

Senate File 457

H-8308

1 Amend the amendment, H-8248, to Senate File 457, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. Page 40, after line 33 by inserting:

4 <DIVISION ____

5 CIVIL CLAIMS FOR REIMBURSEMENT

6 Sec. _____. Section 331.659, subsection 1, paragraph a,
7 unnumbered paragraph 1, Code 2020, is amended to read as
8 follows:

9 A Except for a civil claim for reimbursement under section
10 356.7, a sheriff or a deputy sheriff shall not:

11 Sec. _____. Section 356.7, subsection 2, paragraph i, Code
12 2020, is amended by striking the paragraph.

13 Sec. _____. Section 356.7, subsection 4, Code 2020, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 4. A claim for reimbursement shall be filed in a separate
17 civil action rather than as a claim in the underlying criminal
18 case.

19 Sec. _____. Section 602.8102, Code 2020, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 105C. Apply payments made to a civil claim
22 for reimbursement judgment under section 356.7 to court debt,
23 as defined in section 602.8107, in the priority order set out
24 in section 602.8107, subsection 2, if the debtor has delinquent
25 court debt.

26 Sec. _____. Section 602.8105, subsection 1, Code 2020, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. k. For a civil claim for reimbursement under
29 section 356.7, zero dollars.

30 Sec. _____. EFFECTIVE DATE. This division of this Act, being
31 deemed of immediate importance, takes effect upon enactment.

32 DIVISION ____

33 RESTITUTION

34 Sec. _____. Section 602.8107, subsection 1, paragraph a, Code
35 2020, is amended by striking the paragraph and inserting in

1 lieu thereof the following:

2 *a.* "Court debt" means all restitution, fees, and forfeited
3 bail.

4 Sec. _____. Section 602.8107, subsection 2, paragraphs b and
5 c, Code 2020, are amended to read as follows:

6 *b.* (1) If Except as provided in subparagraph (2), if a case
7 number is not identified, the clerk shall apply the payment to
8 the balance owed in the criminal case with the oldest judgment
9 against the person.

10 (2) The clerk shall apply payments to pecuniary damages
11 in other criminal cases when no case number is identified in
12 priority order from the oldest judgment to the most recent
13 judgment before applying payments to any other court debt.

14 *c.* Payments received under [this section](#) shall be applied in
15 the following priority order:

16 (1) Pecuniary damages as defined in section 910.1,
17 subsection 3.

18 (2) Fines or penalties and criminal penalty and law
19 enforcement initiative surcharges.

20 (3) Crime victim compensation program reimbursement.

21 (4) Court costs, ~~including correctional fees assessed~~
22 ~~pursuant to [sections 356.7](#) and [904.108](#)~~, court-appointed
23 attorney fees, or public defender expenses.

24 Sec. _____. Section 602.8107, subsection 4, paragraph a, Code
25 2020, is amended to read as follows:

26 *a.* [This subsection](#) does not apply to amounts collected for
27 ~~victim~~ restitution involving pecuniary damages, the victim
28 compensation fund, the criminal penalty surcharge, sex offender
29 civil penalty, drug abuse resistance education surcharge,
30 the law enforcement initiative surcharge, county enforcement
31 surcharge, or amounts collected as a result of procedures
32 initiated under [subsection 5](#) or under [section 8A.504](#), ~~or fees~~
33 ~~charged pursuant to [section 356.7](#)~~.

34 Sec. _____. Section 909.3, subsection 1, Code 2020, is amended
35 to read as follows:

1 1. ~~All~~ Unless a plan of payment has been issued pursuant to
2 chapter 910, fines imposed by the court shall be paid on the
3 day the fine is imposed, and the person shall be instructed to
4 pay such fines with the office of the clerk of the district
5 court on the date of imposition.

6 Sec. _____. Section 910.1, Code 2020, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 01. "*Category "A" restitution*" means fines,
9 penalties, and surcharges.

