-postconviction-relief,-or-subject-to-a-proceeding~~  
24 ~~under-section-811.1A-or-chapter-229A-or-812,-or-to-serve-as~~  
25 ~~counsel-for-any-person-or-guardian-ad-litem-for-any-child-in~~  
26 ~~juvenile-court,~~ pursuant to section 814.11 or 815.10 shall be  
27 entitled to reasonable compensation and expenses. For  
28 appointments made on or after July 1, 1999, through June 30,  
29 2006, the reasonable compensation shall be calculated on the  
30 basis of sixty dollars per hour for class "A" felonies, fifty-  
31 five dollars per hour for class "B" felonies, and fifty  
32 dollars per hour for all other cases. For appointments made  
33 on or after July 1, 2006, the reasonable compensation shall be  
34 calculated on the basis of sixty-five dollars per hour for  
35 class "A" felonies, sixty dollars per hour for class "B"

Horbach, Ch.  
Roberts  
Miller

HSB 749  
APPROPRIATIONS

HOUSE FILE 02689  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON RAECKER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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34 examiners of shorthand reporters and judicial qualifications  
35 commission, receipt and disbursement of child support

1 felonies, and fifty-five dollars per hour for all other cases.

2 The expenses shall include any sums as are necessary for  
3 investigations in the interest of justice, and the cost of  
4 obtaining the transcript of the trial record and briefs if an  
5 appeal is filed. The attorney need not follow the case into  
6 another county or into the appellate court unless so directed  
7 by the court. If the attorney follows the case into another  
8 county or into the appellate court, the attorney shall be  
9 entitled to compensation as provided in this section. Only  
10 one attorney fee shall be so awarded in any one case except  
11 that in class "A" felony cases, two may be authorized.

12

EXPLANATION

13 This bill relates to assessing court costs, providing for  
14 indigent defense, and making appropriations to the judicial  
15 branch and department of inspections and appeals.

16 The bill provides for an increase in the fee charged by the  
17 clerk of the district court for filing and docketing a  
18 criminal case from \$30 to \$50. The bill also increases the  
19 court costs for a scheduled violation from \$30 to \$50.

20 The bill directs the state court administrator to allocate  
21 \$13 million annually, from fines and fees collected by the  
22 clerk of the district court, to the judicial branch to be used  
23 for salaries, maintenance, equipment, and other miscellaneous  
24 purposes. The amount of the allocation in the bill is  
25 excluded from the calculation of the judicial collection  
26 estimate for each fiscal year. Current law directs the state  
27 court administrator to allocate \$7 million to the judicial  
28 branch.

29 The bill also directs the state court administrator to  
30 allocate \$2.8 million from the fines and fees collected by the  
31 clerk of the district court to the office of the state public  
32 defender of the department of inspections and appeals for FY  
33 2006-2007 and every fiscal year thereafter. The funds  
34 allocated to the office of the state public defender are to be  
35 used to compensate court-appointed attorneys for representing

1 indigent adults and juveniles.

2 The bill increases the hourly reimbursement rates for  
3 attorneys representing an indigent person. The bill raises  
4 the hourly rate from \$60 to \$65 for class "A" felonies, \$55 to  
5 \$60 for class "B" felonies, and \$50 to \$55 for all other  
6 cases.

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