

201—20.11(904,910) Restitution.

20.11(1) Every inmate required by a court order to pay restitution shall have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

20.11(2) The restitution plan of payment shall consider the present circumstances of an inmate's physical/mental health and other legal financial obligations.

20.11(3) The deputy director of institutions shall ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

20.11(4) The warden/superintendent or designee shall approve each restitution plan or modified plan and send a copy to the clerk of court.

20.11(5) Initial inmate complaints regarding restitution plans of payment or modifications may be addressed via the inmate grievance procedure.

20.11(6) The staff shall explain the restitution plan and plan of payment to the inmate. Each inmate shall receive a copy of the restitution plan and plan of payment.

20.11(7) Restitution payments shall be deducted from all credits to an inmate's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an inmate's account from an outside source:

a. An amount, assessed by the warden/superintendent or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If the medical procedures are not performed or carried out, the money shall be returned to the sender at the inmate's expense.

b. An amount, assessed by the warden/superintendent or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OWI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. An account transfer from one institution to another.

e. Refunds from outside vendors or institution commissaries.

f. Property tort claims.

g. Any other exception approved by the warden/superintendent or designee.

20.11(8) Restitution deductions shall be forwarded to the clerk of court in the county of commitment on a quarterly basis.

20.11(9) When the department of corrections has knowledge of other income or assets the district court clerk of the sentencing county shall be so notified.

20.11(10) A percent greater than established in the restitution plan of payment may be deducted from a credit to an inmate's account by authorization of either the inmate, the warden/superintendent or designee, or by court order.

20.11(11) The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.