10 NEW SUBSECTION. 001. "*Category "B" restitution*" means
11 the contribution of funds to a local anticrime organization
12 which provided assistance to law enforcement in an offender's
13 case, the payment of crime victim compensation program
14 reimbursements, payment of restitution to public agencies
15 pursuant to section 321J.2, subsection 13, paragraph "b",
16 court costs, court-appointed attorney fees ordered pursuant to
17 section 815.9, including the expense of a public defender, and
18 payment to the medical assistance program pursuant to chapter
19 249A for expenditures paid on behalf of the victim resulting
20 from the offender's criminal activities including investigative
21 costs incurred by the Medicaid fraud control unit pursuant to
22 section 249A.50.

23 NEW SUBSECTION. 1A. "*Financial affidavit*" means a signed
24 affidavit under penalty of perjury that provides financial
25 information about the offender to enable the sentencing court
26 or the department of corrections to make a determination
27 regarding the ability of the offender to pay category "B"
28 restitution. "*Financial affidavit*" includes the offender's
29 income, physical and mental health, age, education, employment,
30 inheritance, other debts, other amounts of restitution owed,
31 family circumstances, and any assets subject to execution,
32 including but not limited to cash, accounts at financial
33 institutions, stocks, bonds, and any other property which may
34 be applied to the satisfaction of judgments.

35 NEW SUBSECTION. 3A. "*Permanent restitution order*" means an

1 enforceable restitution order entered either at the time of
2 sentencing or at a later date determined by the court.

3 NEW SUBSECTION. 3B. "*Plan of payment*" or "*restitution plan*
4 *of payment*" means a plan for paying restitution wherein the
5 defendant is ordered to pay a certain amount of money each
6 month to repay outstanding restitution.

7 NEW SUBSECTION. 3C. "*Plan of restitution*" means a permanent
8 restitution order, restitution plan of payment, any other
9 court order relating to restitution, or any combination of the
10 foregoing.

11 Sec. _____. Section 910.1, subsection 4, Code 2020, is amended
12 by striking the subsection and inserting in lieu thereof the
13 following:

14 4. "*Restitution*" means pecuniary damages, category "A"
15 restitution, and category "B" restitution.

16 Sec. _____. Section 910.2, Code 2020, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **910.2 Restitution or community service ordered by sentencing**
19 **court.**

20 1. *a.* In all criminal cases in which there is a plea of
21 guilty, verdict of guilty, or special verdict upon which a
22 judgment of conviction is rendered, the sentencing court shall
23 order that pecuniary damages be paid by each offender to the
24 victims of the offender's criminal activities, and that all
25 other restitution be paid to the clerk of court subject to the
26 following:

27 (1) Pecuniary damages and category "A" restitution shall be
28 ordered without regard to an offender's reasonable ability to
29 make payments.

30 (2) Category "B" restitution shall be ordered subject to
31 an offender's reasonable ability to make payments pursuant to
32 section 910.2A.

33 *b.* Pecuniary damages shall be paid to victims in full before
34 category "A" and category "B" restitution are paid.

35 *c.* In structuring a plan of restitution, the plan of payment

1 shall provide for payments in the following order of priority:

- 2 (1) Pecuniary damages to the victim.
- 3 (2) Category "A" restitution.
- 4 (3) Category "B" restitution in the following order:
 - 5 (a) Crime victim compensation program reimbursement.
 - 6 (b) Public agencies.
 - 7 (c) Court costs.
 - 8 (d) Court-appointed attorney fees ordered pursuant to
 - 9 section 815.9, including the expense of a public defender.
 - 10 (e) Contribution to a local anticrime organization.
 - 11 (f) The medical assistance program.

12 2. a. When the offender is not reasonably able to pay
13 all or a part of category "B" restitution, the court may
14 require the offender in lieu of that portion of category "B"
15 restitution for which the offender is not reasonably able to
16 pay, to perform a needed public service for a governmental
17 agency or for a private nonprofit agency which provides a
18 service to the youth, elderly, or poor of the community.

19 b. When community service is ordered, the court shall set
20 a specific number of hours of service to be performed by the
21 offender. When calculating the amount of community service to
22 be performed in lieu of payment of court-appointed attorney
23 fees, the court shall determine the approximate equivalent
24 value of the expenses of the public defender. The judicial
25 district department of correctional services shall provide for
26 the assignment of the offender to a public agency or private
27 nonprofit agency to perform the required service.

