

## CHAPTER 1019

### CRIMINAL RESTITUTION AND PECUNIARY DAMAGES — INSURERS

H.F. 2238

**AN ACT** relating to the receipt of pecuniary damages by insurers as victims of insurance fraud for purposes of criminal restitution.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 910.1, subsection 3](#), Code 2018, is amended to read as follows:

3. “*Pecuniary damages*” means all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, “*pecuniary damages*” includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

Sec. 2. [Section 910.1, subsection 5](#), Code 2018, is amended to read as follows:

5. “*Victim*” means a person who has suffered pecuniary damages as a result of the offender’s criminal activities. However, for purposes of [this chapter](#), an insurer paying a victim’s insurance claim is not a victim and does not have a right of subrogation. An insurer may be a victim for purposes of [this chapter](#) if insurance fraud in violation of [section 507E.3](#) or [507E.3A](#) has been perpetrated against the insurer. The crime victim compensation program is not an insurer for purposes of [this chapter](#), and the right of subrogation provided by [section 915.92](#) does not prohibit restitution to the crime victim compensation program.

Approved March 21, 2018