

House Amendment 1563

Amendment Text

PAG LIN

1 1 Amend [Senate File 184](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 21 and 22 and
1 4 inserting the following:
1 5 "a. The name,
~~and~~
~~date of birth, and social~~
1 6 security number of the person
~~whose property or other~~
~~interests are~~
~~who is the~~ subject
~~to~~
~~of the~~
~~lien~~
1 8 claim."
1 9 #2. Page 1, line 28, by inserting after the words
1 10 "The name and" the following: "office".
1 11 #3. Page 1, line 29, by inserting before the word
1 12 "address" the following: "office".
1 13 #4. Page 1, by inserting after line 35, the
1 14 following:
1 15 ". If the sheriff wishes to have the amount of
1 16 the claim for charges owed included within the amount
1 17 of restitution determined to be owed by the person, a
1 18 request that the amount owed be included within the
1 19 order for payment of restitution by the person."
1 20 #5. Page 2, line 3, by striking the words "enter a
1 21 judgment" and inserting the following: "approve the
1 22 claim".
1 23 #6. Page 2, line 4, by striking the words "in
~~any~~
1 24
~~personal or real property~~
~~an~~" and inserting the
1 25 following: "
~~in any personal or real property~~
-".
1 26 #7. Page 2, by striking line 5, and inserting the
1 27 following: "for the amount owed by".
1 28 #8. Page 2, line 6, by inserting after the word
1 29 "prisoner" the following: "as".
1 30 #9. Page 2, line 10, by striking the words
1 31 "enforce the judgment" and inserting the following:
1 32 "choose to enforce the claim".
1 33 #10. Page 2, by inserting after line 10 the

1 34 following: "Once approved by the court, the claim for
1 35 the amount owed by the person shall have the force and
1 36 effect of a judgment for purposes of enforcement by
1 37 the sheriff.

1 38 Sec. _____. Section 910.1, subsection 4, Code 1997,
1 39 is amended to read as follows:

1 40 4. "Restitution" means payment of pecuniary
1 41 damages to a victim in an amount and in the manner
1 42 provided by the offender's plan of restitution.
1 43 "Restitution" also includes fines, penalties, and
1 44 surcharges, the contribution of funds to a local
1 45 anticrime organization which provided assistance to
1 46 law enforcement in an offender's case, the payment of
1 47 crime victim compensation program reimbursements,
1 48 court costs including correctional fees approved
1 49 pursuant to section 356.7, court-appointed attorney's
1 50 fees, or the expense of a public defender, and the
2 1 performance of a public service by an offender in an
2 2 amount set by the court when the offender cannot
2 3 reasonably pay all or part of the court costs
2 4 including correctional fees approved pursuant to
2 5 section 356.7, court-appointed attorney's fees, or the
2 6 expense of a public defender.

2 7 Sec. _____. Section 910.2, Code 1997, is amended to
2 8 read as follows:

2 9 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
2 10 ORDERED BY SENTENCING COURT.

2 11 In all criminal cases in which there is a plea of
2 12 guilty, verdict of guilty, or special verdict upon
2 13 which a judgment of conviction is rendered, the
2 14 sentencing court shall order that restitution be made
2 15 by each offender to the victims of the offender's
2 16 criminal activities, to the clerk of court for fines,
2 17 penalties, surcharges, and, to the extent that the
2 18 offender is reasonably able to pay, for crime victim
2 19 assistance reimbursement, court costs including
2 20 correctional fees approved pursuant to section 356.7,
2 21 court-appointed attorney's fees, or the expense of a
2 22 public defender when applicable, or contribution to a
2 23 local anticrime organization. However, victims shall
2 24 be paid in full before fines, penalties, and
2 25 surcharges, crime victim compensation program
2 26 reimbursement, court costs including correctional fees
2 27 approved pursuant to section 356.7, court-appointed
2 28 attorney's fees, the expenses of a public defender, or
2 29 contribution to a local anticrime organization are
2 30 paid. In structuring a plan of restitution, the court
2 31 shall provide for payments in the following order of
2 32 priority: victim, fines, penalties, and surcharges,
2 33 crime victim compensation program reimbursement, court
2 34 costs including correctional fees approved pursuant to
2 35 section 356.7, court-appointed attorney's fees, or the
2 36 expense of a public defender, and contribution to a
2 37 local anticrime organization.