28 Sec. ____ . NEW SECTION. **910.2A Reasonable ability to pay —**
29 **category "B" restitution payments.**

30 1. An offender is presumed to have the reasonable ability
31 to make restitution payments for the full amount of category
32 "B" restitution.

33 2. If an offender requests that the court determine the
34 amount of category "B" restitution payments the offender is
35 reasonably able to make toward paying the full amount of such

1 restitution, the court shall hold a hearing and make such a
2 determination, subject to the following provisions:

3 *a.* To obtain relief at such a hearing, the offender must
4 affirmatively prove by a preponderance of the evidence that the
5 offender is unable to reasonably make payments toward the full
6 amount of category "B" restitution.

7 *b.* The offender must furnish the prosecuting attorney and
8 sentencing court with a completed financial affidavit. Failure
9 to furnish a completed financial affidavit waives any claim
10 regarding the offender's reasonable ability to pay.

11 *c.* The prosecuting attorney, the attorney for the defendant,
12 and the court shall be permitted to question the offender
13 regarding the offender's reasonable ability to pay.

14 *d.* Based on the evidence offered at the hearing, including
15 but not limited to the financial affidavit, the court shall
16 determine the amount of category "B" restitution the offender
17 is reasonably able to make payments toward, and order the
18 offender to make payments toward that amount.

19 3. *a.* If an offender does not make a request as provided in
20 subsection 2 at the time of sentencing or within thirty days
21 after the court issues a permanent restitution order, the court
22 shall order the offender to pay the full amount of category "B"
23 restitution.

24 *b.* An offender's failure to request a determination
25 pursuant to this section waives all future claims regarding
26 the offender's reasonable ability to pay, except as provided
27 by section 910.7.

28 4. If an offender requests that the court make a
29 determination pursuant to subsection 2, the offender's
30 financial affidavit shall be filed of record in all criminal
31 cases for which the offender owes restitution and the affidavit
32 shall be accessible by a prosecuting attorney or attorney for
33 the offender without court order or appearance.

34 5. A court that makes a determination under this section is
35 presumed to have properly exercised its discretion. A court is

1 not required to state its reasons for making a determination.

2 Sec. _____. NEW SECTION. **910.2B Conversion of existing**
3 **restitution orders.**

4 1. All of the following, if entered by a district court
5 prior to the effective date of this Act, shall be converted to
6 permanent restitution orders:

7 a. A temporary restitution order.

8 b. A supplemental restitution order.

9 c. A restitution order that does not contain a determination
10 of the defendant's reasonable ability to pay the restitution
11 ordered.

12 2. The only means by which a defendant may challenge the
13 conversion of a restitution order is through the filing of a
14 petition pursuant to section 910.7.

15 3. The provisions of this chapter, including but not limited
16 to the procedures in section 910.2A, shall apply to a challenge
17 to the conversion of an existing restitution order in the
18 district court and on appeal.

19 4. A challenge to the conversion of an existing restitution
20 order to a permanent restitution order shall be filed in the
21 district court no later than one year from the effective date
22 of this Act.

23 Sec. _____. Section 910.3, Code 2020, is amended to read as
24 follows:

25 **910.3 Determination of amount of restitution.**

26 1. The ~~county~~ prosecuting attorney shall prepare a
27 statement of pecuniary damages to victims of the defendant
28 and, if applicable, any award by the crime victim compensation
29 program and expenses incurred by public agencies pursuant to
30 section 321J.2, subsection 13, paragraph "b", and shall provide
31 the statement to the presentence investigator or submit the
32 statement to the court at the time of sentencing.

33 2. The clerk of court shall prepare a statement of
34 court-appointed attorney fees ordered pursuant to section
35 815.9, including the expense of a public defender, and court

1 ~~costs including correctional fees claimed by a sheriff or~~
2 ~~municipality pursuant to section 356.7,~~ which shall be provided
3 to the presentence investigator or submitted to the court at
4 the time of sentencing.

5 3. If ~~these the~~ statements in subsection 1 or 2 are provided
6 to the presentence investigator, they shall become a part of
7 the presentence report.

8 4. If pecuniary damage amounts are not available or are
9 incomplete at the time of sentencing, the ~~county~~ prosecuting
10 attorney shall provide a statement of pecuniary damages
11 incurred up to that time to the clerk of court.

