

602.8107 Collection of court debt.

1. *Definition.* As used in [this section](#) unless the context otherwise requires:

a. “*Court debt*” means all fines, penalties, court costs, fees, forfeited bail, surcharges under [chapter 911](#), victim restitution, court-appointed attorney fees or expenses of a public defender ordered pursuant to [section 815.9](#), or fees charged pursuant to [section 356.7](#) or [904.108](#).

b. “*Installment agreement*” means an agreement made for the payment of court debt in installments.

c. “*Installment payment*” means the partial payment of court debt which is divided into portions that are made payable at different times.

2. *Clerk of the district court collection.* Court debt shall be owed and payable to the clerk of the district court. All amounts collected shall be distributed pursuant to [sections 602.8106](#) and [602.8108](#) or as otherwise provided by this Code. The clerk may accept payment of an obligation or a portion thereof by credit card. Any fees charged to the clerk with respect to payment by credit card may be paid from receipts collected by credit card.

a. If the clerk receives payment from a person who is an inmate at a correctional institution or who is under the supervision of a judicial district department of correctional services, the payment shall be applied to the balance owed under the identified case number of the case which has resulted in the placement of the person at a correctional institution or under the supervision of the judicial district department of correctional services.

b. If a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

c. Payments received under [this section](#) shall be applied in the following priority order:

(1) Pecuniary damages as defined in [section 910.1, subsection 3](#).

(2) Fines or penalties and criminal penalty and law enforcement initiative surcharges.

(3) Crime victim compensation program reimbursement.

(4) Court costs, including correctional fees assessed pursuant to [sections 356.7](#) and [904.108](#), court-appointed attorney fees, or public defender expenses.

d. The court debt is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future pursuant to [section 909.3](#) is deemed delinquent if it is not received by the clerk within thirty days after the fixed future date set out in the court order. If an amount was ordered to be paid by installments, and an installment is not received within thirty days after the date it is due, the entire amount of the court debt is deemed delinquent.

3. *Collection by private collection designee under contract with the judicial branch.*

a. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the private collection designee under contract with the judicial branch pursuant to [subsection 5](#) to collect debts owed to the clerk of the district court, unless the case has been assigned to the county attorney under paragraph “c”.

b. In addition, court debt which is being collected under an installment agreement pursuant to [section 321.210B](#) which is in default that remains delinquent shall remain assigned to the private collection designee if the installment agreement was executed with the private collection designee; or to the county attorney or county attorney’s designee if the installment agreement was executed with the county attorney or county attorney’s designee.

c. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, and if a county attorney has filed with the clerk of the district court a notice of full commitment to collect delinquent court debt pursuant to [subsection 4](#), the case shall be assigned to the county attorney as provided in [subsection 4](#). The judicial branch shall assign cases with delinquent court debt to a county attorney in the same format and with the same frequency as cases with delinquent court debt are assigned to the private collection designee under paragraph “a”, and a county attorney shall not be required to file an individual notice of full commitment to collect delinquent court debt for each assigned case. If the county attorney or the county attorney’s designee, while collecting delinquent court debt pursuant to [subsection 4](#), determines that a person owes additional court debt for which a case has not been assigned

by the judicial branch, the county attorney or the county attorney's designee shall notify the clerk of the district court of the appropriate case numbers and the judicial branch shall assign these cases to the county attorney for collection if the additional court debt is delinquent.

4. *County attorney collection.* The county attorney or the county attorney's designee may collect court debt after the court debt is deemed delinquent pursuant to [subsection 2](#). In order to receive a percentage of the amounts collected pursuant to [this subsection](#), the county attorney must first file with the clerk of the district court on or before July 1 of the first year the county attorney collects court debt under [this subsection](#), a notice of full commitment to collect delinquent court debt, and a memorandum of understanding with the state court administrator for all cases assigned to the county for collection by the court. The notice shall contain a list of procedures which will be initiated by the county attorney. For a county attorney filing a notice of full commitment for the first time, the cases involving delinquent court debt previously assigned to the private collection designee shall remain assigned to the private collection designee. Cases involving delinquent court debt assigned to the county attorney after the filing of a notice of full commitment by the county attorney shall remain assigned to the county attorney. A county attorney who chooses to discontinue collection of delinquent court debt shall file with the clerk of the district court on or before May 15 a notice of the intent to cease collection of delinquent court debt at the start of the next fiscal year. If a county attorney ceases collection efforts, or if the state court administrator deems that a county attorney collections program has become ineligible to collect as specified in paragraph "f", all cases involving delinquent court debt assigned to the county attorney shall be transferred on July 1 to the private collection designee for collection, except that debt associated with any existing installment agreement shall remain assigned to the county for collection unless an installment payment becomes delinquent, after which the delinquent debt associated with the installment agreement shall be transferred promptly to the private collection designee for collection.

a. [This subsection](#) does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under [subsection 5](#) or under [section 8A.504](#), or fees charged pursuant to [section 356.7](#).

b. Amounts collected by the county attorney or the county attorney's designee shall be distributed in accordance with paragraphs "c" and "d".

c. (1) Twenty-eight percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required by [this subsection](#), unless the county attorney has discontinued collection efforts on a particular delinquent amount.

(2) The remaining seventy-two percent shall be paid to the clerk of the district court each fiscal year for distribution under [section 602.8108](#). However, if such amount, when added to the amount deposited into the general fund of the county pursuant to subparagraph (1), exceeds the following applicable threshold amount, the excess shall be distributed as provided in paragraph "d":

(a) For a county with a population greater than one hundred fifty thousand, an amount up to one million dollars.

