

House Amendment 1247

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1 1 Amend Senate File 246 as follows:
1 2 ~~#1.~~ By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 907.13, subsection 2, Code
1 5 2005, is amended to read as follows:
1 6 2. The defendant's plan of community service, the
1 7 comments of the defendant's probation officer, and the
1 8 comments of the representative of the judicial
1 9 district department of correctional services
1 10 responsible for the unpaid community service program,
1 11 shall be submitted promptly to the court. The court
1 12 shall promptly enter an order approving the plan or
1 13 modifying it. Compliance with the plan of community
1 14 service as approved or modified by the court shall be
1 15 a condition of the defendant's probation. The court
1 16 thereafter may modify the plan at any time upon the
1 17 defendant's request, upon the request of the judicial
1 18 district department of correctional services, or upon
1 19 the court's own motion. As an option for modification
1 20 of a plan, the court may allow a defendant to complete
1 21 some part or all of the defendant's community service
1 22 obligation through the donation of property to a
1 23 ~~charitable organization other than a governmental~~
~~1 24 subdivision statewide nonprofit legal aid~~
~~1 25 organization.~~ A donation of property to a ~~charitable~~
~~1 26 organization statewide nonprofit legal aid~~
~~1 27 organization~~ offered in satisfaction of some part or
1 28 all of a community service obligation under this
1 29 subsection is not a deductible contribution for the
1 30 purposes of federal or state income taxes.
1 31 Sec. 2. Section 910.1, subsection 4, Code 2005, is
1 32 amended to read as follows:
1 33 4. "Restitution" means payment of pecuniary
1 34 damages to a victim in an amount and in the manner
1 35 provided by the offender's plan of restitution.
1 36 "Restitution" also includes fines, penalties, and
1 37 surcharges, the contribution of funds to a ~~local~~
~~1 38 anticrime organization which provided assistance to~~
~~1 39 law enforcement in an offender's case, a statewide~~
~~1 40 nonprofit legal aid organization,~~ the payment of crime
1 41 victim compensation program reimbursements, payment of
1 42 restitution to public agencies pursuant to section
1 43 321J.2, subsection 9, paragraph "b", court costs
1 44 including correctional fees approved pursuant to
1 45 section 356.7, court-appointed attorney fees ordered
1 46 pursuant to section 815.9, including the expense of a
1 47 public defender, and the performance of a public
1 48 service by an offender in an amount set by the court
1 49 when the offender cannot reasonably pay all or part of
1 50 the court costs including correctional fees approved
2 1 pursuant to section 356.7, or court-appointed attorney
2 2 fees ordered pursuant to section 815.9, including the
2 3 expense of a public defender.
2 4 Sec. 3. Section 910.2, Code 2005, is amended to
2 5 read as follows:
2 6 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
2 7 ORDERED BY SENTENCING COURT.
2 8 In all criminal cases in which there is a plea of
2 9 guilty, verdict of guilty, or special verdict upon
2 10 which a judgment of conviction is rendered, the
2 11 sentencing court shall order that restitution be made
2 12 by each offender to the victims of the offender's
2 13 criminal activities, to the clerk of court for fines,
2 14 penalties, surcharges, and, to the extent that the
2 15 offender is reasonably able to pay, for crime victim
2 16 assistance reimbursement, restitution to public
2 17 agencies pursuant to section 321J.2, subsection 9,
2 18 paragraph "b", court costs including correctional fees
2 19 approved pursuant to section 356.7, court-appointed
2 20 attorney fees ordered pursuant to section 815.9,
2 21 including the expense of a public defender, when
2 22 applicable, or contribution to a ~~local anticrime~~
~~2 23 organization statewide nonprofit legal aid~~
~~2 24 organization.~~ However, victims shall be paid in full

2 25 before fines, penalties, and surcharges, crime victim
2 26 compensation program reimbursement, public agencies,
2 27 court costs including correctional fees approved
2 28 pursuant to section 356.7, court-appointed attorney
2 29 fees ordered pursuant to section 815.9, including the
2 30 expenses of a public defender, or contributions to a
2 31 ~~local anticrime organization statewide nonprofit legal~~
2 32 ~~aid organization~~ are paid. In structuring a plan of
2 33 restitution, the court shall provide for payments in
2 34 the following order of priority: victim, fines,
2 35 penalties, and surcharges, crime victim compensation
2 36 program reimbursement, public agencies, court costs
2 37 including correctional fees approved pursuant to
2 38 section 356.7, court-appointed attorney fees ordered
2 39 pursuant to section 815.9, including the expense of a
2 40 public defender, and contribution to a ~~local anticrime~~
2 41 ~~organization statewide nonprofit legal aid~~
2 42 ~~organization~~.

2 43 When the offender is not reasonably able to pay all
2 44 or a part of the crime victim compensation program
2 45 reimbursement, public agency restitution, court costs
2 46 including correctional fees approved pursuant to
2 47 section 356.7, court-appointed attorney fees ordered
2 48 pursuant to section 815.9, including the expense of a
2 49 public defender, or contribution to a ~~local anticrime~~
2 50 ~~organization statewide nonprofit legal aid~~

3 1 ~~organization~~, the court may require the offender in
3 2 lieu of that portion of the crime victim compensation
3 3 program reimbursement, public agency restitution,
3 4 court costs including correctional fees approved
3 5 pursuant to section 356.7, court-appointed attorney
3 6 fees ordered pursuant to section 815.9, including the
3 7 expense of a public defender, or contribution to a
3 8 ~~local anticrime organization statewide nonprofit legal~~
3 9 ~~aid organization~~ for which the offender is not

3 10 reasonably able to pay, to perform a needed public
3 11 service for a governmental agency or for a private
3 12 nonprofit agency which provides a service to the
3 13 youth, elderly, or poor of the community. When
3 14 community service is ordered, the court shall set a
3 15 specific number of hours of service to be performed by
3 16 the offender which, for payment of court-appointed
3 17 attorney fees ordered pursuant to section 815.9,
3 18 including the expenses of a public defender, shall be
3 19 approximately equivalent in value to those costs. The
3 20 judicial district department of correctional services
3 21 shall provide for the assignment of the offender to a
3 22 public agency or private nonprofit agency to perform
3 23 the required service.>

3 24 #2. Title page, by striking lines 1 through 3, and
3 25 inserting the following: <An Act relating to a
3 26 contribution to a statewide nonprofit legal aid
3 27 organization in a criminal proceeding.>

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3 31 BOAL of Polk
3 32 SF 246.301 81
3 33 jm/cf/2721