12 5. The statement of pecuniary damages shall ordinarily be
13 provided no later than thirty days after sentencing. However,
14 a prosecuting attorney may file a statement of pecuniary
15 damages within a reasonable time after the prosecuting attorney
16 is notified by a victim of any pecuniary damages incurred.

17 6. If a defendant believes no person suffered pecuniary
18 damages, the defendant shall so state.

19 7. If the defendant has any mental or physical impairment
20 which would limit or prohibit the performance of a public
21 service, the defendant shall so state. The court may order a
22 mental or physical examination, or both, of the defendant to
23 determine a proper course of action. ~~At the time of sentencing~~
24 ~~or at a later date to be determined by the court, the~~

25 8. The court shall ~~set out the~~ enter a permanent restitution
26 order setting out the amount of restitution including the
27 amount of public service to be performed as restitution and
28 the persons to whom restitution must be paid. A permanent
29 restitution order entered at the time of sentencing is part of
30 the final judgment of sentence as defined in section 814.6 and
31 shall be considered in a properly perfected appeal.

32 9. If the full amount of restitution cannot be determined
33 at the time of sentencing, the court shall issue a ~~temporary~~
34 permanent restitution order determining a reasonable amount
35 for setting forth the amount of restitution identified up to

1 that time. ~~At a later date as determined by the court, the~~
2 ~~court shall issue a permanent, supplemental order, setting the~~
3 ~~full amount of restitution. The court shall enter further~~
4 ~~supplemental orders, if necessary. These court orders shall be~~
5 ~~known as the plan of restitution.~~

6 10. A permanent restitution order may be superseded by
7 subsequent orders if additional or different restitution is
8 ordered. A permanent restitution order entered after the time
9 of sentencing shall only be challenged pursuant to section
10 910.7.

11 Sec. _____. Section 910.4, subsection 1, paragraph b,
12 subparagraphs (1) and (2), Code 2020, are amended to read as
13 follows:

14 (1) If the court extends the period of probation, the period
15 of probation shall not be for more than the maximum period of
16 probation for the offense committed except for an extension of
17 a period of probation as authorized in [section 907.7](#). After
18 discharge from probation or after the expiration of the period
19 of probation, as extended if applicable, the failure of an
20 offender to comply with the plan of restitution ~~ordered by the~~
21 ~~court~~ shall constitute contempt of court.

22 (2) If an offender's probation is revoked, the offender's
23 assigned probation officer shall forward to the director of
24 the Iowa department of corrections, all known information
25 concerning the offender's restitution plan, restitution plan of
26 payment, the restitution payment balance obligations, including
27 but not limited to the plan of restitution, and any other
28 pertinent information concerning or affecting restitution by
29 the offender.

30 Sec. _____. Section 910.4, subsections 2 and 3, Code 2020, are
31 amended to read as follows:

32 2. When the offender is committed to a county jail, or to
33 an alternate facility, the office or individual charged with
34 supervision of the offender shall prepare a restitution plan
35 of payment ~~taking into consideration the offender's income,~~

1 ~~physical and mental health, age, education, employment and~~
2 ~~family circumstances and shall submit the plan to the court.~~

3 ~~a. The office or individual charged with supervision of the~~
4 ~~offender shall review the plan of restitution ordered by the~~
5 ~~court, and shall submit a restitution plan of payment to the~~
6 ~~sentencing court.~~

7 ~~b.~~ a. When community service is ordered by the court as
8 restitution, the restitution plan of payment shall set out a
9 plan to meet the requirement for the community service.

10 ~~c. The court may approve or modify the plan of restitution~~
11 ~~and restitution plan of payment.~~

12 ~~d.~~ b. When there is a significant change in the offender's
13 income or circumstances, the office or individual which has
14 supervision of the restitution plan of payment shall submit a
15 modified ~~restitution~~ plan of payment to the court.

16 3. a. When there is a transfer of supervision from one
17 office or individual charged with supervision of the offender
18 to another, the sending office or individual shall forward to
19 the receiving office or individual all necessary information
20 regarding the balance owed against the original amount of
21 restitution ordered and the balance of public service required.

