

**CHAPTER 140****FEEES CHARGED PRISONERS FOR ROOM AND BOARD****S.F. 184**

**AN ACT** relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution, and providing for an effective date.

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

Section 1. Section 356.7, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. The county sheriff may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense for the room and board provided to the prisoner while in the custody of the county sheriff. Moneys collected by the sheriff under this section shall be credited to the county general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense fails to pay for the room and board, the sheriff may file a room and board reimbursement lien claim with the district court as provided in subsection 2. The county attorney may file the room and board reimbursement lien claim on behalf of the sheriff and the county. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

2. The sheriff or the county attorney, on behalf of the sheriff, may file a room and board reimbursement lien claim with the clerk of the district court which shall include all of the following information, if known:

a. The name, and date of birth, and social security number of the person whose property or other interests are who is the subject to of the lien claim.

b. The present address of the residence and principal place of business of the person named in the lien claim.

c. The criminal proceeding pursuant to which the lien claim is filed, including the name of the court, the title of the action, and the court's file number.

d. The name and office address of the sheriff or the name and office address of the county attorney who is filing the lien claim on behalf of the sheriff.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of room and board reimbursement charges the person has been ordered to pay or is likely to be ordered to pay owes.

g. If the sheriff wishes to have the amount of the claim for charges owed included within the amount of restitution determined to be owed by the person, a request that the amount owed be included within the order for payment of restitution by the person.

3. The filing of a Upon receipt of a claim for room and board reimbursement lien in accordance with this section creates a lien, the court shall approve the claim in favor of the sheriff or the county in any personal or real property for the amount owed by the prisoner as identified in the lien to the extent of the interest held in that property by the person named in the lien claim and any fees or charges associated with the filing or processing of the claim with the court. The sheriff may choose to enforce the claim in the manner provided in chapter 626. Once approved by the court, the claim for the amount owed by the person shall have the force and effect of a judgment for purposes of enforcement by the sheriff. However, irrespective of whether the judgment lien for the amount of the claim has been perfected, the claim shall not have priority over competing claims for child support obligations owed by the person.

Sec. 2. Section 910.1, subsection 4, Code 1997, is amended to read as follows:

4. "Restitution" means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender's plan of restitution. "Restitution" also includes fines,

penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, or the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, or the expense of a public defender.

Sec. 3. Section 910.2, Code 1997, is amended to read as follows:

**910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.**

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, or the expense of a public defender when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, the expenses of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, the expense of a public defender, or contribution to a local anticrime organization, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney's fees, expense of a public defender, or contribution to a local anticrime organization for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney's fees or expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 4. Section 910.3, Code 1997, is amended to read as follows:

**910.3 DETERMINATION OF AMOUNT OF RESTITUTION.**

The county attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. The clerk of court shall prepare a statement of court-appointed attorney's fees, the expense of a public defender, and court costs including correctional fees claimed by a sheriff pursuant to section 356.7, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. If these statements are provided to the presentence investigator, they shall become a part of the presentence report.

If pecuniary damage amounts are not available at the time of sentencing, the county attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court. The statement shall be provided no later than thirty days after sentencing. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing or at a later date to be determined by the court, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary order determining a reasonable amount for restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1997

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## CHAPTER 141

### HUNTING DEER WITH PISTOL OR REVOLVER

H.F. 142

AN ACT relating to the hunting of deer with a pistol or revolver and providing a penalty.

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

Section 1. Section 481A.48, Code 1997, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The commission shall establish one or more pistol or revolver seasons for hunting deer as separate firearm seasons or to coincide with one or more other firearm deer hunting seasons. Any pistol or revolver firing a magnum three hundred fifty-seven thousandths of one inch caliber or larger, centerfire, straight wall ammunition propelling an expanding-type bullet is legal for hunting deer during the pistol or revolver seasons. The commission shall adopt rules to allow black powder pistols or revolvers for hunting deer. The rules shall not allow pistols or revolvers with shoulder stock or long-barrel modifications. The barrel length of a pistol or revolver use for deer hunting shall be at least four inches. The rules may limit types of ammunition. A person who is sixteen years of age or less shall not hunt deer with a pistol or revolver. A person possessing a prohibited pistol or revolver while hunting deer commits a scheduled violation under section 805.8, subsection 5, paragraph "h".

Sec. 2. Section 805.8, subsection 5, paragraph h, Code 1997, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (5) Possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred dollars.

Approved May 14, 1997