

House Amendment 1146

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1 1 Amend House File 697 as follows:
1 2 #1. Page 1, by inserting after line 19 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 901.11 DONATIONS ==
1 5 PROHIBITED.
1 6 A monetary or property donation to any person or
1 7 entity, including a political subdivision, government
1 8 agency, entity, official, school, or charitable
1 9 organization, is prohibited as a part of any
1 10 dismissal, plea, sentence, plan of restitution, or
1 11 other penalty.
1 12 Sec. _____. Section 907.13, subsection 2, Code 2009,
1 13 is amended to read as follows:
1 14 2. The defendant's plan of community service, the
1 15 comments of the defendant's probation officer, and the
1 16 comments of the representative of the judicial
1 17 district department of correctional services
1 18 responsible for the unpaid community service program,
1 19 shall be submitted promptly to the court. The court
1 20 shall promptly enter an order approving the plan or
1 21 modifying it. Compliance with the plan of community
1 22 service as approved or modified by the court shall be
1 23 a condition of the defendant's probation. The court
1 24 thereafter may modify the plan at any time upon the
1 25 defendant's request, upon the request of the judicial
1 26 district department of correctional services, or upon
1 27 the court's own motion. ~~As an option for modification~~
~~1 28 of a plan, the court may allow a defendant to complete~~
~~1 29 some part or all of the defendant's community service~~
~~1 30 obligation through the donation of property to a~~
~~1 31 charitable organization other than a governmental~~
~~1 32 subdivision. A donation of property to a charitable~~
~~1 33 organization offered in satisfaction of some part or~~
~~1 34 all of a community service obligation under this~~
~~1 35 subsection is not a deductible contribution for the~~
~~1 36 purposes of federal or state income taxes.~~
1 37 Sec. _____. Section 910.1, subsection 4, Code 2009,
1 38 is amended to read as follows:
1 39 4. "Restitution" means payment of pecuniary
1 40 damages to a victim in an amount and in the manner
1 41 provided by the offender's plan of restitution.
1 42 "Restitution" also includes fines, penalties, and
1 43 surcharges, ~~the contribution of funds to a local~~
~~1 44 anticrime organization which provided assistance to~~
~~1 45 law enforcement in an offender's case, the payment of~~
1 46 crime victim compensation program reimbursements,
1 47 payment of restitution to public agencies pursuant to
1 48 section 321J.2, subsection 9, paragraph "b", court
1 49 costs including correctional fees approved pursuant to
1 50 section 356.7, court-appointed attorney fees ordered
2 1 pursuant to section 815.9, including the expense of a
2 2 public defender, and the performance of a public
2 3 service by an offender in an amount set by the court
2 4 when the offender cannot reasonably pay all or part of
2 5 the court costs including correctional fees approved
2 6 pursuant to section 356.7, or court-appointed attorney
2 7 fees ordered pursuant to section 815.9, including the
2 8 expense of a public defender.
2 9 Sec. _____. Section 910.2, Code 2009, is amended to
2 10 read as follows:
2 11 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
2 12 ORDERED BY SENTENCING COURT.
2 13 1. In all criminal cases in which there is a plea
2 14 of guilty, verdict of guilty, or special verdict upon
2 15 which a judgment of conviction is rendered, the
2 16 sentencing court shall order that restitution be made
2 17 by each offender to the victims of the offender's
2 18 criminal activities, to the clerk of court for fines,
2 19 penalties, surcharges, and, to the extent that the
2 20 offender is reasonably able to pay, for crime victim
2 21 assistance reimbursement, restitution to public
2 22 agencies pursuant to section 321J.2, subsection 9,
2 23 paragraph "b", court costs including correctional fees
2 24 approved pursuant to section 356.7, or court-appointed

2 25 attorney fees ordered pursuant to section 815.9,
2 26 including the expense of a public defender, when
2 27 applicable, ~~or contribution to a local anticrime~~
~~2 28 organization.~~ However, victims shall be paid in full
2 29 before fines, penalties, ~~and~~ surcharges, crime victim
2 30 compensation program reimbursement, public agencies,
2 31 court costs including correctional fees approved
2 32 pursuant to section 356.7, ~~and~~ court-appointed
2 33 attorney fees ordered pursuant to section 815.9,
2 34 including the expenses of a public defender, ~~or~~
~~2 35 contributions to a local anticrime organization~~ are
2 36 paid. In structuring a plan of restitution, the court
2 37 shall provide for payments in the following order of
2 38 priority: victim, fines, penalties, ~~and~~ surcharges,
2 39 crime victim compensation program reimbursement,
2 40 public agencies, court costs including correctional
2 41 fees approved pursuant to section 356.7, ~~and~~
2 42 court-appointed attorney fees ordered pursuant to
2 43 section 815.9, including the expense of a public
2 44 defender, ~~and contribution to a local anticrime~~
~~2 45 organization.~~

2 46 2. When the offender is not reasonably able to pay
2 47 all or a part of the crime victim compensation program
2 48 reimbursement, public agency restitution, court costs
2 49 including correctional fees approved pursuant to
2 50 section 356.7, ~~or~~ court-appointed attorney fees
3 1 ordered pursuant to section 815.9, including the
3 2 expense of a public defender, ~~or contribution to a~~
~~3 3 local anticrime organization,~~ the court may require
3 4 the offender in lieu of that portion of the crime
3 5 victim compensation program reimbursement, public
3 6 agency restitution, court costs including correctional
3 7 fees approved pursuant to section 356.7, ~~or~~
3 8 court-appointed attorney fees ordered pursuant to
3 9 section 815.9, including the expense of a public
3 10 defender, ~~or contribution to a local anticrime~~
~~3 11 organization~~ for which the offender is not reasonably
3 12 able to pay, to perform a needed public service for a
3 13 governmental agency or for a private nonprofit agency
3 14 which provides a service to the youth, elderly, or
3 15 poor of the community. When community service is
3 16 ordered, the court shall set a specific number of
3 17 hours of service to be performed by the offender
3 18 which, for payment of court-appointed attorney fees
3 19 ordered pursuant to section 815.9, including the
3 20 expenses of a public defender, shall be approximately
3 21 equivalent in value to those costs. The judicial
3 22 district department of correctional services shall
3 23 provide for the assignment of the offender to a public
3 24 agency or private nonprofit agency to perform the
3 25 required service.>

3 26 #2. Title page, line 1, by inserting after the
3 27 word <to> the following: <criminal acts, records, and
3 28 proceedings, including>.

3 29 #3. Title page, line 1, by inserting after the
3 30 word <acts> the following: <and donations and
3 31 contributions in a criminal proceeding>.

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3 35 _____
3 35 SWAIM of Davis

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3 39 _____
3 39 ANDERSON of Page
3 40 HF 697.501 83
3 41 jm/nh/22557