22 b. ~~When~~ If there has been a significant change in the
23 offender's circumstances and or income have significantly
24 changed, the receiving office or individual shall submit a
25 new restitution plan of payment to the sentencing court for
26 ~~approval or modification based on the considerations enumerated~~
27 ~~in this section.~~

28 Sec. _____. Section 910.4, Code 2020, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 4. Notwithstanding any other provision
31 in this chapter, the plan of payment shall be based on all
32 information pertinent to the offender's reasonable ability to
33 pay. The first monthly payment under such a plan shall be made
34 within thirty days of the approval of the plan.

35 Sec. _____. Section 910.6, Code 2020, is amended to read as

1 follows:

2 **910.6 Payment plan — copy to victims.**

3 An office or individual preparing a restitution plan of
4 payment or modified ~~restitution~~ plan of payment, ~~when it is~~
5 ~~approved by the court if approval is required under section~~
6 ~~910.4, or when the plan is completed if court approval~~
7 ~~under section 910.4 is not required,~~ shall forward a copy to
8 the clerk of court in the county in which the offender was
9 sentenced. The clerk of court shall forward a copy of the
10 restitution plan of payment or modified plan of payment to the
11 victim or victims.

12 Sec. _____. Section 910.7, subsections 1 and 3, Code 2020, are
13 amended to read as follows:

14 1. At any time during the period of probation, parole, or
15 incarceration, the offender, the prosecuting attorney, or the
16 office or individual who prepared the offender's restitution
17 plan may petition the court on any matter related to the plan
18 of restitution or restitution plan of payment and the court
19 shall grant a hearing if on the face of the petition it appears
20 that a hearing is warranted.

21 3. If a petition related to a plan of restitution has been
22 filed, the offender, the ~~county~~ prosecuting attorney, the
23 department of corrections if the offender is currently confined
24 in a correctional institution, the office or individual who
25 prepared the offender's restitution plan, and the victim shall
26 receive notice prior to any hearing under this section.

27 Sec. _____. Section 910.7, Code 2020, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 4. An appellate court shall not review
30 or modify an offender's plan of restitution, restitution
31 plan of payment, or any other issue related to an offender's
32 restitution under this subsection, unless the offender has
33 exhausted the offender's remedies under this section and
34 obtained a ruling from the district court prior to the issue
35 being raised in the appellate courts.

1 NEW SUBSECTION. 5. Appellate review of a district court
2 ruling under this section shall be by writ of certiorari.

3 Sec. _____. Section 910.9, subsection 3, Code 2020, is amended
4 to read as follows:

5 3. ~~Fines, penalties, and surcharges, crime victim~~
6 ~~compensation program reimbursement, public agency restitution,~~
7 ~~court costs including correctional fees claimed by a sheriff~~
8 ~~or municipality pursuant to section 356.7, and court appointed~~
9 ~~attorney fees ordered pursuant to section 815.9, including the~~
10 ~~expenses for public defenders, Category "A" restitution and~~
11 ~~category "B" restitution shall not be withheld by the clerk of~~
12 ~~court until all pecuniary damages to victims have been paid in~~
13 ~~full. Payments to victims shall be made by the clerk of court~~
14 ~~at least quarterly. Payments by a clerk of court shall be made~~
15 ~~no later than the last business day of the quarter, but may be~~
16 ~~made more often at the discretion of the clerk of court. The~~
17 ~~clerk of court receiving final payment from an offender shall~~
18 ~~notify all victims that full restitution has been made. Each~~
19 ~~office or individual charged with supervising an offender who~~
20 ~~is required to perform community service as full or partial~~
21 ~~restitution shall keep records to assure compliance with the~~
22 ~~portions of the plan of restitution and restitution plan of~~
23 ~~payment relating to community service and, when the offender~~
24 ~~has complied fully with the community service requirement,~~
25 ~~notify the sentencing court.~~

26 Sec. _____. FINANCIAL AFFIDAVIT — SUPREME COURT RULES. The
27 supreme court shall adopt rules prescribing the form and
28 content of the financial affidavit.

29 Sec. _____. EFFECTIVE DATE. This division of this Act, being
30 deemed of immediate importance, takes effect upon enactment.