2 38 When the offender is not reasonably able to pay all
2 39 or a part of the crime victim compensation program
2 40 reimbursement, court costs including correctional fees
2 41 approved pursuant to section 356.7, court-appointed
2 42 attorney's fees, the expense of a public defender, or
2 43 contribution to a local anticrime organization, the
2 44 court may require the offender in lieu of that portion
2 45 of the crime victim compensation program
2 46 reimbursement, court costs including correctional fees
2 47 approved pursuant to section 356.7, court-appointed
2 48 attorney's fees, expense of a public defender, or
2 49 contribution to a local anticrime organization for
2 50 which the offender is not reasonably able to pay, to

3 1 perform a needed public service for a governmental
3 2 agency or for a private nonprofit agency which
3 3 provides a service to the youth, elderly, or poor of
3 4 the community. When community service is ordered, the
3 5 court shall set a specific number of hours of service
3 6 to be performed by the offender which, for payment of
3 7 court-appointed attorney's fees or expenses of a
3 8 public defender, shall be approximately equivalent in
3 9 value to those costs. The judicial district
3 10 department of correctional services shall provide for
3 11 the assignment of the offender to a public agency or
3 12 private nonprofit agency to perform the required
3 13 service.

3 14 Sec. _____. Section [910.3](#), Code 1997, is amended to
3 15 read as follows:

3 16 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

3 17 The county attorney shall prepare a statement of
3 18 pecuniary damages to victims of the defendant and, if
3 19 applicable, any award by the crime victim compensation
3 20 program and shall provide the statement to the
3 21 presentence investigator or submit the statement to
3 22 the court at the time of sentencing. The clerk of
3 23 court shall prepare a statement of court-appointed
3 24 attorney's fees, the expense of a public defender, and
3 25 court costs including correctional fees claimed by a
3 26 sheriff pursuant to section 356.7, which shall be
3 27 provided to the presentence investigator or submitted
3 28 to the court at the time of sentencing. If these
3 29 statements are provided to the presentence
3 30 investigator, they shall become a part of the
3 31 presentence report. If pecuniary damage amounts are
3 32 not available at the time of sentencing, the county
3 33 attorney shall provide a statement of pecuniary
3 34 damages incurred up to that time to the clerk of
3 35 court. The statement shall be provided no later than
3 36 thirty days after sentencing. If a defendant believes
3 37 no person suffered pecuniary damages, the defendant
3 38 shall so state. If the defendant has any mental or
3 39 physical impairment which would limit or prohibit the
3 40 performance of a public service, the defendant shall
3 41 so state. The court may order a mental or physical
3 42 examination, or both, of the defendant to determine a
3 43 proper course of action. At the time of sentencing or
3 44 at a later date to be determined by the court, the
3 45 court shall set out the amount of restitution
3 46 including the amount of public service to be performed
3 47 as restitution and the persons to whom restitution
3 48 must be paid. If the full amount of restitution
3 49 cannot be determined at the time of sentencing, the
3 50 court shall issue a temporary order determining a
4 1 reasonable amount for restitution identified up to
4 2 that time. At a later date as determined by the
4 3 court, the court shall issue a permanent, supplemental
4 4 order, setting the full amount of restitution. The
4 5 court shall enter further supplemental orders, if
4 6 necessary. These court orders shall be known as the
4 7 plan of restitution.

4 8 Sec. _____. EFFECTIVE DATE. This Act, being deemed
4 9 of immediate importance, takes effect upon enactment."

4 10 #11. Title page, line 4, by inserting after the
4 11 word "execution" the following: ", and providing for
4 12 an effective date".

4 13 #12. By numbering and renumbering as necessary.

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4 17 COMMITTEE ON [LOCAL GOVERNMENT](#)

4 18 VANDE HOEF of Osceola, Chairperson

4 19 [SF 184.202](#) 77

4 20 lh/jj/28