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SENATE FILE 319 HUMAN RESOURCES
BY WARNSTADT

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

A BILL FOR

1 An Act assessing a brain injury surcharge, creating a brain
2 injury surcharge fund, and making appropriations to the fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 319

HUMAN RESOURCES

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1 Section 1. NEW SECTION. 135.23 BRAIN INJURY SURCHARGE
2 FUND.

3 A brain injury surcharge fund is created as a separate fund
4 in the state treasury under the control of the department.
5 The fund shall consist of appropriations made to the fund and
6 transfers of interest, earnings, and moneys required to be
7 collected for deposit in the fund, including moneys received
8 from the brain injury surcharge provided for in section 911.5.
9 All moneys in the fund are appropriated to the department for
10 use by the advisory council on brain injuries, under the
11 supervision of the director of the department, to provide a
12 source of funding for programs under the authority of the
13 advisory council. Any balance in the fund on June 30 of any
14 fiscal year shall not revert to any other fund of the state
15 but shall remain available for the purposes described in this
16 section.

17 Sec. 2. Section 602.8102, subsection 135A, Code 2005, is
18 amended to read as follows:

19 135A. Assess the surcharges provided by sections 911.2,
20 911.3, and 911.4, and 911.5.

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

23 2. Except as otherwise provided, the clerk of the district
24 court shall report and submit to the state court
25 administrator, not later than the fifteenth day of each month,
26 the fines and fees received during the preceding calendar
27 month. Except as provided in subsections 3, 4, 5, 7, and 8,
28 and 9, the state court administrator shall deposit the amounts
29 received with the treasurer of state for deposit in the
30 general fund of the state. The state court administrator
31 shall report to the legislative services agency within thirty
32 days of the beginning of each fiscal quarter the amount
33 received during the previous quarter in the account
34 established under this section.

35 Sec. 4. Section 602.8108, Code 2005, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 9. The clerk of the district court shall
3 remit all moneys collected from the brain injury surcharge
4 provided in section 911.5 to the state court administrator for
5 deposit in the brain injury surcharge fund established in
6 section 135.23.

7 Sec. 5. Section 805.8, subsection 1, Code 2005, is amended
8 to read as follows:

9 1. APPLICATION. Except as otherwise indicated, violations
10 of sections of the Code specified in sections 805.8A, 805.8B,
11 and 805.8C are scheduled violations, and the scheduled fine
12 for each of those violations is as provided in those sections,
13 whether the violation is of state law or of a county or city
14 ordinance. The criminal penalty surcharge required by section
15 911.1, and the county enforcement surcharge required by
16 section 911.4 and the brain injury surcharge required by
17 section 911.5, if applicable, shall be added to the scheduled
18 fine.

19 Sec. 6. Section 902.9, unnumbered paragraph 2, Code 2005,
20 is amended to read as follows:

21 The surcharges required by sections 911.1, 911.2, and
22 911.3, and 911.5 shall be added to a fine imposed on a class
23 "C" or class "D" felon, as provided by those sections, and are
24 not a part of or subject to the maximums set in this section.

25 Sec. 7. Section 903.1, subsection 4, Code 2005, is amended
26 to read as follows:

27 4. The surcharges required by sections 911.1, 911.2,
28 911.3, and 911.4, and 911.5 shall be added to a fine imposed
29 on a misdemeanor as provided in those sections, and are not a
30 part of or subject to the maximums set in this section.

31 Sec. 8. Section 909.8, Code 2005, is amended to read as
32 follows:

33 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
34 SURCHARGE.

35 The provisions of this chapter governing the payment and

1 collection of a fine, except section 909.3A, also apply to the
2 payment and collection of surcharges imposed pursuant to
3 chapter 911. However, section 909.10 shall not apply to
4 surcharges assessed under sections 911.3, and 911.4, and
5 911.5.

6 Sec. 9. NEW SECTION. 911.5 BRAIN INJURY SURCHARGE.

7 1. In addition to any other surcharge, the court or clerk
8 of the district court shall assess a brain injury surcharge of
9 seventeen dollars if an adjudication of guilt or a deferred
10 judgment has been entered for a criminal violation under
11 section 321.256, 321.285, 321.445, 321.446, or 321J.2.

12 2. The surcharge shall be remitted by the clerk of the
13 district court as provided in section 602.8108, subsection 9.

14 3. The surcharge is subject to the provisions of chapter
15 909 governing the payment and collection of fines, as provided
16 in section 909.8.

17 EXPLANATION

18 This bill assesses a brain injury surcharge and creates a
19 brain injury surcharge fund.

20 The bill assesses a brain injury surcharge in the amount of
21 \$17 if an adjudication of guilt or a deferred judgment has
22 been entered for any of the following offenses: 321.256
23 (failure to obey traffic control device); 321.285 (speeding);
24 321.445 (safety belt violations); 321.446 (child restraint
25 device violations); or 321J.2 (operating while intoxicated).

26 The bill also creates a brain injury surcharge fund under
27 the control of the Iowa department of public health. Under
28 the bill, moneys from the assessment of the brain injury
29 surcharge are appropriated to the brain injury fund including
30 surcharge moneys deemed delinquent. The bill provides that
31 the moneys in the fund shall be used by the advisory council
32 on brain injuries, under the supervision of the director of
33 the department of public health, to provide a source of
34 funding for programs under the authority of the advisory
35 council. Any balance in the fund on June 30 of any fiscal

1 year shall not revert to any other fund of the state but shall
2 remain available for the purposes described in the new
3 provisions.

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