31 DIVISION _____

32 COLLECTION OF COURT DEBT

33 Sec. _____. Section 321.40, subsection 10, Code 2020, is
34 amended to read as follows:

35 10. a. The clerk of the district court shall notify the

1 county treasurer of any delinquent court debt, as defined in
2 section 602.8107, which is being collected by the ~~private~~
3 ~~collection designee~~ department of revenue pursuant to section
4 602.8107, subsection 3, or the county attorney pursuant to
5 section 602.8107, subsection 4. The county treasurer shall
6 refuse to renew the vehicle registration of the applicant upon
7 such notification from the clerk of the district court in
8 regard to such applicant.

9 **b.** If the applicant enters into or renews an installment
10 agreement as defined in [section 602.8107](#), that is satisfactory
11 to the ~~private collection designee~~ department of revenue, the
12 county attorney, or the county attorney's designee, the ~~private~~
13 ~~collection designee~~ department of revenue, county attorney, or
14 a county attorney's designee shall provide the county treasurer
15 with written or electronic notice of the installment agreement
16 within five days of entering into the installment agreement.
17 The county treasurer shall temporarily lift the registration
18 hold on an applicant for a period of ten days if the treasurer
19 receives such notice in order to allow the applicant to
20 register a vehicle for the year. If the applicant remains in
21 compliance with the installment agreement entered into with
22 the ~~private collection designee~~ department of revenue or the
23 county attorney or the county attorney's designee, subsequent
24 lifts of registration holds shall be granted without additional
25 restrictions.

26 Sec. _____. Section 321.210A, subsection 2, Code 2020, is
27 amended to read as follows:

28 2. If after suspension, the person enters into an
29 installment agreement with the county attorney, the county
30 attorney's designee, or the ~~private collection designee~~
31 department of revenue in accordance with [section 321.210B](#) to
32 pay the fine, penalty, court cost, or surcharge, the person's
33 license shall be reinstated by the department upon receipt of a
34 report of an executed installment agreement.

35 Sec. _____. Section 321.210B, subsections 1, 3, 8, 9, 11, and

1 13, Code 2020, are amended to read as follows:

2 1. *a.* If a person's fine, penalty, surcharge, or court
3 cost is deemed delinquent as provided in section 602.8107,
4 subsection 2, and the person's driver's license has been
5 suspended pursuant to [section 321.210A](#), or the clerk of the
6 district court has reported the delinquency to the department
7 as required by [section 321.210A](#), the person may execute an
8 installment agreement as defined in [section 602.8107](#) with
9 the county attorney, the county attorney's designee, or the
10 ~~private collection designee under contract with the judicial~~
11 ~~branch pursuant to [section 602.8107, subsection 5](#)~~ department
12 of revenue, to pay the delinquent amount and the civil penalty
13 assessed in [subsection 7](#) in installments. Prior to execution
14 of the installment agreement, the person shall provide the
15 county attorney, the county attorney's designee, or the ~~private~~
16 ~~collection designee~~ department of revenue with a financial
17 statement in order for the parties to the agreement to
18 determine the amount of the installment payments.

19 *b.* Cases involving court debt assigned to a county attorney,
20 a county attorney's designee, or the ~~private collection~~
21 ~~designee~~ department of revenue shall remain so assigned.

22 3. The county attorney, the county attorney's designee, or
23 the ~~private collection designee~~ department of revenue shall
24 file or give notice of the installment agreement with the clerk
25 of the district court in the county where the fine, penalty,
26 surcharge, or court cost was imposed, within five days of
27 execution of the agreement.

28 8. *a.* Except as provided in paragraph "b", upon
29 determination by the county attorney, the county attorney's
30 designee, or the ~~private collection designee~~ department of
31 revenue that the person is in default, the county attorney, the
32 county attorney's designee, or the ~~private collection designee~~
33 department of revenue shall notify the clerk of the district
34 court.

35 *b.* (1) If the person is in default and the person

1 provides a new financial statement within fifteen days of
2 the determination made pursuant to paragraph "a" indicating
3 that the person's financial condition has changed to such an
4 extent that lower installment payments would have been required
5 prior to the execution of the initial installment agreement
6 under [subsection 1](#), the county attorney, the county attorney's
7 designee, or the ~~private collection designee~~ department of
8 revenue shall not notify the clerk of the district court,
9 and the person shall not be considered in default. The new
10 installment payments shall be based upon the new financial
11 statement filed in compliance with this subparagraph.

