

HOUSE FILE _____
BY SMITH

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

A BILL FOR

1 An Act relating to the enforcement of a restitution judgment
2 against a person convicted of a criminal offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1157HH 82
5 jm/es/88

PAG LIN

1 1 Section 1. Section 627.6A, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Notwithstanding the provisions of section 627.6, a
1 4 debtor shall not be permitted to claim exemptions with regard
1 5 to payment or a portion of payment under a pension, annuity,
1 6 individual retirement account, profit-sharing plan, universal
1 7 life insurance policy, or similar plan or contract due to
1 8 illness, disability, death, age, or length of service for
1 9 ~~child, spousal, or medical support.~~ the following:
1 10 a. Child support.
1 11 b. Spousal support.
1 12 c. Medical support.
1 13 d. Victim restitution ordered pursuant to chapter 910
1 14 while the debtor is committed to the custody of the director
1 15 of the department of corrections and confined in a
1 16 correctional facility.
1 17 (1) The victim restitution to be collected and forwarded
1 18 from the pension fund, annuity, individual retirement account,
1 19 profit-sharing plan, universal life insurance policy, or
1 20 similar plan or contract due to illness, disability, death,
1 21 age, or length of service that is exempt from income tax under
1 22 the Internal Revenue Code shall be subject to the restrictions
1 23 placed upon the amount and timing of such assignments under
1 24 the Internal Revenue Code and regulations, as determined by
1 25 the plan administrator.
1 26 (2) Victim restitution shall only be collected and
1 27 forwarded pursuant to this paragraph after any monthly child
1 28 support, spousal support, and medical support have been
1 29 collected and forwarded.

1 30 Sec. 2. NEW SECTION. 822.9A ENFORCEMENT OF A JUDGMENT OF
1 31 RESTITUTION UPON FILING OF AN APPLICATION OR APPEAL.
1 32 The filing of an application pursuant to this chapter or
1 33 any appeal from the final judgment shall not operate to stay
1 34 the enforcement of a judgment of restitution for criminal
1 35 activities ordered pursuant to section 910.2.

2 1 EXPLANATION
2 2 This bill relates to enforcement of a restitution judgment
2 3 against a person convicted of a criminal offense.
2 4 Under the bill, payments under a pension or other similar
2 5 plan concerning illness, disability, death, age, or length of
2 6 service of a person confined in a state correctional facility
2 7 are subject to execution if restitution has been ordered
2 8 pursuant to Code chapter 910. Under current law, a person may
2 9 only execute a judgment against a pension or other related
2 10 plan of a person confined at a correctional institution if the
2 11 judgment is for child, spousal, or medical support.
2 12 Victim restitution to be collected and forwarded under the
2 13 bill to the victim is subject to restrictions placed upon the
2 14 amount and timing of the assignment by the Internal Revenue
2 15 Code, as determined by the plan administrator. Restitution
2 16 shall only be collected and forwarded to the victim under the
2 17 bill after any monthly child, spousal, and medical support
2 18 have been paid.
2 19 The bill provides that the enforcement of a judgment of
2 20 restitution against an offender is not stayed by the filing of

2 21 an application for postconviction relief or any appeal from
2 22 the final judgment of a postconviction action.
2 23 LSB 1157HH 82
2 24 jm:rj/es/88