(b) For a county with a population greater than one hundred thousand but not more than one hundred fifty thousand, an amount up to six hundred thousand dollars.

(c) For a county with a population greater than fifty thousand but not more than one hundred thousand, an amount up to three hundred thousand dollars.

(d) For a county with a population greater than twenty-six thousand but not more than fifty thousand, an amount up to one hundred thousand dollars.

(e) For a county with a population greater than fifteen thousand but not more than twenty-six thousand, an amount up to fifty thousand dollars.

(f) For a county with a population equal to or less than fifteen thousand, an amount up to twenty-five thousand dollars.

d. After the total collected by a county attorney exceeds the threshold amount set in paragraph "c", and for the remainder of the fiscal year, five percent of the additional moneys

collected shall be deposited with the office of the county attorney that collected the moneys; twenty-eight percent of the additional moneys collected shall be deposited in the general fund of the county where the moneys were collected; and the remaining sixty-seven percent of the additional moneys shall be paid to the clerk of the district court for distribution under [section 602.8108](#) or the state court administrator may distribute the remainder under [section 602.8108](#) if the additional moneys have already been received by the state court administrator.

e. (1) A county may enter into an agreement pursuant to [chapter 28E](#) with one or more other counties for the purpose of collecting delinquent court debt pursuant to [this subsection](#).

(2) When a county enters into a [chapter 28E](#) agreement with another county or counties to collect delinquent court debt, the county or the county debt collection designee must collect an amount of delinquent court debt that originated in the county and that is equal to the applicable threshold amount under paragraph “c” in order for the county to qualify for distribution of moneys collected by county attorneys under paragraph “d”.

f. Beginning July 1, 2017, within two years of beginning to collect delinquent court debt, a county attorney shall be required to collect one hundred percent of the applicable threshold amount specified in paragraph “c”. If a county attorney collects more than eighty percent but less than one hundred percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney specifying that in order to remain eligible to participate in the county attorney collection program, the county attorney must collect at least one hundred twenty-five percent of the applicable threshold amount by the end of the next fiscal year. If a county attorney who has been given such a notice fails to collect one hundred twenty-five percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney that the county is ineligible to participate in the county attorney collection program for the next two fiscal years and all existing and future court cases with delinquent court debt shall be assigned to the private collection designee. The provisions of this paragraph apply to all counties, including those counties where delinquent court debt is collected pursuant to a [chapter 28E](#) agreement with one or more counties.

5. *Assignment to private collection designee.*

a. The judicial branch shall contract with a private collection designee for the collection of court debt after the court debt in a case is deemed delinquent pursuant to [subsection 2](#) if the county attorney is not collecting the court debt in a case pursuant to [subsection 4](#). The judicial branch shall solicit requests for proposals prior to entering into any contract pursuant to [this subsection](#).

b. The contract shall provide for a collection fee of up to twenty-five percent of the amount of the court debt in a case deemed delinquent. The collection fee as calculated shall be added to the amount of the court debt deemed delinquent. The amount of the court debt deemed delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee. The contract may also assess the private collection designee an initial fee for entering into the contract.

c. The judicial branch may consult with the department of revenue and the department of administrative services when entering into the contract with the private collection designee.

d. Subject to the provisions of paragraph “b”, the amounts collected pursuant to [this subsection](#) shall be distributed as provided in [subsection 2](#). Any initial fee collected by the judicial branch shall be deposited into the general fund of the state.

e. The private collection designee may utilize any debt collection methods including but not limited to attachment, execution, or garnishment.

6. *Write off of old debt.* If any portion of the court debt in a case remains uncollected after sixty-five years from the date of imposition, the judicial branch shall write off the debt as uncollectible and close the case file for the purposes of collection pursuant to [this section](#).

7. *Reports.* The judicial branch shall prepare a report aging the court debt. The report shall include the amounts collected by the private collection designee, the distribution of these amounts, and the amount of the fee collected by the private collection designee. In addition, the report shall include the amounts written off pursuant to [subsection 6](#). The judicial branch shall provide the report to the co-chairpersons and ranking members of the

joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

93 Acts, ch 110, §8; 94 Acts, ch 1023, §118; 94 Acts, ch 1142, §2, 3; 95 Acts, ch 169, §6 – 8, 10; 96 Acts, ch 1219, §72; 97 Acts, ch 128, §3; 98 Acts, ch 1047, §60; 98 Acts, ch 1116, §2; 2001 Acts, ch 168, §2; 2002 Acts, ch 1119, §96; 2003 Acts, ch 145, §273, 286; 2004 Acts, ch 1101, §84; 2004 Acts, ch 1119, §4; 2004 Acts, ch 1175, §199, 200; 2007 Acts, ch 196, §9 – 11; 2008 Acts, ch 1172, §25; 2009 Acts, ch 41, §263; 2009 Acts, ch 119, §45; 2010 Acts, ch 1146, §16 – 21; 2012 Acts, ch 1063, §4; 2013 Acts, ch 90, §171; 2015 Acts, ch 138, §92 – 96, 161, 162; 2016 Acts, ch 1119, §5, 6, 8

Referred to in §96.11, §321.11A, §321.40, §321.210A, §321.210B, §331.756(5)(d), §602.8102(105B), §602.8103, §602.8105, §901.5B, §907.7, §907.9

Surcharges, see chapter 911

Victim compensation fund, see §915.94

The provisions of subsection 4, paragraph f, as they appeared in Code 2016, apply to individual counties or counties entering into a chapter 28E agreement until June 30, 2017; 2016 Acts, ch 1119, §8

Subsection 3, paragraphs a and c amended

Subsection 4 amended