12 (2) A person making new installment payments after
13 complying with the provisions of subparagraph (1) shall not be
14 considered executing a new installment agreement for purposes
15 of calculating the number of installment agreements a person
16 may execute in a person's lifetime under [subsection 12](#).

17 9. The clerk of the district court, upon receipt of a
18 notification of a default from the county attorney, the
19 county attorney's designee, or the ~~private collection designee~~
20 department of revenue, shall report the default to the
21 department of transportation.

22 11. If a new fine, penalty, surcharge, or court cost
23 is imposed on a person after the person has executed an
24 installment agreement with the county attorney, the county
25 attorney's designee, or the ~~private collection designee~~
26 department of revenue, and the new fine, penalty, surcharge,
27 or court cost is deemed delinquent as provided in section
28 602.8107, subsection 2, and the person's driver's license
29 has been suspended pursuant to [section 321.210A](#), the person
30 may enter into a second installment agreement with the
31 county attorney, county attorney's designee, or the ~~private~~
32 ~~collection designee~~ department of revenue to pay the delinquent
33 amount and the civil penalty, if assessed, in [subsection 7](#) in
34 installments.

35 13. Except for a civil penalty assessed and collected

1 pursuant to [subsection 7](#), any amount collected under the
2 installment agreement by the county attorney or the county
3 attorney's designee shall be distributed as provided in section
4 602.8107, subsection 4, and any amount collected by the ~~private~~
5 ~~collection designee~~ department of revenue shall be deposited
6 with the clerk of the district court for distribution under
7 section 602.8108.

8 Sec. _____. Section 602.8107, subsection 3, Code 2020, is
9 amended to read as follows:

10 3. *Collection by ~~private collection designee under contract~~*
11 *~~with the judicial branch~~ department of revenue.*

12 a. (1) Thirty days after court debt has been assessed
13 and full payment has not been received, or if an installment
14 payment is not received within thirty days after the date it
15 is due, the judicial branch shall assign a case to the ~~private~~
16 ~~collection designee under contract with the judicial branch~~
17 ~~pursuant to [subsection 5](#) to collect debts owed to the clerk of~~
18 ~~the district court~~ department of revenue, unless the case has
19 been assigned to the county attorney under paragraph "c".

20 (2) The department of revenue may impose a fee established
21 by rule to reflect the cost of processing which shall be added
22 to the debt owed to the clerk of the district court.

23 b. In addition, court debt which is being collected under
24 an installment agreement pursuant to [section 321.210B](#) which is
25 in default that remains delinquent shall remain assigned to
26 the ~~private collection designee~~ department of revenue if the
27 installment agreement was executed with the ~~private collection~~
28 ~~designee~~ department of revenue; or to the county attorney
29 or county attorney's designee if the installment agreement
30 was executed with the county attorney or county attorney's
31 designee.

32 c. Thirty days after court debt has been assessed and full
33 payment has not been received, or if an installment payment is
34 not received within thirty days after the date it is due, and
35 if a county attorney has filed with the clerk of the district

1 court a notice of full commitment to collect delinquent court
2 debt pursuant to [subsection 4](#), the case shall be assigned
3 to the county attorney as provided in [subsection 4](#). The
4 judicial branch shall assign cases with delinquent court debt
5 to a county attorney in the same format and with the same
6 frequency as cases with delinquent court debt are assigned to
7 the ~~private collection designee~~ department of revenue under
8 paragraph "a", and a county attorney shall not be required
9 to file an individual notice of full commitment to collect
10 delinquent court debt for each assigned case. If the county
11 attorney or the county attorney's designee, while collecting
12 delinquent court debt pursuant to [subsection 4](#), determines that
13 a person owes additional court debt for which a case has not
14 been assigned by the judicial branch, the county attorney or
15 the county attorney's designee shall notify the clerk of the
16 district court of the appropriate case numbers and the judicial
17 branch shall assign these cases to the county attorney for
18 collection if the additional court debt is delinquent.

