

HOUSE FILE _____
BY R. OLSON

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

A BILL FOR

1 An Act relating to assessing a civil penalty when a person
2 receives a deferred judgment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1564HH 82
5 jm/je/5

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1 1 Section 1. Section 907.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. "Deferred judgment" means a sentencing option whereby
1 4 both the adjudication of guilt and the imposition of a
1 5 sentence are deferred by the court and whereby the court
1 6 assesses a civil penalty or in lieu of a civil penalty orders
1 7 community service as provided in section 907.14 upon the entry
1 8 of the deferred judgment. The court retains the power to
1 9 pronounce judgment and impose sentence subject to the
1 10 defendant's compliance with conditions set by the court as a
1 11 requirement of the deferred judgment.
1 12 Sec. 2. Section 907.3, subsection 1, unnumbered paragraph
1 13 1, Code 2007, is amended to read as follows:
1 14 With the consent of the defendant, the court may defer
1 15 judgment and may place the defendant on probation upon
1 16 conditions as it may require. However, a civil penalty or
1 17 community service shall be assessed as provided in section
1 18 907.14 upon the entry of a deferred judgment. Upon a showing
1 19 that the defendant is not cooperating with the program of
1 20 probation or is not responding to it, the court may withdraw
1 21 the defendant from the program, pronounce judgment, and impose
1 22 any sentence authorized by law. Before taking such action,
1 23 the court shall give the defendant an opportunity to be heard
1 24 on any matter relevant to the proposed action. Upon
1 25 fulfillment of the conditions of probation and the payment of
1 26 fees imposed and not waived by the judicial district
1 27 department of correctional services under section 905.14, the
1 28 defendant shall be discharged without entry of judgment. Upon
1 29 violation of the conditions of probation, the court may
1 30 proceed as provided in chapter 908.
1 31 Sec. 3. Section 907.14, subsection 1, Code 2007, is
1 32 amended to read as follows:
1 33 1. Upon the entry of a deferred judgment pursuant to
1 34 section 907.3, a defendant shall be assessed a civil penalty
1 35 of an amount not less than the amount of any criminal fine
2 1 authorized by law for the offense under section 902.9 or
2 2 section 903.1. The court may require the defendant to perform
2 3 community service in lieu of assessing a civil penalty upon
2 4 the request of the defendant.

EXPLANATION

2 5 This bill relates to assessing a civil penalty when a
2 6 person receives a deferred judgment.
2 7 The bill provides that upon a person's request, the person
2 8 may perform community service in lieu of paying a civil
2 9 penalty when receiving a deferred judgment.
2 10 Current law provides that a person receiving a deferred
2 11 judgment be assessed a civil penalty of an amount not less
2 12 than the amount of any criminal fine authorized.
2 13
2 14 LSB 1564HH 82
2 15 jm:rj/je/5