19 Sec. _____. Section 602.8107, subsection 4, unnumbered
20 paragraph 1, Code 2020, is amended to read as follows:

21 The county attorney or the county attorney's designee may
22 collect court debt after the court debt is deemed delinquent
23 pursuant to [subsection 2](#). In order to receive a percentage of
24 the amounts collected pursuant to [this subsection](#), the county
25 attorney must first file with the clerk of the district court
26 on or before July 1 of the first year the county attorney
27 collects court debt under [this subsection](#), a notice of full
28 commitment to collect delinquent court debt, and a memorandum
29 of understanding with the state court administrator for all
30 cases assigned to the county for collection by the court.
31 The notice shall contain a list of procedures which will be
32 initiated by the county attorney. For a county attorney
33 filing a notice of full commitment for the first time, the
34 cases involving delinquent court debt previously assigned to
35 the ~~private collection designee~~ department of revenue shall

1 remain assigned to the ~~private collection designee~~ department
2 of revenue. Cases involving delinquent court debt assigned
3 to the county attorney after the filing of a notice of full
4 commitment by the county attorney shall remain assigned to the
5 county attorney. A county attorney who chooses to discontinue
6 collection of delinquent court debt shall file with the clerk
7 of the district court on or before May 15 a notice of the intent
8 to cease collection of delinquent court debt at the start of
9 the next fiscal year. If a county attorney ceases collection
10 efforts, or if the state court administrator deems that a
11 county attorney collections program has become ineligible to
12 collect as specified in paragraph "f", all cases involving
13 delinquent court debt assigned to the county attorney shall
14 be transferred on July 1 to the ~~private collection designee~~
15 department of revenue for collection, except that debt
16 associated with any existing installment agreement shall remain
17 assigned to the county for collection unless an installment
18 payment becomes delinquent, after which the delinquent debt
19 associated with the installment agreement shall be transferred
20 promptly to the ~~private collection designee~~ department of
21 revenue for collection.

22 Sec. _____. Section 602.8107, subsection 4, paragraph f, Code
23 2020, is amended to read as follows:

24 *f.* Beginning July 1, 2017, within two years of beginning
25 to collect delinquent court debt, a county attorney shall be
26 required to collect one hundred percent of the applicable
27 threshold amount specified in paragraph "c". If a county
28 attorney collects more than eighty percent but less than one
29 hundred percent of the applicable threshold amount, the state
30 court administrator shall provide notice to the county attorney
31 specifying that in order to remain eligible to participate in
32 the county attorney collection program, the county attorney
33 must collect at least one hundred twenty-five percent of the
34 applicable threshold amount by the end of the next fiscal year.
35 If a county attorney who has been given such a notice fails

1 to collect one hundred twenty-five percent of the applicable
2 threshold amount, the state court administrator shall provide
3 notice to the county attorney that the county is ineligible to
4 participate in the county attorney collection program for the
5 next two fiscal years and all existing and future court cases
6 with delinquent court debt shall be assigned to the ~~private~~
7 ~~collection designee~~ department of revenue. The provisions of
8 this paragraph apply to all counties, including those counties
9 where delinquent court debt is collected pursuant to a chapter
10 28E agreement with one or more counties.

11 Sec. _____. Section 602.8107, subsection 5, Code 2020, is
12 amended by striking the subsection.

13 Sec. _____. Section 602.8107, subsection 7, Code 2020, is
14 amended to read as follows:

15 7. *Reports*. The judicial branch shall prepare a report
16 aging the court debt. ~~The report shall include the amounts~~
17 ~~collected by the private collection designee, the distribution~~
18 ~~of these amounts, and the amount of the fee collected by the~~
19 ~~private collection designee~~. In addition, the report shall
20 include the amounts written off pursuant to [subsection 6](#). The
21 judicial branch shall provide the report to the co-chairpersons
22 and ranking members of the joint appropriations subcommittee on
23 the justice system, the legislative services agency, and the
24 department of management by December 15 of each year.

25 Sec. _____. EFFECTIVE DATE. This division of this Act takes
26 effect January 1, 2021.>

27 2. Page 41, line 1, by striking <This> and inserting <Unless
28 otherwise provided, this>

29 3. Page 41, line 7, after <agreements,> by inserting
30 <modifying civil claims for reimbursement, restitution, and
31 collection of court debt,>

32 4. By renumbering as necessary.

HITE of Mahaska